

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 23rd March, 2017  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

**Thursday, 23rd March, 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](http://www.burnley.gov.uk/meetings).**

### **A G E N D A**

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 26

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**

27 - 28

To consider reports on planning applications for development permission:

- |    |                                                                        |         |
|----|------------------------------------------------------------------------|---------|
| a) | <b>APP/2016/0416 - Land south of Brownside Road Worsthorne Burnley</b> | 29 - 58 |
| b) | <b>APP/2016/0510 - Former Albion Mill Albion Street Padiham</b>        | 59 - 74 |
| c) | <b>APP/2017/0036 - 215 Manchester Road, Hapton</b>                     | 75 - 84 |
| d) | <b>APP/2017/0025/0026/0034/0038 - Alleygates various sites</b>         | 85 - 92 |

- 7. Decisions taken under the Scheme of Delegation** 93 - 98  
To receive for information a list of delegated decisions taken since the last meeting.
- 8. Part 3 - Appeals and other decisions** 99 - 104

**MEMBERSHIP OF COMMITTEE**

Councillor Arif Khan (Chair)	Councillor Marcus Johnstone
Councillor Frank Cant (Vice-Chair)	Councillor Lubna Khan
Councillor Gordon Birtwistle	Councillor Elizabeth Monk
Councillor Charlie Briggs	Councillor Neil Mottershead
Councillor Trish Ellis	Councillor Mark Payne
Councillor Sue Graham	Councillor Tom Porter
Councillor John Harbour	Councillor Asif Raja
Councillor Tony Harrison	Councillor Cosima Towneley

**PUBLISHED**

Wednesday, 15 March 2017

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 16th February, 2017 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), G Birtwistle, C Briggs, S Graham, J Harbour, M Johnstone, E Monk, N Mottershead, T Porter and A Raja

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer

#### 48. Apologies

Apologies for absence were received from

#### 49. Minutes of the last meeting

The Minutes of the last meeting held on 26<sup>th</sup> January 2017 were approved as a correct record and signed by the Chair.

#### 50. List of Deposited Plans and Applications

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

Tony Burley APP/2016/0528 – BooHoo.Com Widow Hill Road Burnley

Claire Bradley APP/2016/0570 – 2 Ridge Row Ridge Avenue Burnley

**RESOLVED**

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

**51. APP/2016/0528 - Boohoo.Com, Widow Hill Road, Burnley****APP/2016/0528****Full Planning Application****Lanehead and Briercliffe Ward**

**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 BURNLEY****Decision:**

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 permission shall relate to the development as shown on plan drawing numbers: A0701-P1, A0702-P1, A0703-P1, B0150, B0230, L0001-P1 and S0001 received 30<sup>th</sup> November 2016, L0401-T5 received 1<sup>st</sup> February 2017, B0101 Rev. P1, B0103 Rev. P1, B0110 Rev. P1, B0601 Rev. P1, L0101 Rev. P1, L0201 Rev. P1 received 7<sup>th</sup> February 2017, and B0501 Rev. P1, B0602 Rev. P1 and B0603 Rev. P1 received 15<sup>th</sup> 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 and when 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 or 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. Within six months from the date of this permission a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to, for approval by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt, the offsite works 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(s) 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 agreed). The bus service will initially be implemented over a minimum period of four years, and will be subject to an annual review to enable an assessment of the viability of the service to be provided. It shall also contain methods for the annual monitoring of this service, to be agreed within the Travel Plan, to enable an assessment of the viability of the service. Should it be agreed by the Local Planning Authority that the service is not being sufficiently utilised to a sustainable level to be viable then an agreement on an alternative solution to address the travel needs of their employees will be required during the initial four year period. 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 Travel Plan. It will be audited and updated at intervals not greater than 12 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 the first occupation of the development hereby approved.

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 agreed). The bus service will initially be implemented over a minimum period of four years, and will be subject to an annual review to enable an assessment of the viability of the service to be provided. It shall also contain methods for the annual monitoring of this service, to be agreed within the Business Travel Plan (Condition 12), to enable an assessment of the viability of the service. Should it be agreed by the Local Planning Authority that the service is not being sufficiently utilised to a sustainable level to be viable then an agreement on an alternative solution to address the travel needs of their employees will be required during the initial four year period. 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 Business Travel Plan. It will be audited and updated at intervals not greater than 12 months to ensure that the approved Plan is carried out.

The final costs (relating to I, II and III) shall be agreed within 2 months of the date of this permission, with the final S106 document signed within 6 months of the date of this permission.

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 the approved

building, 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 the approved building, 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 L0201 Rev. P1 (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, 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.);

- b) Soft landscaping shall include full details of the proposed planting scheme which shall include 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. 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.

- 25. Prior to their erection on site, full details of the proposed solar panel array to the roof of the building hereby approved shall be submitted to the Local Planning Authority for approval in writing.

**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, GP3, 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. 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.
25. In accordance with Local Plan policy GP8 and to secure a satisfactory development which is appropriate to the locality in the interests of visual amenity.

**52. APP/2016/0510 - Former Albion Mill, Albion Street, Padiham**

This item was withdrawn from the agenda.

**53. APP/2016/0531 - Oak Mill, Manchester Road, Dunnockshaw, Burnley**

**APP/2016/0531**

**Full Planning Application**

**Coalclouth with Deerplay Ward 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**

**Decision:**

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 24<sup>th</sup> November 2016, 2016/10-05 Rev. A received 30<sup>th</sup> November 2016, 2016/10-01 Rev. B and 2016/10-03 Rev. B received 15<sup>th</sup> December 2016, 2016/10-04 Rev. C and 2016/10-06 Rev. D received 20<sup>th</sup> January 2017, and 2016/10-07 Rev. B received 1<sup>st</sup> 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.

<b>54. APP/2016/0575 - 318 Padiham Road, Burnley</b>
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<b>APP/2016/0575</b>	<b>Full Planning Application Gannow Ward Retrospective application for installation of 2no. roller shutters 318 PADIHAM ROAD, BURNLEY</b>
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<b>Decision:</b>	That planning permission be granted subject to the following conditions:
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- |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Conditions:</b> | <ol style="list-style-type: none"><li>1. The development hereby permitted shall be carried out in accordance with the following approved plans: Detailed drawing, block plan and location plan received 13 Decembet 2016, and the detailed amended drawing received 16<sup>th</sup> February 2017.</li><li>2. Within three months of the date of this approval<ul style="list-style-type: none"><li>• the approved fascia boards must be erected around the shutter housing as per the approved plans, and</li><li>• the proposed new shutters hereby approved shall be installed.</li></ul></li></ol> |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- |                 |                                                                                                                                                                                                                                                                                |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reasons:</b> | <ol style="list-style-type: none"><li>1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.</li><li>2. In the interests of visual amenity in accordance with policy E25 of the Burnley Local Plan Second Review.</li></ol> |
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<b>55. APP/2016/0577 - 50 Parliament Street, Burnley</b>
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<b>APP/2016/0577</b>	<b>Full Planning Application Rosehill with Burnley Wood Ward Single storey extension to the existing medical centre to create 5 more GP/treatment rooms 50 PARLIAMENT STREET BURNLEY</b>
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<b>Decision:</b>	That planning permission be granted subject to the following conditions:
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- Condition:**
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 and 1619-SP02 Rev.A received 6<sup>th</sup> February 2017.
  3. The external materials of construction to be used on the wall 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.
- Reason:**
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).

<b>a. APP/2016/0570 - 2 Ridge Row, Ridge Avenue, Burnley</b>
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**APP/2016/0570**

**Full Planning Application**

**Brunshaw Ward**

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

**2 RIDGE ROW RIDGE AVENUE BURNLEY**

**Decision:** That planning permission be granted subject to the following conditions:

- Condition:**
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.

**Reason:**

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.

<b>56. APP/2016/0522 - 47 Prairie Crescent, Burnley</b>
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**APP/2016/0522**

**Full Planning Application  
Queensgate Ward  
Extensions to side and rear and dormer to rear  
47 PRAIRIE CRESCENT BURNLEY**

**Decision:**

That planning permission be granted subject to the following conditions:

**Condition:**

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 20<sup>th</sup> 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 shall match the existing roof tiles (or be as near to as possible)

**Reason:**

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 TM13 of the Burnley Local Plan Second Review.

<b>57. APP/2016/0544 - Land at Melrose Avenue/Kinross Street, Burnley</b>
---------------------------------------------------------------------------

**APP/2016/0544**

**Full Planning Application  
Coalclough with Deerplay Ward  
Proposed erection of 18no. 2 bed houses, 12no. 3 bed houses and 1no. 3 bed bungalow  
LAND AT MELROSE AVENUE/KINROSS STREET BURNLEY**

**Decision:**

That planning permission be granted subject to the following conditions:

**Condition:**

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 the 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.

**Reason:**

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).

<b>58. APP/2016/0584 - William Thompson Car Park, Red Lion Street, Burnley</b>
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**APP/2016/0584**

**Full Planning Application  
Daneshouse with Stoneyholme Ward  
Retention of existing car park  
WILLIAM THOMPSON CAR PARK RED LION STREET  
BURNLEY**

**Decision:**

That planning permission be granted subject to the following condition:



- Condition:**
1. The car park will 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.

**59. APP/2-17/0016 - 0023 - Various site in Burnley**

<b>APP/2017/0016</b>	<b>Full Planning Application for various alleygating schemes</b>
<b>APP/2017/0017</b>	APP/2017/0016
<b>APP/2017/0018</b>	2no. sets of 2m high gates
<b>APP/2017/0019</b>	REAR OF 66-106 RUSSELL TERRACE, 55-95
<b>APP/2017/0020</b>	STOCKBRIDGE ROAD & 27 PENDLE STREET, PADIHAM
<b>APP/2017/0021</b>	APP/2017/0017
<b>APP/2017/0022</b>	2no. sets of 2m high gates
<b>APP/2017/0023</b>	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

**Decision:** 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 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.

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

Members received for information a list of decision taken under delegation for the period 19<sup>th</sup> December 2016 to 5<sup>th</sup> February 2017.

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

23<sup>rd</sup> March 2017

Housing and Development

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Housing and Development  
Parker Lane Offices Burnley

Ref.

**APP/2016/0416**

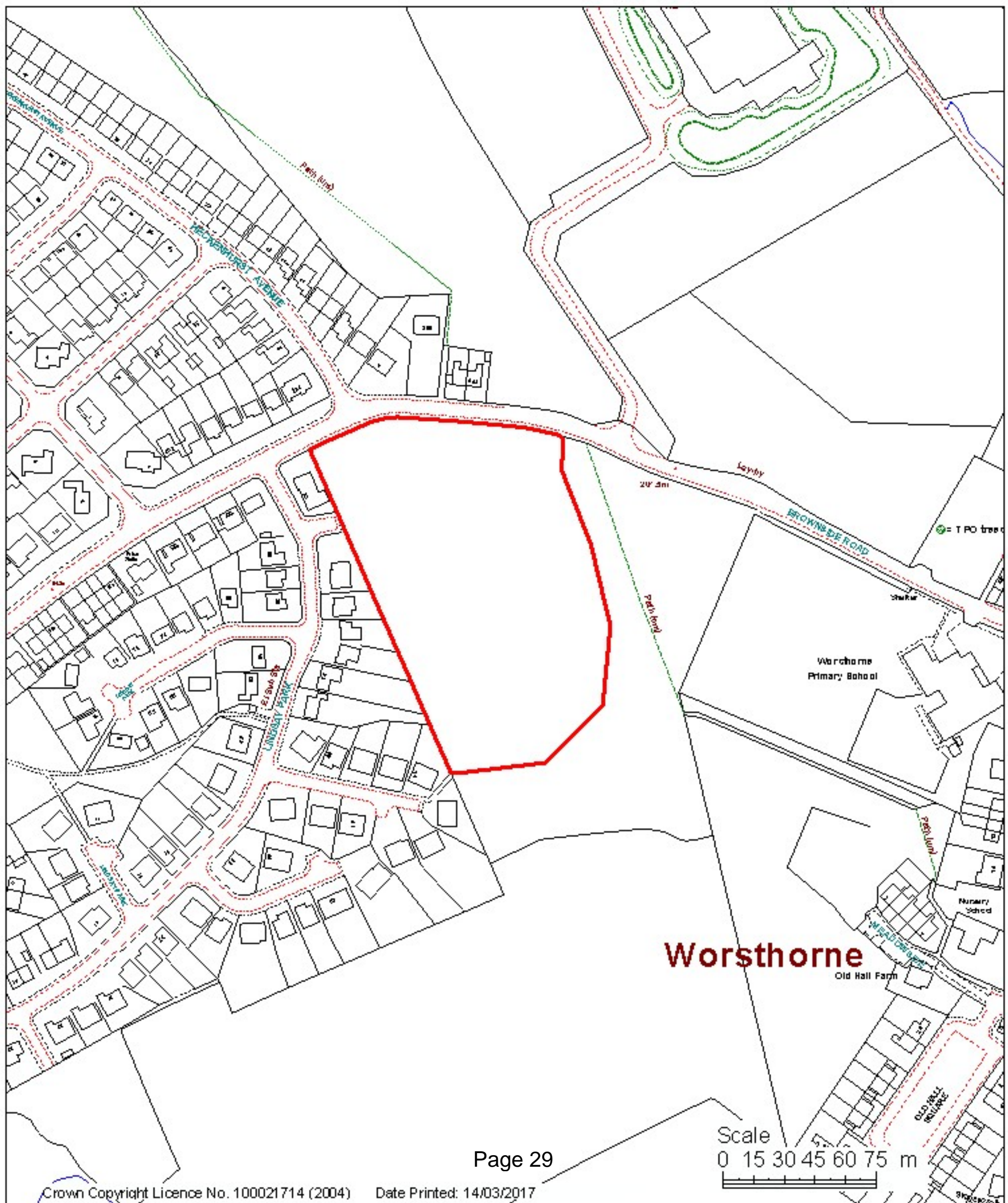
Paul Gatrell  
Head of Housing and Development

Location:

**Land south of Brownside Road Worsthorne**



**1:2500**

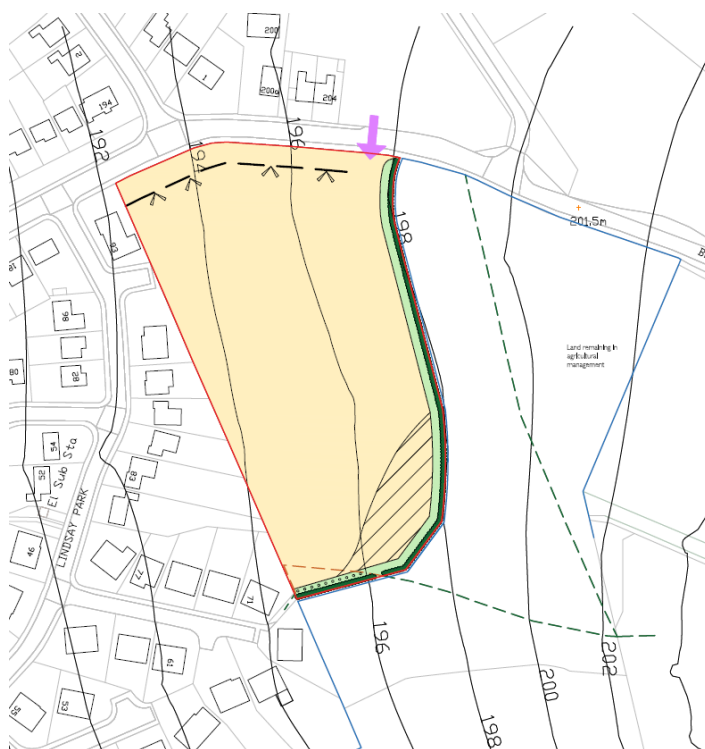


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**Outline Planning Application**

Outline application for residential development of up to 39 dwellings including details of means of access (all other matters reserved for future approval)

**LAND SOUTH OF BROWNSIDE ROAD WORSTHORNE BURNLEY**



**Background:**

The site is located directly adjacent to the urban boundary of Burnley, adjacent to the residential area of Brownside and the properties at Lindsay Park. The site lies wholly within the Rural Area and comprises an area of circa 1.5Ha. It constitutes Greenfield land and comprises grassed fields used mainly for grazing.

Brownside is located on the eastern outskirts of Burnley 2.5 miles east of the town centre and is a relatively modern estate that lies to the west of the more traditional stone village of Worsthorne. Worsthorne and Brownside share some services but are distinct residential areas separated by land defined as Rural Area under the designation of Policy GP2 and the designated Sports and Play Area land to the West of Worsthorne Primary School. Two public footpaths lie within the site, one running along the eastern boundary and one passing west-east through the southern part of the site.

The proposed access to the site will be off Brownside Road.

Pre-application discussions have taken place in regards to the development of this site with members of the Planning Team. As part of the preparation of the application the applicant also undertook community engagement and consultation on the emerging proposal in line with the Localism Act and National Planning Policy Framework (NPPF).



Following feedback from the above processes, and on-going negotiations with the Planning Team, the applicant and developer has sought to address the needs and requirements of the area, as well as any negative feedback obtained, with a scheme notably reduced from that original consulted on in the summer of 2016. The proposed development area has effectively been reduced in size from a site for approximately 60 dwellings (as initially proposed within the Community Consultation) to one for up to 39 dwellings, and there has been a reduction in the extent of the application site along Brownside Road.

Further additional changes to the scheme relate to the removal of the area of POS along the eastern part of the site following discussions with the Planning Team and the Head of Green Spaces and Amenities, with an off-site contribution to be provided in-lieu of on-site POS given the reduction scale of development and availability of green space nearby. The two areas identified by Head of Green Spaces and Amenity where these monies could be spent are Worsthorne Recreation Ground or Brun Valley Forest Park, both of which are accessible from the site.



Illustrative Masterplan site layout

### **Relevant Policies:**

#### Burnley Local Plan Second Review

GP2 - Development in the Rural Areas

GP3 - Design and Quality

GP6 - Landscaping and Incidental Open Space



GP7 - New Development and the Control of Pollution  
GP8 - Energy Conservation and Efficiency  
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  
H5 - Local housing needs  
H7 - Open space in new housing development

E4 - Protection of other features of ecological value  
E5 - Species protection  
E6 - Trees, hedgerows and woodlands  
E8 - Development and flood risk  
E16 - Areas of traditional construction  
E27 – Landscape Character and Local Distinctiveness in Rural Areas and Green Belt

TM2 - Transport Assessments (TAs)  
TM3 - Travel Plans (TPs)  
TM4 - Transport hierarchy within development proposals

#### Relevant Emerging Local Plan Policies

SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
HS2 – Affordable Housing Provision  
HS4 – Housing Developments  
IC4 – Infrastructure and Planning Contributions

Burnley Green Infrastructure Strategy 2013-2031  
Burnley Green Spaces Strategy 2015-2025

National Planning Policy Framework  
Natural Environment and Rural Communities Act 2006  
The Conservation of Habitats and Species Regulations 2010  
Wildlife and Countryside Act 1981

#### **Site History:**

NOT/2005/0636 – Proposed extension of existing agricultural access track – Granted.

#### **Consultation Responses:**

##### Lancashire County Council (LCC) – Highways

The LCC Highways Officer provided a detailed assessment on the originally submitted scheme, and offered no objection to the scheme subject to appropriate conditions. The Highways Officer also confirmed that the approval provided to the Butchers Farm application (0417) does not alter the comments for the Brownside Application (0416). The applications were looked at together and the Transport Assessments included traffic from both proposals and were assessed as such. The amended scheme has

also been considered and I can confirm that although the proposed site entrance has moved slightly to the west, the Highways Officer has considered that this is unlikely to have any significant Highway impact over the proposal previously examined and that the visibility splays from the new site access remain adequate.

Notwithstanding this support it has been highlighted by the Highways Officer that there is a need to improve the sustainability credentials of the site, with a specific aim of encouraging other means of travel than via the private car. This is to foster sustainability, as highlighted within NPPF, and to minimise the impact of additional vehicular traffic movements as discussed above. The applicant is expected to support and improve sustainability through section 106 provisions (as detailed later in the report).

In light of the number of objections raised, the LCC Highways Officer has offered a detailed response to relevant sections of the application. Whilst the comments have been summarised partially for the purposes of this report (see below), a full copy of the comments are available to view on-line.

#### 1. Transport Assessment (TA) / Statement (TS)

- LCC has examined the TA and can confirm that the methodology and rationale found within the document is generally acceptable to the highway authority.
- Paragraph 5.5.1 of the TA indicates a trip distribution split of 90/10 between traffic travelling to/from the west via the Brunshaw Road / Brownside Road roundabout and traffic travelling to and from the east via Worsthorne village. This appears a reasonable deduction, although in order to be robust the trip distribution has been assessed by LCC with all traffic travelling to and from Brunshaw Road.
- LCC does not believe traffic flow into and from Worsthorne village and beyond is likely to be problematic, especially considering the probable minor trip distribution.
- The main point of concern to LCC is the Brunshaw Road / Brownside Road junction which is shown in the TA as having an elevated 5 year PM peak Ratio Flow to Capacity (RFC) of 0.75 on the westerly Brunshaw Road arm (with included development). In order to robustly assess traffic impact LCC has remodelled this junction utilising the latest TEMPRO7 growth factors and assuming 100% of proposed development traffic (for both sites) travels to and from the roundabout. The assessment by LCC is that the roundabout junction will continue to (just) operate within capacity although the westerly Brunshaw Road arm is predicted to have PM peak RFC of 0.85, which is consider the absolute safe maximum. This is acceptable to LCC however it should be noted that any additional development in the Brownside or Worsthorne area, beyond that factored in within the TA, is likely to see the junction hit capacity by 2021.
- Paragraph 2.3.7 highlights that two sections of Brownside Road are throttled to single way working due to the presence of parked vehicles without expanding on the effects. LCC is aware of this occurrence which is created by residential parking adjacent to the two terraced blocks immediately east of the river Brun Bridge. The TA rightly highlights that no alternative parking facility is available for residents who park vehicles on Brownside Road. LCC has been unable to identify any additional traffic management measures, beyond those already instigated, which would be of sufficient benefit to merit introduction at this location. However it should be noted that vehicles speeds into the area are controlled and low (from the east speeds are restrained by the junction table located at the Brownside Road / Lindsey Park road junction / from the west they are regulated by the parking within the eastbound carriageway).

- Although not ideal the two informal give way systems created by roadside parking discussed do operate safely. An investigation of the 5 year casualty rate has confirmed that no collisions resulting in personal injury have been recorded in the area. A 5 year review of the County Councils Public Enquiry Message (PEM) system, the database of all public contact, has also confirmed that no contact has been received or complaints made regarding the operation of Brownside Road, or occurrence of on street parking in the vicinity of the discussed throttles.
- Paragraph 4.2.10 highlights walking distances from the centre of the site. Manual for Streets and Manual for Streets 2 (collectively MfS) identifies the concept of the 'Walkable Neighbourhood' in relation to residential development. MfS paragraph 4.4.1 states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas that residents may access comfortably on foot. The (Chartered) Institution of Highways and Transportation CIHT issued guidance to the effect that desirable walking distances for local facilities are 200m whilst preferred maximum walking distances are 800m. None of the facilities quoted in table 4.1 are within a desirable walking distance and a number are well beyond the 800m desired maximum. Additionally facilities such as the Spar Shop / Tesco or Pharmacy are likely to see some residents wishing to return home directly. As a result these facilities are unlikely to see significant access by foot, given the combined two way journeys will easily exceed 2km distances.
- LCC's view is that the site is not located within particularly attractive walking distance of local facilities. As a result it is not located in a highly sustainable location and is likely to see significant use of walking as a travel option. Consequently additional efforts to encourage non car mode travel should be made in order to improve the sustainability credentials of the site.

## 2. Access

- The access proposal is via a give way controlled road junction onto the existing adopted highway of Brownside Road. There are no concerns regarding conflicting vehicle movements with other junctions nearby.
- The applicant has indicated that the access will consist of a 5.5m wide vehicular road with two 2.0m wide pedestrian footways inclusive of 6m radii. This complies with the County Councils residential design guidance.
- A traffic count approximately 225m west of the proposed access, undertaken by the County Council in November 2013, indicated average vehicle speeds of 31mph for eastbound traffic and 29 for westbound traffic. My personal observations of vehicle speeds did not raise any obvious concern regarding inappropriate speed in the area.
- The applicant has provided confirmation of visibility splays of 2.4m X 43m which are consistent with requirements for the existing 30mph speed limit as defined within the Department for Transport (DfT) document Manual for Streets.

## 3. Road Safety

- I have reviewed the latest accident data on the immediate highway network surrounding the proposed development site and can confirm that no injury collisions have been recorded in the last 5 years.
- I have noted that concern has been raised regarding the ability of Brownside Road to withstand construction traffic, especially the load bearing capacity of the river Brun Bridge. I can confirm that as classified highway (C661) the road has been constructed to cater for all classes of vehicular traffic. In addition the bridge is not

restricted to an operational weight limit. Consequently LCC would have no concern regarding access to the site by normal construction traffic.

- As discussed above the throttle areas identified in paragraph 2.3.7 of the applicants TA are a consideration. LCC would seek to minimise the increase of vehicular traffic passing through the area. In order to do this the applicant will be expected to encourage the use of sustainable transport measures as per guidance provided within NPPF and further explored in the text below.

#### 4. Sustainability

- National Planning Policy Framework (NPPF) paragraph 17 emphasises a need to "make the fullest possible use of public transport, walking and cycling" while para 35 emphasises a need to give priority to the creation of safe & secure layouts which minimise conflict between traffic, cyclists and pedestrian in essence actively managing patterns of growth". The development site is not located in an area that could be considered highly sustainable. Consequently the developer will be expected to make every effort to improve the sustainability credentials of the site and in particular encourage sustainable travel.
- The site location is served by a single bus service which has recently been reduced in frequency. LCC would seek a developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area. The contribution level will be decided based upon the number of dwellings proposed and will be assessed/clarified as part of a detailed matters application, should this application be approved.
- In order to encourage the use of public transport the two existing Brownside Road bus stops should be upgraded to become Disability Discrimination Act (DDA) compliant. The bus stop to the west is the stop people will wait to transit into Burnley and beyond. The existing bus shelter is old and of poor quality and would not encourage the use of public transport. The applicant would be expected to upgrade this shelter to a modern unit in order to encourage the use of the service.

[These requests can be covered by relevant conditions]

#### LCC – Lead Local Flood Authority (LLFA)

As this is an outline application, it is recognised that the final proposals for the formal surface water drainage strategy are yet to be finalised. The LLFA has no objection to the proposed development subject to the inclusion of conditions requiring a formal surface water drainage scheme and management plan to be agreed in consultation with the LLFA. Although they are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

[This can be covered by relevant conditions]

#### LCC – School Planning Team (SPT)

Based on the amended scheme, LCC SPT has made the following comments. Through a detailed research project carried out during 2012 LCC have established a pupil yield to be applied for the bedroom mix within a development. LCC will seek to apply these pupil yields to an assessment of this proposal, however, as bedroom

information has not been provided by the developer LCC will apply the 4 bedroom yield, to provide a medium to worst case scenario. Once bedroom information is available the impact of this development will be reassessed at reserved matters stage.

#### PRIMARY SCHOOL YIELD

When assessing the need for an education contribution from this development LCC considers primary school provision within a 2 mile radius of the proposed site. Latest projections for the local primary schools show there to be 105 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 15 school places. There are also pending applications expected to generate demand for a further 21 school places. With an expected pupil yield of 15 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

#### SECONDARY SCHOOL YIELD

When assessing the need for an education contribution from this development LCC considers secondary school provision within a 3 mile radius of the proposed site. Latest projections for the local secondary schools show there to be a shortfall of 349 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 6 places from this development the shortfall would increase to 70. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 6 places.

[This requirement can be covered by a relevant condition]

#### LCC – Public Rights of Way (PROW) Manager

Based on the originally submitted plans, the Manager raised no objection to the proposed application.

#### Environment Agency (EA)

The EA are not required to formally comment on the above application as it is not listed in the 'When to Consult the EA' doc or in the DMPO / GDPO .

#### United Utilities (UU)

UU have no objection to the proposed development provided that the conditions relating to foul water drainage, surface water drainage and asset protection being attached to any approval.

#### Capita Ecology Unit (Consultant)

No objection to the proposed development of the site in principle has been raised, however the consultant comments as follows;

The following designated sites are located approximately 1.6 km east of the application site,

- South Pennine Moors Phase 2 Special Protection Area (SPA)
- South Pennine Moors Special Area of Conservation (SAC)
- South Pennine Moors Site of Special Scientific Interest (SSSI)

The proposed development area is separated from the South Pennine Moors by existing infrastructure and agricultural land. The Extended Phase 1 Habitat Survey Report (Appletons, April 2016) states that the development site area is not considered to provide suitable breeding habitat for any of the bird species listed in the citation for the SSSI (merlin, golden plover and twite). No assessment has been provided in terms of impacts to the SPA. Golden plover and merlin have been covered above as they are also part of the designation for the SSSI. Short eared owl is also a qualifying feature of the SPA. However, from the habitat descriptions provided, it is unlikely that this species will be using the application site. None of the qualifying habitats for the SAC are present on the application site and it is unlikely that the development would directly affect these habitats. Therefore, it is unlikely that the development will have a significant impact on the designated sites. Natural England should be consulted for their statutory advice in relation to the designated sites.

#### Bats

The trees on the site were assessed as having negligible bat potential; therefore no further surveys in respect of bats are required. Habitats on site such as the hedgerows are suitable for supporting foraging and commuting bats, and therefore should be retained. As recommended in Section 6.3 of the Daytime Bat Survey Report (Appletons, June 2016) lighting should be designed sensitively to avoid impacts to wildlife.

#### Birds

The trees and vegetation across the site are considered to provide suitable nesting habitat for a range of common bird species. The information in Section 6.10 of the Extended Phase 1 Habitat Survey Report should be conditioned in order to ensure the protection of nesting birds. The mitigation relating to birds described in Section 6.6 should be included in the design to compensate for the loss of bird nesting habitat.

#### Other Protected Species

Working methods have been advised in relation to terrestrial mammals (Section 6.9 of the Extended Phase 1 Habitat Report).

#### Enhancements

The NPPF requires sustainable developments to achieve a net gain in biodiversity. In line with 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 recommended that the enhancements listed in Section 6.6 of the Extended Phase 1 Habitat Report and Section 6.4 of the Daytime Bat Survey Report should be considered.

[These requirements can be covered by relevant conditions]

#### Natural England

Natural England has no comments to make on this application.

### Burnley Wildlife Conservation Forum (BWCF)

The plot of land is located outside the present urban boundaries of Brownside and Worsthorne and is in the rural area that separates the two. The land comprises a field in active agricultural production as a grazing pasture which also constitutes an important wildlife corridor and open habitat link between the built up areas.

If this field is built upon it would create urban sprawl by effectively merging the built up areas of Brownside and Worsthorne. This would result in this field's present function as a wildlife corridor and open link habitat between Brownside and Worsthorne being lost because a housing development on this field would create a barrier preventing the existing free movement of wildlife through this field, notably mammals and upland birds, which also use this field as a foraging resource for food, and on past occasions have sporadically nested on it.

For these reasons, the BWCF object to the proposal.

### The Coal Authority (CA)

The CA concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The CA recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

The CA considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The CA therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

### Burnley Civic Trust

Burnley Civic Trust objects to the application for the following reasons;

1. This land is not within the village envelope,
2. It is not included as land to be made available in the proposed new district plan,
3. It is inappropriate development, and
4. The road surrounding the site is very narrow and not only will there be more traffic congestion, but pedestrians will also be adversely affected.

### Burnley Borough Council (BBC) – Principal Planning Officer (Planning Policy)

The proposed site is a Greenfield site located within the Rural Area. Development on land within the Rural Area is limited by policy GP2 of the adopted Local Plan. Residential development on sites within the Rural Area does not accord with policy GP2. There is no justification for residential development in this location.

The Planning Statement accompanying this application states that the development boundaries in the adopted Local Plan were adopted over ten years ago. The adopted boundaries were devised under a different planning regime, i.e. pre-NPPF, and are therefore not consistent with the themes of the NPPF which is to seek to boost the delivery of housing. Furthermore, the settlement boundaries are clearly not reflective of the Borough's development needs of today meaning they are not prepared to ensure the Borough is able to meet the full objectively assessed needs for housing required under paragraph 47 of the NPPF.

Work on preparing the emerging Local Plan has considered both the concept of and the need to revise the Borough's development boundaries. It has also involved assessing sites through a Strategic Housing (and Employment) Land Availability Assessment to meet the full objectively assessed needs for housing required under paragraph 47 of the NPPF. This site was considered unsuitable for residential development principally as it would lead to the coalescence of Worsthorne village with Brownside in Burnley. To this end, the Preferred Options document published in July 2016 proposed a new development boundary for Burnley to take account of future development needs and no change was proposed in this location.

In the Planning Statement accompanying this application it states that, based on an assessment of the Council's Housing Monitoring from 2014, "Given the significant shortfall in housing delivery, lack of a reliable objectively assessed need baseline and the application of the 20% NPPF buffer, we do not consider the Council is able to demonstrate a five year housing supply."

Updated housing monitoring was published by the Council in October 2016. This provides evidence that against a number of scenarios including the former RSS housing requirement and the new housing requirement proposed in the emerging Local Plan the Council's position is that it can demonstrate a five year housing supply.

As this is a Greenfield site in the countryside that is not required to meet objectively assessed need and its development would have significant adverse environmental impacts, development would not be sustainable.

#### BBC – Head of Green Spaces and Amenities

If the developer(s) are not required to provide any public open space on the sites then then a S106 contribution for off-site provision should be made at the rate per bed space. For this development, there are two options for the location where this contribution will be used:

##### 1. Improvements to Worsthorne Recreation Ground.

This is located approximately 540 metres from the Brownside development. S106 funding would be used for general improvements, a junior football pitch with goal posts and artificial grass goal mouths and the balance as a contribution to drainage improvements to match the contribution from the Butchers farm site. Improvements to Worsthorne Recreation ground are identified as a priority in the Playing Pitch Strategy.

##### 2. Brun Valley Forest Park (BVFP)

Development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub. This is located 800 metres from the Brownside Rd. The



recommended walking distance to play areas is up to 800 m. Rowley is a popular destination and the development of this play area is identified as a priority in the Greenspaces Strategy to help meet the shortfall in play provision in the Brownside Rd area, details below,

*Burnley Green Spaces Strategy 2015-2025 - Children & Young People Provision CYP4 - Address the absence of play provision in Brownside, Red Lees and Rowley residential areas by developing a new play area at Rowley as part of the Brun Valley Forest Park development, subject to funding.*

The preference is for a contribution to BVFP.

[This can be covered by relevant conditions]

BBC – Environmental Protection Officer

No objections subject to conditions/informatives being considered in relation to noise impacts, electric charge points, construction management plans etc. should consent be given.

[This can be covered by relevant conditions/informatives]

Designing Out Crime Officer - Lancashire Constabulary HQ

At this stage the application is for access only. As a result a general recommendation is made that future proposed developments should be designed in accordance with the principles of the Secured by Design security scheme.

Detailed advice on what would be required has been passed to the applicant and further comments will be submitted at the reserved matters stage should the application progress.

Worsthorne-with-Hurstwood Parish Council

Based on the amended plans, the Parish Council object to the application on the following grounds,

- No part of the Brownside Road site falls within either the 2006 or emerging plan boundary and there has been no proposal to change the boundary.
- The Brownside Road site is Greenfield agricultural land currently under pasture.
- Contrary to the rural area policy GP2 of the 2006 plan.
- Applicants have not put forward any reasons why the Brownside Road application should not be determined in accordance with the adopted and emerging local plans which are both very clear.
- The open agricultural use of the land creates an attractive outlook for the residents who adjoin it and is a very positive benefit for the whole village.
- The highway authority agrees the Brownside Rd / Brunshaw Rd roundabout is close to capacity with little spare capacity in it. People already avoid the roundabout and this application will only increase this.
- The Brownside Road plans would remove an important landscape area, destroys the setting of Worsthorne, remove views of the village and towards Burnley and create skyline development.

- Worsthorne primary school governors have made it clear the school has no capacity and no likelihood of any becoming available. The application will make this situation even worse and shrink the catchment area for the school.
- Burnley has a five year supply of housing sites and therefore supply of new house sites should not be given any weight in ignoring planning policy.
- The reasons why the council proposed and passed the planning at Butcher's Farm in the village do not apply in this case.
- No local services have stated a need for this, quite the contrary they see preserving the village character as of more value to their businesses.
- The bus services do not run in the evening or on a Sunday so the marginal difference from this development will do nothing to protect them. The transport links are very poor; this location is completely unsustainable.
- There is no need for Affordable Homes in this area.
- No environmental improvements to the area as it would mean the loss of fields to be replaced with dense urban development a 100 % loss of natural habitat

We firmly believe that any development on the proposed site would have detrimental effects on the environment, infrastructure and safety of residents in our parish.

### Neighbour Consultation Responses

173 email/letter responses have been received from nearby neighbours in respect of the originally submitted scheme. A further 25 responses have been received in regards to the amended proposal. Their points of objection to/concerns surrounding the proposed development have been summarised below,

- Proposal is contrary to National Planning Policy.
- Proposal is contrary to the current Burnley Local Plan.
- The proposal is contrary to the emerging Local Plan,
- No significant need for housing/no lack of five year supply.
- Disagreements with the survey information provided (traffic, ecology, etc.) / large elements of the surveys considered to be flawed.
- Unsuitable green field site / should be promoting brownfield sites for housing.
- Application is premature.
- Increased traffic generation in the area, especially around the school, causing congestion in the area.
- Proposed access is in a poor location and provides poor visibility on a fast road / proposed priority junction close to a school is not a good idea / is only one access point a good idea?.
- Location is an accident hotspot.
- Bridge on Brownside Road not wide enough / unable to carry load of additional vehicles/heavy plant to construct the development.
- Poor transport links to the area/no bus service after 6.30pm Mon-Sat (none on Sunday).
- Private car will dominate trips to/from the site due its unsustainable location.
- Inadequacy of parking/turning.
- Increase in vehicle noise/fumes/odour to the area.
- Impact on highway safety in the area.
- Impact on pedestrian safety in the area (particularly around the school).
- The drains, services and infrastructure in the area are inadequate to accommodate additional buildings / impact on sewerage/drainage pipes crossing the site from the school.

- Lack of services in the area/within walking distance.
- Proposal will create urban sprawl.
- Impact on visual amenity of the area.
- The break between the village of Worsthorne and Brownside will be totally destroyed / Detrimental impact on the character of Worsthorne / Worsthorne will be subsumed into Burnley if this approved / loss of identity and character to the area.
- Loss of the field will detract from views around the village / the countryside should be preserved.
- Negative visual impact on the landscape/loss of green fields.
- Loss of light.
- Increased flood risk.
- Environmental impact of the proposal should not be ignored.
- Ecological impacts / destruction of habitats / impact on wildlife and mammals / Loss of trees and hedgerows / disturbances to local wildlife.
- Detrimental impact on a wildlife corridor / Impact on species.
- Noise impacts during construction.
- The school is already oversubscribed and neighbouring schools are at capacity.
- Loss of privacy/overlooking by virtue of the topography of the site
- Growth factors quoted by the developer are inaccurate and unjustified.
- No scheme benefits for this proposal / benefits proposed are a weak argument / actual disbenefits to the area in the long term.
- Proposal will be unsustainable development.
- Impact on Listed Buildings in the area.
- There are a number of former mine workings in close proximity to the village and a number of houses have suffered from subsidence,
- No need for Affordable Housing in this area,
- Majority of local residents don't want this development,
- The matters raised by residents have NOT been satisfactorily resolved,
- The proposed amended scheme does not satisfy the previously raised concerns (outlined above), and
- Design, layout and appearance of the proposal is unsuitable [Not a material consideration at this stage as it is an outline application with all matters except access reserved]

#### Response from the Governing Body of Worsthorne County Primary School

The Governing Body has raised the following concerns in regards to this planning application:

1. Threats to the health and safety of pupils and staff as they travel to and from school due to increased congestion resulting from the proposed new housing. No account has been taken by the developer of the impacts on health and safety of school users.
2. Health and safety concerns drainage as school sewage currently drains into main sewers beneath the proposed planning application site. Concern that the sewerage infrastructure might not have the capacity to deal with increased demand leading to issues further up the pipeline where the school is located.
3. Concerned with capacity for school provision as at present the school is full to its maximum Pupil Admission Number. Since the anticipated properties in the application will be most likely marketed at families, we are unclear as to where

the additional pupils will be educated. Our concern is that the school will be forced to accept additional pupils leading to classes above 30 in size in rooms with insufficient capacity.

### **Planning and Environmental Considerations:**

The application submitted seeks outline planning permission for the proposed development of the site for up to 39 dwellings. Details of the access are included as part of the application with all other matters reserved. The main considerations with this application are whether the actual principle of the development of this site is acceptable and whether the proposed access is acceptable. These will be considered against other material considerations, as well as the other issues raised by objectors to the proposal. These will be assessed at the end of the report.

### **PRINCIPLE OF THE DEVELOPMENT**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The policy basis against which this scheme should be appraised is set out in the context of national and local development plan policies. At a national level the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development. For decision-taking this means 'approving development proposals that accord with the development plan without delay.' The NPPF advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and those relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority (LPA) cannot demonstrate a five year supply of deliverable guidance (Paragraph 49 of the NPPF). At present the LPA can demonstrate a 5 year supply of housing. The application should therefore be considered in the context of the presumption in favour of sustainable development with the Policies of the Burnley Local Plan having overriding consideration.

The proposed site is a Greenfield site located wholly within the Rural Area albeit immediately adjacent to the Urban Boundary around Brownside. Policy H2 of the current Local Plan seeks to ensure that Brownfield land is redeveloped for housing before Greenfield development takes place, however for the purposes of this application the key Policies to consider are Policies GP2 and E27. Residential development on sites within the Rural Area does not generally accord with Policy GP2 as development on land within the Rural Area is limited as follows,

#### **GP2 - DEVELOPMENT IN RURAL AREAS**

*Development in the Rural Areas, shown on the Proposals Map, will be limited to the following:*

- a) agriculture, forestry and outdoor recreation uses not requiring large buildings;*
- b) 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;*
- c) the use of infill sites (small gaps in an otherwise built-up frontage), within named rural settlements;*
- d) or proposals which contribute to the solution of a particular local housing, social, community or employment problem within named rural settlements; and*
- e) other uses appropriate to a rural area, including those which help diversify the rural economy, while being in keeping with the rural environment, see Policies Economy and Work Policy EW11 and Environment Policy E30.*

The Policy justification text outlines that, “The Borough’s open countryside provides a visually striking and attractive setting for the urban area, and is one of our greatest assets. There are strong pressures for development in the countryside. Strict control of the scale and location of development is needed to protect this asset, including its agricultural, landscape, wildlife, visual and recreational value. Protecting the countryside will also complement our efforts to maintain a compact urban area and encourage urban regeneration and renaissance.”

Whilst the Local Planning Authority agree and accept that in some circumstances local and national policy will support new housing in some rural areas, we do not support this proposal in this particular case. The proposal is not considered to be acceptable when assessed against sections a, b, c, d or e, and is therefore considered to be in direct conflict with this Policy. The proposal is therefore considered to be unacceptable in principle.

The applicant contends that policies GP1 and GP2 seek to impose significantly dated settlement boundaries based on the fact that the Local Plan was adopted in 2006 to cover the period up to 2016 and that they also pre-date NPPF and are based on previous housing needs. The key policy in this case is GP2 which seeks to limit development in rural areas. Paragraph 215 of the NPPF is clear that weight should be given to relevant policies in existing plans according to their degree of consistency with this framework and the closer the policies to the framework, the greater weight that may be given.

Paragraph 110 of the NPPF advises that “In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment”, with paragraph 111 advising that “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land)”. Whilst GP1 may be considered inconsistent with the NPPF and therefore able to carry less weight, this is not the key policy to consider this application by. GP2 seeks to encourage effective use of land by adopting a stance against development within the rural area as well as protecting it from adverse impacts and on this basis, whilst in the process of moving from one plan to another, this policy is considered to retain sufficient weight against which the application can be considered properly against.

Work on preparing the emerging Local Plan has considered both the concept of, and the need to, revise the Borough’s development boundaries. It has also involved assessing sites through a Strategic Housing (and Employment) Land Availability Assessment to meet the full objectively assessed needs for housing required under paragraph 47 of the NPPF. Evidence from the Strategic Housing Land Availability Assessment does indicate that development requirements set out in Policy SP2 and

SP3 (of the emerging Local Plan) cannot be met in full on previously-developed sites, or on sites within the urban boundary as defined in the 2006 Burnley Local Plan; and that a number of sites outside of the 2006 urban boundary will be required to meet the housing and employment land. This site was considered unsuitable for residential development principally as it would lead to the coalescence of Worsthorne village with Brownside in Burnley. To this end, the Preferred Options document published in July 2016 proposed a new development boundary for Burnley to take account of future development needs and no change was proposed in this location.

As emerging policy, the revised development boundary and strategic policy can only be given limited weight but they highlight the Council's current thinking, in line with the NPPF, with regard to appropriate development boundaries and the scale of development appropriate to this location. Policy SP4 'Development Strategy' of the emerging plan states as follows,

*4) Development in the Open Countryside*

*The open countryside is defined as land beyond any Development Boundary. In the open countryside development will be strictly controlled.*

*5) Coalescence*

*Development proposals should not lead to the coalescence of settlements.*

The proposal is considered to be in direct conflict with both elements of the emerging Policy and is therefore unacceptable in principle.

The scheme in principle is clearly contrary to the relevant local plan policies, as outlined earlier, however as noted above we must also consider the scheme against the presumption in favour of sustainable development as well as assessing the harm caused by this proposal. We must then also consider whether there would be any benefits to approving the scheme that would significantly and demonstrably outweigh the harm caused by the proposal.

The site is a 'Greenfield' site and as the Council has a 5 year supply of housing we would be looking at the development of existing 'Brownfield' sites within the Urban Boundary first and foremost. These are the locations that the Local Authority would be looking to steer development due to them being in sustainable locations and the regeneration benefits offered. As this is a Greenfield site in the rural countryside that is not required to meet objectively assessed need, we must also consider whether the proposed development would have significant adverse environmental impacts.

## VISUAL/ENVIRONMENTAL IMPACTS OF THE PROPOSAL

With regards to the visual impact of the proposed development, the applicant submitted a Landscape Visual Impact Assessment that considered that the issues of most importance and relevance at outline planning stage including effects on landscape character in the context of the Calder Valley local landscape character area, effects on any existing vegetation and effects on village character in views from Red Lees Road where both the Brownside and Butchers Farm sites are visible (as the two applications were submitted at the same time).

The document acknowledges that there will be local visual effects arising from the development of the Brownside site on views from Brownside Road and to a much lesser extent on more distant views from the footpath network to the north, however as

the application is at outline stage it notes it cannot properly consider this at the moment.

The LVIA highlights that mitigation measures have been incorporated into the proposal in order to “ensure that the development fits harmoniously into its setting, including limiting the extent of the development area, limiting the development height on areas of the site, maintain PROW routes, additional planting within the site and urban design principles of designing the site so the properties face out onto the access and beyond.

The Local Planning Authority has considered the views, considerations and conclusions of the LVIA. Whilst it is accepted that the proposed reduction in developed area from that originally submitted to that now proposed to Members has reduced the wider visual impact of the proposed development, the Council disagree with the view that approval of the proposal will create no visual coalescence between the two settlements in views from the south, and would subsequently have no visual impact on the locality.

Burnley’s surrounding open landscapes are one of the town’s greatest assets. They provide a visually striking setting for the urban area, a recreation resource and green lung in close proximity to the urban area, an important selling point for the growing tourist trade, as well as containing a number of important biological, archaeological and historical features. For these reasons, the existing and emerging Local Plans seek to protect and enhance the rural area and its landscapes.

One of the key characteristics of this locality is the clear visual break between two residential areas as you travel from the dwellings at Brownside through to the village of Worsthorne. The land between the proposed scheme and the settlement of Worsthorne comprises agricultural fields on both sides of the road, ensuring a clear functional separation between the two urban areas with agricultural uses in-between. The feeling of separation is increased by the long ranging views on both sides of the road. The current and emerging Local Plans have ensured that this gap is designated, and therefore protected, as being within the Rural Area; a fact that reinforces the importance of this distinct separation between the urban area of Burnley and village of Worsthorne.

Whilst the amended proposal does to some extent lessen the impact and extent of the incursion into the open countryside, it still does not address our fundamental concerns about the principle of the development of a site within the rural area and the visual impact this will have. The Landscape Architect considers that the proposal would result in only minimal alterations to the landscape pattern and characteristics of the locality which will then result in only a negligible effect on the landscape character of the immediate area around Brownside. We consider that this is not the case and that this change will be significant in the broader local context.

Local Plan Policy E27 advises that all proposals for new development in Rural Areas (and the Green Belt) will be expected to contribute to the protection, enhancement and restoration of the Borough’s distinctive landscape character by:

- a) protecting critical environmental capital and key features in the landscape,
- b) protecting the setting of rural and urban settlements;
- c) protecting, enhancing and restoring archaeological and historical features;

- d) protecting farmsteads, barns, mills and other prominent buildings, and man-made features such as ponds, lodges, and bridges;
- e) protecting and enhancing historic field patterns, including walls and hedgerows;
- f) seeking the use of local materials, or the nearest match, and vernacular styles in all new buildings, walls, and fences, and by resisting urban style lighting, materials and standardised detailing;
- g) maintaining views and avoiding skyline development;
- h) encouraging tree planting, woodland and afforestation of native species when appropriate in the landscape setting;
- i) protecting and restoring native species;
- j) protecting, restoring, enhancing, and creating habitats;
- k) reclaiming derelict land where appropriate; and
- l) by conserving and enhancing river corridors.

The scheme is unable to comply with sections b) and e) by virtue of the fact that it does not seek to protect the setting of the rural or urban settlement boundaries, and nor does it seek to protect the historic field patterns.

The applicant has sought to overcome the above issues and concerns from local residents and the Council by reducing the proposed development in size and also by removing the proposed area of Public Open Space (an offer of a contribution to upgrades elsewhere has been offered) in order to minimise the man-maintained urban sprawl into the countryside, however we consider that our fundamental concerns have not been overcome by these amendments.

Approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley and would create an unacceptable coalescence between Burnley and the village of Worsthorne, and the visual harm caused by this would be unacceptable within this locality. This would therefore be in conflict with existing and emerging Local Plan Policies thereby representing unsustainable development.



Viewpoint E from additional "Brownside Road Journey" information submitted

## PROPOSED ACCESS / HIGHWAY AND TRAFFIC ISSUES

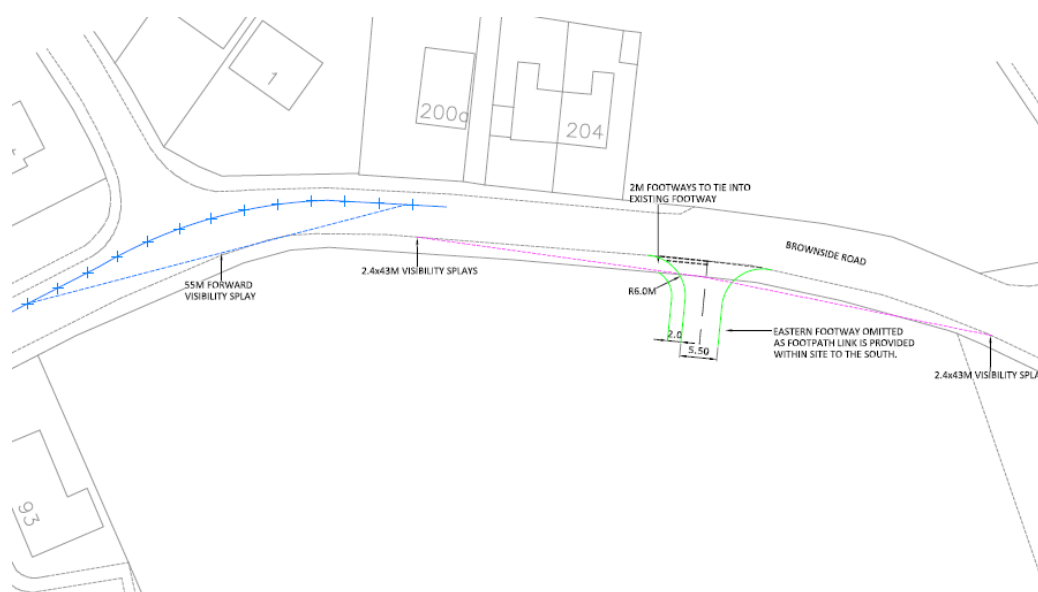
Paragraph 32 of the NPPF advises that,



*“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether,*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*



Proposed access into the site

Whilst the development is not considered to be one that would generate a significant level of vehicular movements (considering that the proposal is for up to 39 dwellings), a Transport Assessment was submitted by the applicant. The LCC Highways Officer has assessed this document and the proposed access (as shown above) and can confirm that they raise no objection to the scheme subject to appropriate conditions.

Notwithstanding this support it has been highlighted that there is a need to improve the sustainability credentials of the site, with a specific aim of encouraging other means of travel than via the private car. This is to foster sustainability, as highlighted within NPPF, and to minimise the impact of additional vehicular traffic movements as discussed above. The applicant has agreed in principle to support sustainability through section 106 provisions (as detailed later in this report).

In light of the number of objections raised, LCC have offered a detailed response to relevant sections of the application, with a slightly summarised version of this available earlier in this report. Full copies of the comments are available to view on-line, however the key points to note are as follows,

#### Transport Assessment (TA) / Statement (TS)

- Traffic flow into and from Worsthorne village and beyond is not likely to be problematic, especially considering the probable minor trip distribution.

- The Brunshaw Road / Brownside Road junction has an elevated 5 year PM peak Ratio Flow to Capacity (RFC) of 0.75 on the westerly Brunshaw Road arm (with included development). The roundabout junction will continue to (just) operate within capacity although the westerly Brunshaw Road arm is predicted to have PM peak RFC of 0.85, which is consider the absolute safe maximum. This is considered acceptable. Any additional development in the Brownside or Worsthorne area, beyond that factored in within the TA, is likely to see the junction hit capacity by 2021.
- Two sections of Brownside Road are throttled to single way working due to the presence of parked vehicles adjacent to the two terraced blocks immediately east of the river Brun Bridge. No alternative parking facility is available for residents. LCC has been unable to identify any additional traffic management measures, beyond those already instigated, which would be of sufficient benefit to merit introduction at this location however it should be noted that vehicles speeds into the area are controlled and low. Although not ideal, the two informal give way systems created by roadside parking discussed do operate safely.
- No contact has been received or complaints made to the County Councils Public Enquiry Message (PEM) system, regarding the operation of Brownside Road, or occurrence of on street parking in the vicinity of the discussed throttles.
- None of the facilities quoted in table 4.1 (of the TA) are within a desirable walking distance and a number are well beyond the 800m desired maximum. Additionally facilitates such as the Spar Shop / Tesco or Pharmacy are likely to see some residents wishing to return home directly. As a result these facilities are unlikely to see significant access by foot, given the combined two way journeys will easily exceed 2km distances. The site is not located within particularly attractive walking distance of local facilitates and as a result it is not located in a highly sustainable location likely to see significant use of walking as a travel option. Consequently additional efforts to encourage none car modus travel should be made in order to improve the sustainability credentials of the site.

#### Access

- The access proposal is via a give way controlled road junction onto the existing adopted highway of Brownside Road. There is no concern with regards conflicting vehicle movements.
- The access design and visibility splays comply with the relevant design guidance.
- Vehicle speeds from the traffic count did not raise any obvious concern.

#### Road Safety

- No injury collisions have been recorded in the last 5 years.
- In regards to the load bearing capacity of the river Brun Bridge, the road has been constructed to cater for all classes of vehicular traffic. The bridge is not restricted to an operational weight limit. There is no concern regarding access to the site by normal construction traffic.
- LCC would seek to minimise the increase of vehicular traffic passing through the area. The applicant will be expected to encourage the use of sustainable transport measures as per guidance provided within NPPF.

#### Sustainability

- The development site is not located in an area that could be considered highly sustainable. Consequently the developer will be expected to make every effort to improve the sustainability credentials of the site and encourage sustainable travel.

- The site location is served by a single bus service which has recently been reduced in frequency. LCC would seek a developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area.
- In order to encourage the use of public transport, the two existing Brownside Road bus stops should be upgraded to become Disability Discrimination Act (DDA) compliant. The applicant would be expected to upgrade this shelter to a modern unit in order to encourage residents to use the service.

In terms of the sustainability of the site, in terms of its location and accessibility, it is accepted that the site is accessible by public transport, albeit limited to typical working patterns of,

#### MONDAY TO FRIDAY

- Between 6.59am to 6.29pm (Worsthorne to Burnley Bus Station – No.1 Route TransDev), and
- Between 6.43am to 6.13pm (Burnley Bus Station to Worsthorne - No.1 Route TransDev).

And,

#### SATURDAYS

- Between 8.29am to 6.29pm (Worsthorne to Burnley Bus Station – No.1 Route TransDev), and
- Between 8.13am to 5.54pm (Burnley Bus Station to Worsthorne - No.1 Route TransDev).

The site is also within adequate walking distance of a number of amenities within Worsthorne itself, however beyond this it is unlikely that you would see significant use of walking as a travel option. That said, the site is not considered to be in an unsustainable location, especially given the above, however efforts to encourage none car modus travel would be required of the developer at a reserved matters stage to improve the sustainability credentials of the site.

The key point to consider in respect of national guidance is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe. Whilst the concerns of local residents are acknowledged, considering the access is acceptable and that the likely increase in vehicular traffic to and from the site will minimal, manageable within the existing highways network and therefore not be unacceptable, there is no material highway reason to refuse this application.

#### FLOODING / DRAINAGE

As this is an outline application, it is recognised that the final proposals for the formal surface water drainage strategy are yet to be finalised. The LLFA, UU and the EA have no objection to the proposed development subject to the inclusion of conditions requiring a formal surface water drainage scheme and management plan to be agreed in consultation with them, as well as details surrounding the proposed foul drainage details. Although they are satisfied at this stage that the proposed development could be allowed in principle, further information would be required at reserved matters stage to ensure that the proposed development can go ahead without posing an unacceptable flood risk. There is no material reason to refuse this application on grounds of flooding or drainage.

## ECOLOGICAL IMPACTS

The Council's Ecology consultant has raised no objection to the proposed development of the site in principle, and they have considered the surveys carried out to be appropriate and their findings acceptable. The NPPF requires sustainable developments to achieve a net gain in biodiversity and the proposed indicative landscape plans show proposed tree and hedgerow planting, with measures for habitat enhancement and protection before, during and after development recommended by the surveys submitted with the scheme. These features alongside other habitat enhancements would be welcomed and requested as being included in the final design of the scheme to contribute to the sustainability of the development in line with the NPPF and the Natural Environment and Rural Communities (NERC) Act 2006 were the principle accepted. Bearing this in mind, there are considered to be no material reasons to refuse this application on its ecological impacts.

## LAND CONTAMINATION

Policy E34 requires appropriate assessment, investigation and remediation measures of a suitable standard on contaminated sites. The Framework also states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner although decisions should ensure that the site is suitable for its new use.

A preliminary risk assessment has been submitted with the application. The report considers that based on the site history and the existing site conditions, risks from contamination and or ground gas are considered to be low. The report suggests that if approved, further survey should be carried out to determine the actual ground conditions and data to enable a quantitative assessment of potential risks. This will then outline any requirements for remediation and a strategy to implement them so that the proposed site can be made suitable for residential use. This could be dealt with through a suitable planning condition and as such there are considered to be no material reasons to refuse this application on these grounds.

## COAL MINING LEGACY

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the requirement for intrusive site investigation works to be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. As such, there are no materials reasons to refuse this application on these grounds.

## AFFORDABLE HOUSING

Local Plan Policy H5 advises that Affordable and Special Needs Housing will be sought where the site is in a rural settlement of 3000 or fewer population where the development is for more than 15 dwellings or of 0.5 or more hectares in site area, and that such developments will be expected to make provision for affordable and special needs housing by providing either:

- a) at least 10% of dwellings for rent, part rent/buy, or some form of subsidised purchase; Or:
- b) at least 10% of dwellings for those with special needs, including the elderly.

The need to be addressed will be assessed in conjunction with the applicant on a site by site basis.

The applicant has committed to the provision of new affordable housing to help address the identified shortfall within the local area to accord with adopted policy H5, and this would be detailed within any subsequent reserved matters application. As such, there are no material reasons to refuse this application on these grounds.

#### PUBLIC OPEN SPACE (POS)

Policy H7 normally requests POS on site if there are between 10-49 dwellings proposed, however where the POS is impractical or unusable the Council can negotiate a payment for a commuted sum of money for an area close by. In this case, whilst initially an area of POS was proposed as part of the application proposal, alongside the fundamental concerns surrounding the site in principle there were also concerns regarding its visual impact. This was based on it being an open area of landscaped / managed land that would likely to be suburban in feel; a significant contrast to the rural / agricultural feel of the site at present.

Discussions were had with the Head of Greenspaces on this matter, and it was suggested that the developer could offer a contribution towards either/or the development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub, or towards improvements towards Worsthorne Rec. In particular, the Burnley Green Spaces Strategy 2015-2025 (Children & Young People Provision) holds the absence of play provision in Brownside, Red Lees and Rowley residential areas as a key strategic need. The development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub is the preferred option.

The applicant has committed to a contribution and this would be detailed within any subsequent reserved matters application. As such, there are no material reasons to refuse this application on these grounds.

#### OTHER SECTION 106 CONTRIBUTIONS / PLANNING OBLIGATIONS

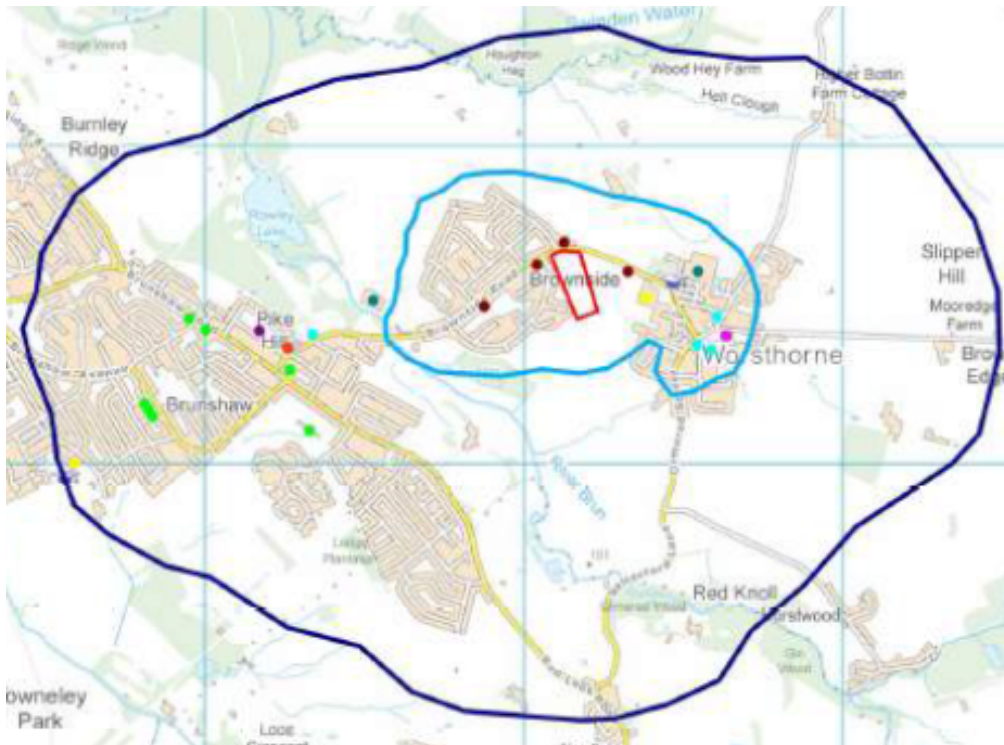
Contribution towards Public Open Space –

A contribution towards the development of a new play area on the Rowley land just off Brownside Rd below the Thornton Arms pub has been discussed with the developer in lieu of on-site provision, and the developer has committed to such provision at reserved matters stage should permission at outline be granted.

School Places –

At present, LCC have noted that they would be seeking a contribution towards the provision of 6 additional secondary school places. They will not be seeking a contribution for primary school places. This assessment represents the current position (as at 06/03/2017). The request would also be reassessed at reserved matters stage once detailed aspects of the proposal (in terms of the number of dwellings and number of bedrooms) are known. The developer has committed to such provision at reserved matters stage should permission at outline be granted.

## Improvements to Sustainability credentials –



800m (light blue line) and 2km (dark blue line) pedestrian catchment plan  
(including amenities within those distances)

National Planning Policy Framework (NPPF) paragraph 17 emphasises a need to "make the fullest possible use of public transport, walking and cycling" while para 35 emphasises a need to give priority to the creation of safe & secure layouts which minimise conflict between traffic, cyclists and pedestrian in essence actively managing patterns of growth". The development site is not located in an area that could be considered highly sustainable and as such the developer was made aware that they would be expected to make every effort to improve the sustainability credentials of the site and in particular encourage sustainable travel.

A developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area (The level of which will be decided based upon the number of dwellings proposed and will be assessed and clarified as part of a detailed matters application) has been agreed in principle by the developer. This includes the upgrading of the two existing Brownside Road bus stops to become Disability Discrimination Act (DDA) compliant in order to encourage residents to use the service, as well as contributions as part of a Travel Plan for the site to include bus and/or cycle vouchers and cycle storage for each new dwelling.

## OTHER MATTERS

Concern has been raised in respect of the impact of the proposal on residential amenity. Given the use of the field is for agriculture and only accessible to the eastern and southern boundaries via a Public Right of Way (the PROW is no longer directly affected by the proposal), and the loss of a view is not a material consideration, it would be difficult to quantify the level of impact on local residents amenity caused by

the development. Impacts on properties immediately adjoining and opposite the site would be dealt with at reserved matters. Users of the PROWs would be impacted to some degree by the development by virtue of the expansion of housing into the rural area, however given the PROW links two residential locations by a route of less than 200m and that the development no longer directly affects the PROW, I do not consider that the level of harm would be so significant that it would warrant a material reason to refuse the proposal. The greater harm is caused by the unacceptable coalescence between Brownside and Worsthorne the development would create, and the subsequent visual harm to the character and amenity of the local area.

The other common concern raised has been in respect of the capacity for school provision as a number of responses have highlighted that the school at Worsthorne is full to its maximum Pupil Admission Number (at present), and there is uncertainty as to where any additional pupils will be educated. Aside from the fact that this is an existing issue and that the likely increase in the number of pupils from this development will not be significant, the following must be considered.

As contained within the 'Admissions Policy' document available on their website, Worsthorne Primary School follows the statutory School Admissions Code of Practice and the statutory Appeals Code of Practice, and admission arrangements are done so in accordance with the Local Authority Guidelines. When the school is oversubscribed on parental preferences, the Policy advises that the Local Authority applies the following priorities in order:

1. Children in public care at the time when preferences are expressed and who are still in public care at the time of the offer of a school place, and those who have been previously looked after, then
2. Children for whom the Local Authority accepts that there are exceptional medical social or welfare reasons which are directly relevant to the school concerned, then
3. Children with older brothers and sisters attending the school when the younger child will start, then
4. Remaining places are allocated according to where a child lives. Those living nearest to the preferred school by a straight line (radial) measure will have priority.

Considering the above, if in the future the school were to be oversubscribed in terms of applications for the new intake at Reception, point 4 will ensure that remaining places are allocated according to where a child lives. Therefore, if new families move into the area in order for their children to attend the school the number of car borne journeys to/from the school would likely to decrease. On this basis, this would not be a sufficient material reason to prevent residential development from coming forward on this site.

## PLANNING BALANCE AND CONCLUSION

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The policy basis against which this scheme should be appraised is set out in the context of national and local development plan policies. At a national level the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Having considered the document 'Housing Land in Burnley 2016', published in October 2016, at present the LPA can demonstrate a 5 year supply of housing. The Local Planning Authority consider that the application should be considered in the context of the presumption in favour of sustainable development with the Policies of the Burnley Local Plan having overriding consideration.

The proposed site is a Greenfield site located wholly within the Rural Area albeit immediately adjacent to the Urban Boundary around Brownside. Policy H2 of the current Local Plan seeks to ensure that Brownfield land is redeveloped for housing before Greenfield development takes place, however for the purposes of this application the key Policy to consider is Policy GP2. Residential development on sites within the Rural Area does not generally accord with Policy GP2 as development on land within the Rural Area is limited as the report discusses earlier. Whilst the Local Planning Authority agree that in some circumstances local and national policy will support new housing in some rural areas, we do not support this proposal in this case.

As emerging policy, the revised development boundary and strategic policy can only be given limited weight but they highlight the Council's current thinking, in line with the NPPF, with regard to appropriate development boundaries and the scale of development appropriate to this location. The proposal is considered to be in direct conflict with both elements of the emerging Policy SP4 and is therefore unacceptable in principle.

Whilst being clearly contrary to the relevant local plan policies, as outlined earlier, we must also consider the scheme against the presumption in favour of sustainable development as well as assessing the harm caused by this proposal. We must then also consider whether there would be any benefits to approving the scheme that would significantly and demonstrably outweigh the harm caused by the proposal. All technical matters associated with the application have been agreed and there are no objections from technical consultees.

With regards to the visual impact of the proposed development, the Council have considered the views, considerations and conclusions of the submitted application, its supporting documents and further additional information. Burnley's surrounding open landscapes are one of the town's greatest assets. One of the key characteristics of this locality is the clear visual break between two residential areas as you travel from the dwellings at Brownside through to the village of Worsthorne. This is an important visual break between the two areas and the current and emerging Local Plans have ensured that this gap is designated, and therefore protected, as being within the Rural



Area. This reinforces the importance of this distinct separation between the urban area of Burnley and village of Worsthorne.



Whilst the amended proposal does to some extent lessen the impact and extent of the incursion into the open countryside, it still does not address our fundamental concerns about the principle of the development of a site within the rural area and the visual impact this will have, and that this change will be significant in the broader local context. The proposal is therefore also in conflict with Local Plan Policy E27 as it does not seek to protect the setting of the rural or urban settlement boundaries, and nor does it seek to protect the historic field patterns. The applicant has sought to overcome the above issues and concerns from local residents and the Council by reducing the proposed development in size and also by removing the proposed area of Public Open Space (with an offer of a contribution to upgrades elsewhere offered) in order to minimise the man-maintained urban sprawl into the countryside, however the fundamental concerns have not been overcome.

The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the government's view of what sustainable development in England means in practice for the planning system. There are three dimensions to sustainable development: economic, social and environmental, and these dimensions give rise to the need for the planning system to perform a number of roles. The NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The applicant outlines a number of social and economic benefits that the delivery of housing at the site will potentially generate, including

- Turnover and temporary employment for construction firms and related trades.
- The proposed development will generate 6.1 person years of temporary construction employment - equivalent to 6 construction workers being employed on a full-time basis for twelve months.
- The new housing will also generate additional demand by increasing household spending in the local area.

- Additional usage of services, such as the public transport network and local schools ensuring viability for these services.
- Receipt of New Homes Bonus.
- The new residential accommodation at Brownside will have a beneficial impact on the annual Council Tax receipts.
- A financial contribution will be provided to be spent on the enhancement, upgrading and general improvements to nearby areas of public open space, benefiting not only to the new residents but also the wider community.
- The scheme will also provide new market and affordable family housing in a suitable and sustainable location which will assist the Borough in addressing its housing shortage and demand.

Whilst these potential benefits do add some weight to the planning balance in favour of the developer, the question is whether the benefits significantly and demonstrably outweigh the harm caused by the proposal. The site is a 'Greenfield' site and as outlined within the report, the visual harm caused by this would be unacceptable within this locality. The scheme is therefore in conflict with existing and emerging Local Plan Policies and approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley thereby creating an unacceptable coalescence between Burnley and the village of Worsthorne.

Therefore, having considered the proposed development as now amended, all the submitted information provided by the developer, the responses from statutory consultees and local residents, the emerging local plan documents and following numerous visits to the site, on balance, the potential benefits provided by the scheme are not considered to significantly and demonstrably outweigh the harm caused by the proposal and as such the application is recommended accordingly.

### **Recommendation:**

That outline planning permission is refused for the following reason.

1. Approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley without sufficient justification, creating visual harm and an unacceptable coalescence between the urban boundary of Burnley and the urban boundary of the village of Worsthorne. The development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development. Approval of this development in principle would therefore be in conflict with Burnley Local Plan Policies GP2 and E27, as well as the NPPF which, among other matters, requires the protection and enhancement of the Borough's distinctive countryside, and the protection of the setting of urban and rural settlements.



Housing and Development  
Parker Lane Offices Burnley

Ref.

**APP/2016/0510**

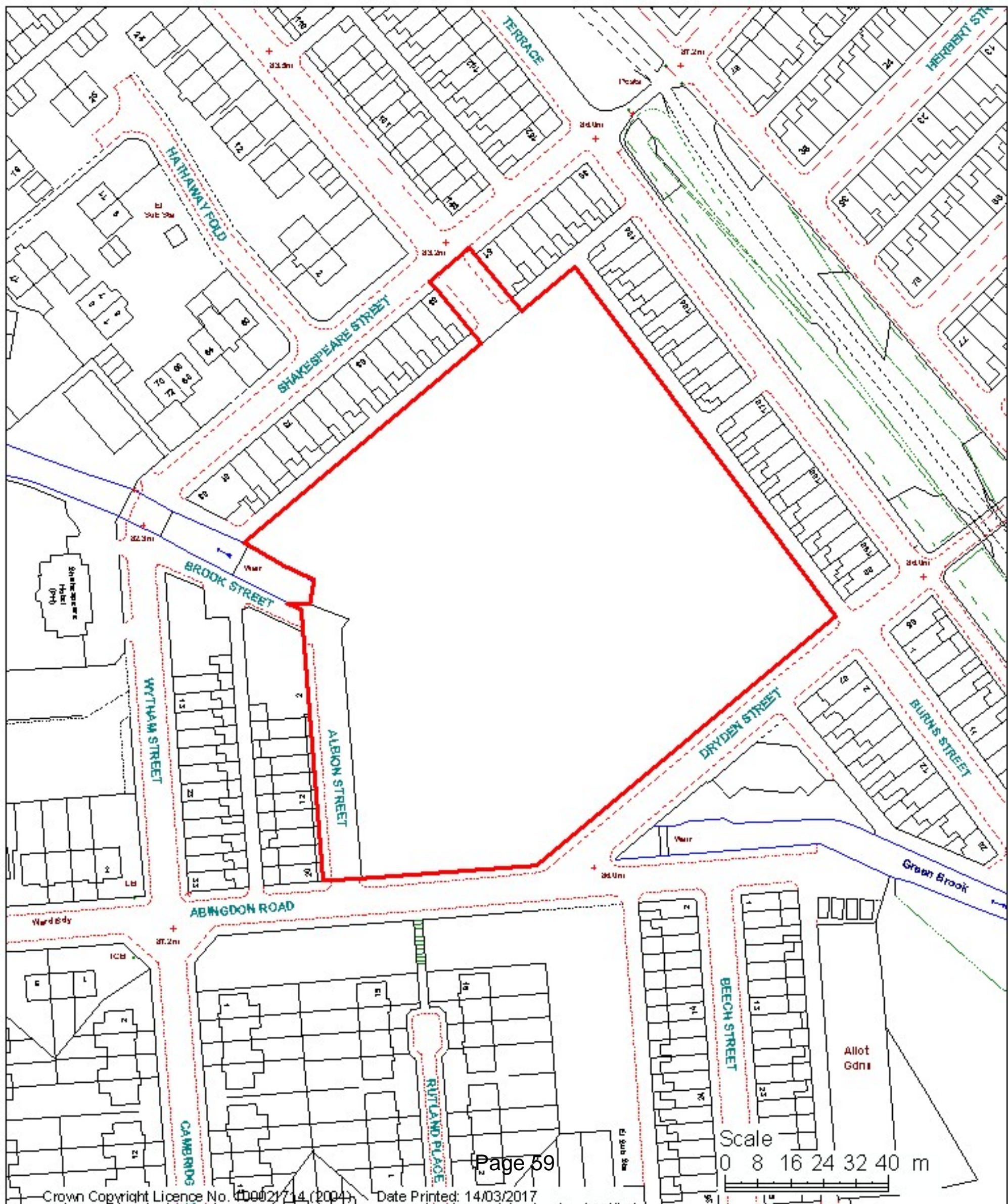
Paul Gatrell  
Head of Housing and Development

Location:

**Former Albion Mill Padiham**



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

**Background:**

The application was withdrawn from consideration at the last Development Control meeting in order to allow the applicant a further period to resolve issues relating to the on-site culvert with the Environment Agency.

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 row of eight flats that are proposed at the southern triangular shaped end of the site where car parking spaces would be accessed directly from Albion Street.

The application has been recently amended to allow for the re-opening of the Green Brook culvert that crosses the site. As a result of this, the layout of the scheme has been amended to site two storey flats at the southern end of the site which would have a frontage onto the re-opened 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

Following initial objections, the EA state that they are now satisfied with the amended layout that involves the re-opening of the culvert. Further comments are awaited on an amended Flood Risk Assessment and will be reported in the late correspondence prior to the meeting.

Local Lead Flood Authority (LCC)

Following initial objections, comments are awaited on an amended drainage scheme and Flood Risk Assessment. Any comments that are received will be reported in the late correspondence prior to 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

Comments are awaited on an amended ecological assessment that contains details of daytime assessment of bats and water voles to take into account the opening up of



the culvert through the site. Any comments that are received will be reported in the late correspondence prior to the meeting.

#### 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.

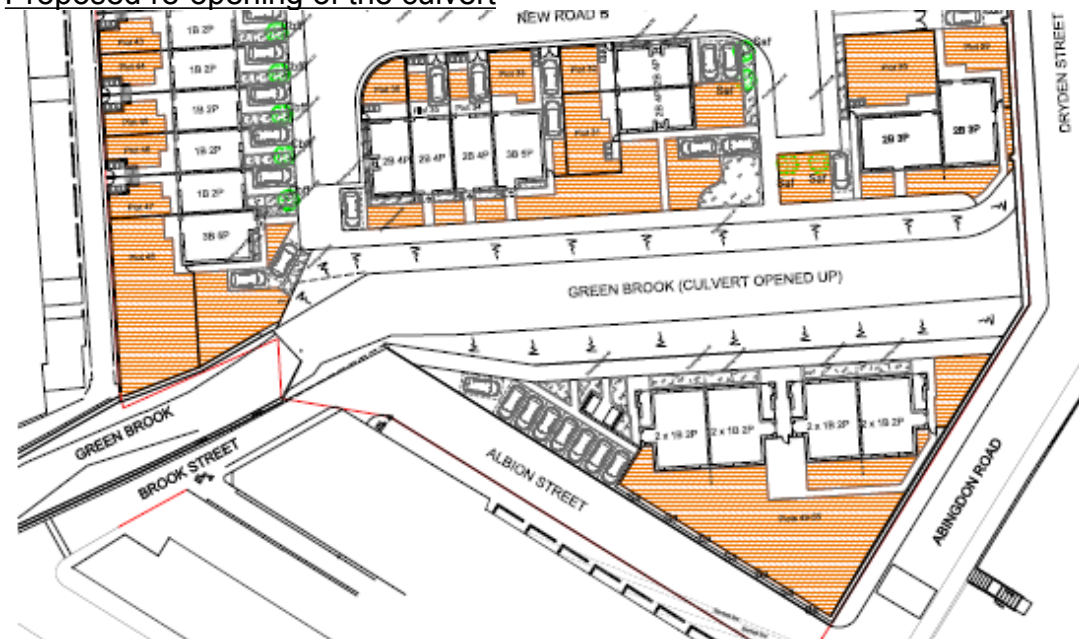
#### Impact on flooding and infrastructure

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 original 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 has been submitted. 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 previously 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). Following negotiations with the EA, the applicant has agreed to return to its original plans for the culvert which are to re-open the section of the culvert that passes through the development site. This would have the benefit of increasing its capacity, of preventing flooding from a potential future collapse of the culvert and creating a n attractive setting for the proposed dwellings. The EA confirm that they have no objections to the amended layout which is based on the opening up of the culvert.

#### Proposed re-opening of the culvert



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 Prohibition Order to stop up a section of 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.

#### 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. Issues relating to the culvert on the site have been satisfactorily dealt with by the applicant's agreement to its opening up.

## **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, 1713-010RevF, 1713-010RevFHatch, 1713-012.01RevC, 1713-012.2RevC, 1713-011RevC, 216-224/E01RevP8 and 216-224/D01RevP5, received on 10th March 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 13<sup>th</sup> March 2017.
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 and/or traffic prohibition orders to manage traffic 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, only be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment (prepared by TEP, reference 6038.002, dated February 2017), received on 8<sup>th</sup> March 2017.
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

13/3/2017

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Housing and Development  
Parker Lane Offices Burnley

Ref.

**APP/2017/0036**

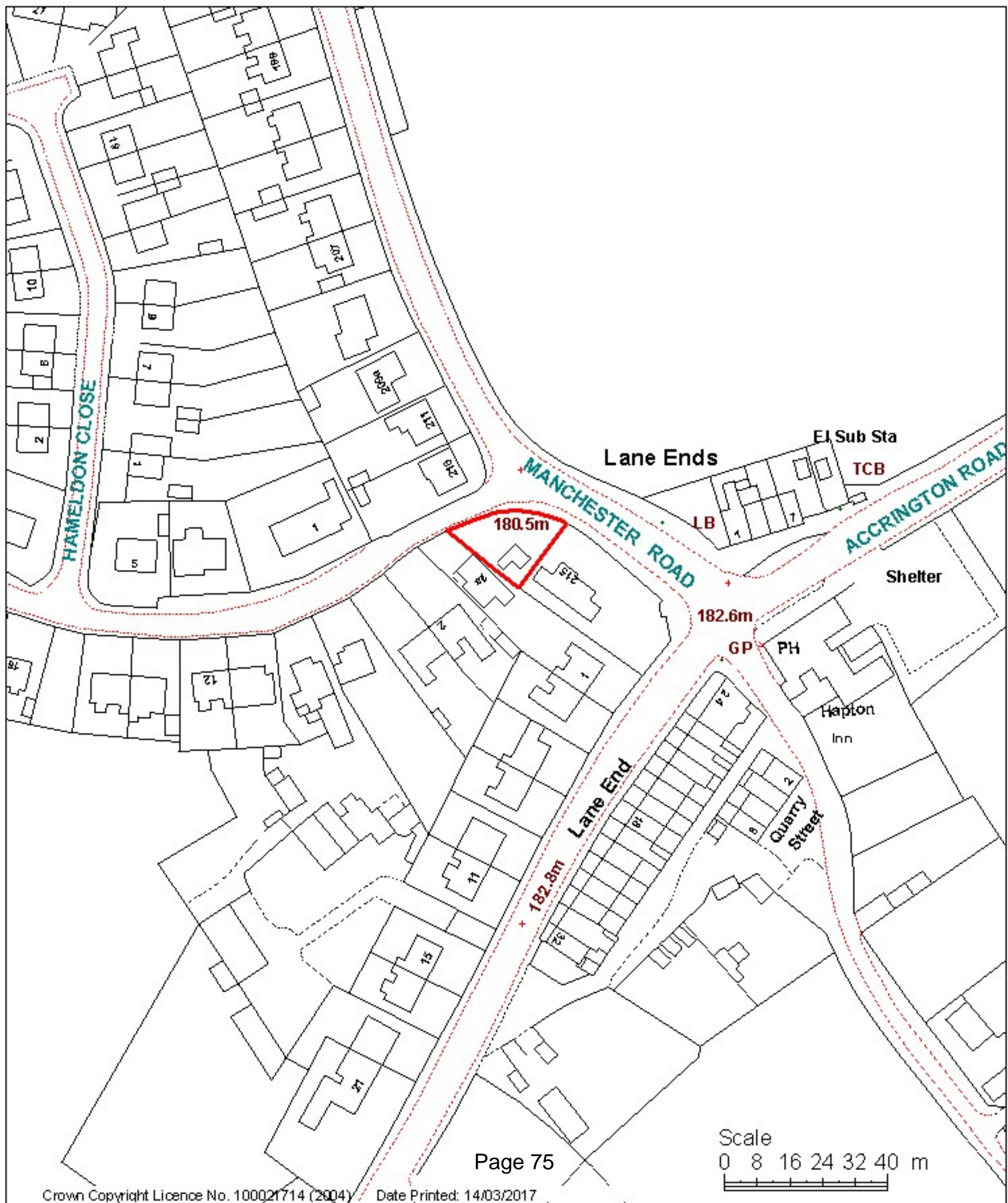
Paul Gatrell  
Head of Housing and Development

Location:

**215 Manchester Road Hapton**



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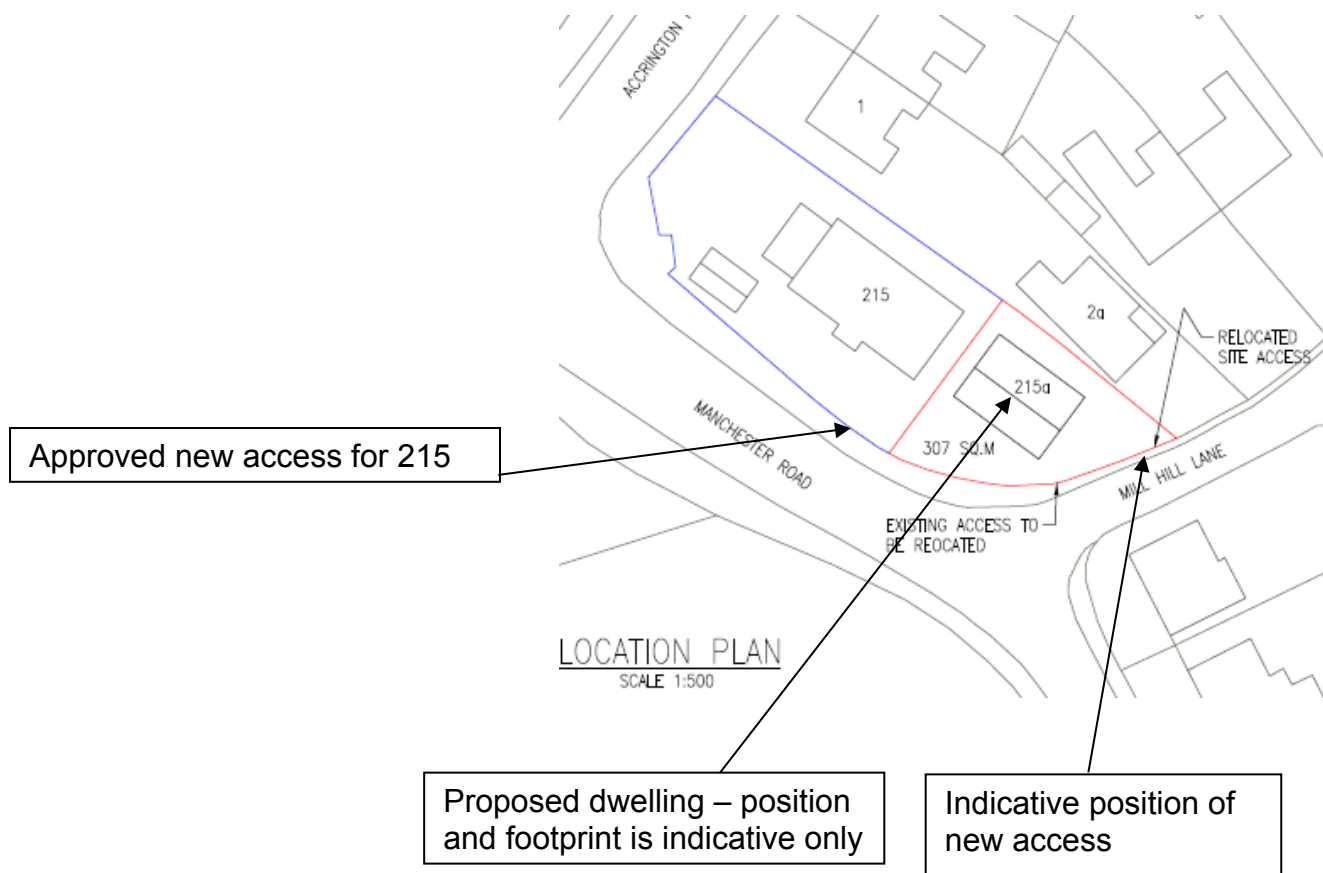
**Outline Planning Application**

Outline application for the construction of a new 3 bedroom dwelling (with all matters reserved for future approval).

215 MANCHESTER ROAD HAPTON BURNLEY

**Background:**

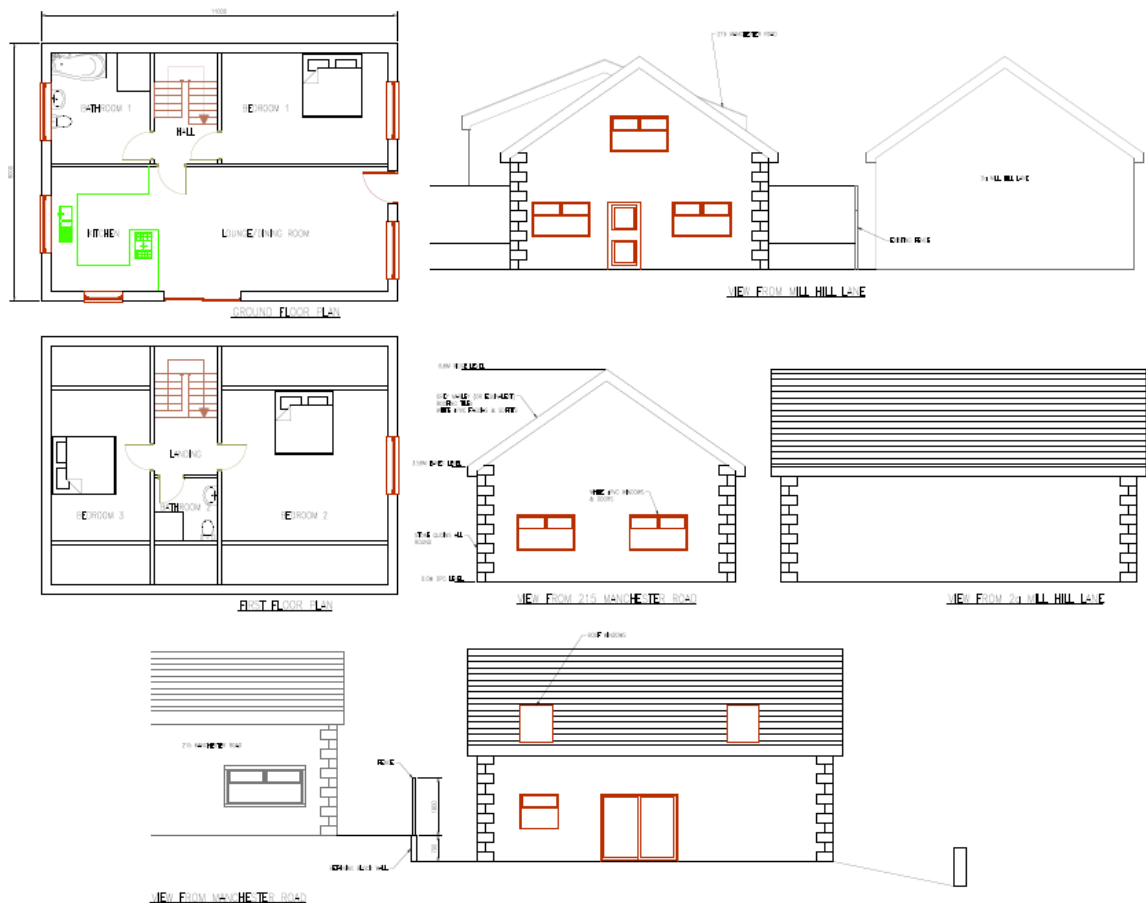
The proposal is for outline planning permission to erect a detached dwelling in part of the garden to an existing bungalow fronting Manchester Road close to its junction with Accrington Road. The proposed plot (0.03ha) is triangular in shape at the corner of Manchester Road and Mill Hill Lane. The proposal would involve forming a new vehicular access which is indicated to be from Mill Hill Lane. Planning permission has recently been granted for a new access and garage to serve the existing property which is to be altered and improved. The application is in outline only with all matters, that is, the access, layout, scale, appearance and landscaping, reserved for subsequent approval. The applicant has shown how a dwelling could be accommodated on the proposed plot (see below) but given that layout is a reserved matter, the details are for indicative purposes only and would therefore be considered at a later date.



The applicant has also submitted illustrative elevations which indicate that the proposed bungalow would utilise the roofspace to accommodate first floor bedrooms and would be in scale with the height of the existing dwelling.



Existing garage to be demolished



Relevant Policies:

## Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

H3 – Quality and design in new housing development

H14 – Gardens and backland development

E8 – Development and flood risk

TM15 – Car parking standards

### **Site History:**

12/83/0580 – Extension to dwelling. Approved November 1983.

12/83/0533 – Section 53 Determination of proposed extension. Planning permission required.

APP/2016/0501 - Proposed demolition of an existing single storey extensions, existing garage and erection of extension to front, left and new single storey garage. Approved December 2016.

### **Consultation Responses:**

#### LCC Highways

No objection; would advise that the layout should accommodate a minimum parking provision for two vehicles which should be able to enter and leave in forward gear.

#### Hapton Parish Council

Object on the grounds that the house is too large in a bungalow area and clarification on the access is needed.

#### Publicity

No comments received.

### **Planning and Environmental Considerations:**

#### Principle of proposal

Policy GP1 seeks to locate new development within the urban boundary, particularly where, amongst other things, in the case of previously undeveloped land, it is well located in relation to houses, jobs, other services, infrastructure and is accessible by walking, cycling and public transport. The proposed plot represents undeveloped land at a relatively accessible location to employment, services and public transport and would therefore, in principle, be acceptable. The main considerations relate to the impact of the proposal on the street scene and character of the area; residential amenities; and parking and highway safety.

#### Visual impact

Policies GP3 and H3 (relating to housing development ) require development to demonstrate good design and quality, taking account of the suitability of the overall design and appearance of the proposal, including the size, scale, density, siting and access in relation to surrounding buildings. Policy H14 states that proposals which will result in the loss of private gardens and backland for infill development will not be permitted unless it can be shown that the proposal would not adversely affect the character and amenity of the area.



In this case, the proposal does not represent backland development as the plot has a direct frontage onto Manchester Road and Mill Hill Lane. It would however lead to the loss of part of a private garden and an infill development at an edge of village location. The existing property does however have a large garden and would retain a spacious character set back from Accrington Road and Manchester Road. The indicative layout of the proposed dwelling has been amended to reduce the footprint of the dwelling in order to prevent a cramped appearance close to the junction of Mill Hill Lane and Manchester Road. Whilst this is for illustrative purposes only, it demonstrates that an infill development can be accommodated on the site which would not appear out of keeping with the spacing of the existing frontage development. The applicant has submitted illustrative elevations to indicate the height and scale of the development which would appear consistent with the existing property at 215 Manchester Road, although given this is a reserved matter, the suitability of its size and scale would be matters to consider as part of an application for the approval of reserved matters.

The applicant has demonstrated that the proposed plot is capable of providing an acceptable infill development that would not significantly detract from the character and appearance of Hapton village. The applicant should however be made aware that due to the corner position of the plot, it will be necessary to have a formal and attractive frontage to both Manchester Road and Mill Hill Lane.

#### Impact on residential amenities

Policy H3 permits new housing development where, amongst other things, the amenity of neighbouring properties is protected and the development minimises overlooking, and provides a reasonable degree of privacy and outlook. Objections have been received from a number of the neighbouring properties on the basis of a loss of daylight/sunlight, outlook and overlooking.

The applicant has indicated from the submitted illustrative elevations that the proposed dwelling would have a blank elevation to avoid overlooking onto the side of 2a Mill Hill Lane.

#### 2a Mill Lane – side elevation on boundary with proposed plot





There would be some overshadowing onto the side windows of this neighbouring property but the principal windows and a conservatory are to the front and rear and would not be significantly affected. A reserved matters application would need to make allowance in its design for the close proximity of 2a Mill Hill Lane as well as 215 Manchester Road. The outline application has however provided sufficient information to demonstrate that a new dwelling would in principle have an acceptable impact on neighbouring amenities.

#### Impact on parking and highway safety

Policy H3 requires new housing development to have adequate pedestrian access and car parking. Adequate access and parking for two cars would be provided within the site. Access is a reserved matter but the applicant has indicated that a new access would be provided directly off Mill Hill Lane. This would have the benefit of removing turning movements directly at the corner of the junction and is likely to improve highway safety conditions. Detailed drawings of the proposed access would be presented in a reserved matters application. At this stage, the outline application raises no objection in principle to the proposed new access.

#### Other issues

The site is in a low risk area to flooding and there are no other relevant issues relating to this outline application.

#### Summary

The proposed development represents an acceptable infill development at a sustainable location within an existing village location.

### **Recommendation: Approve in outline with conditions**

#### **Conditions**

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: BUT03/OUTLINE003, received on 16th January 2017. The following plans which have been submitted are for indicative purposes only: BUT03/OUTLINE002Rev1 and BUT03/OUTLINE001Rev1, received on 9th March 2017.

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 the dwelling 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.
6. The Reserved Matters submission shall include details of all boundary treatment to be carried out on the perimeter boundaries of the site. The approved details of perimeter boundary treatment shall thereafter be carried out and completed prior to the approved dwelling is first occupied.
7. Prior to the commencement of any development, a scheme for the disposal of surface water and foul water for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented in full and completed prior to the approved dwelling being first occupied. The completed approved surface water and foul water drainage scheme shall thereafter be retained at all times in the future.
8. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.

## **Reasons**

1. The permission is an outline planning permission.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
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 a satisfactory appearance to the edges of the development, having regard to the site's surroundings, in accordance with Policies GP3 and H3 of the Burnley Local Plan (2006).
7. To ensure adequate drainage for the site, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The drainage scheme is required to be submitted prior to the commencement of development to ensure that the first elements of any approved scheme can be implemented at the appropriate stage during the course of the development of the site.

8. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

JF 13/3/2017

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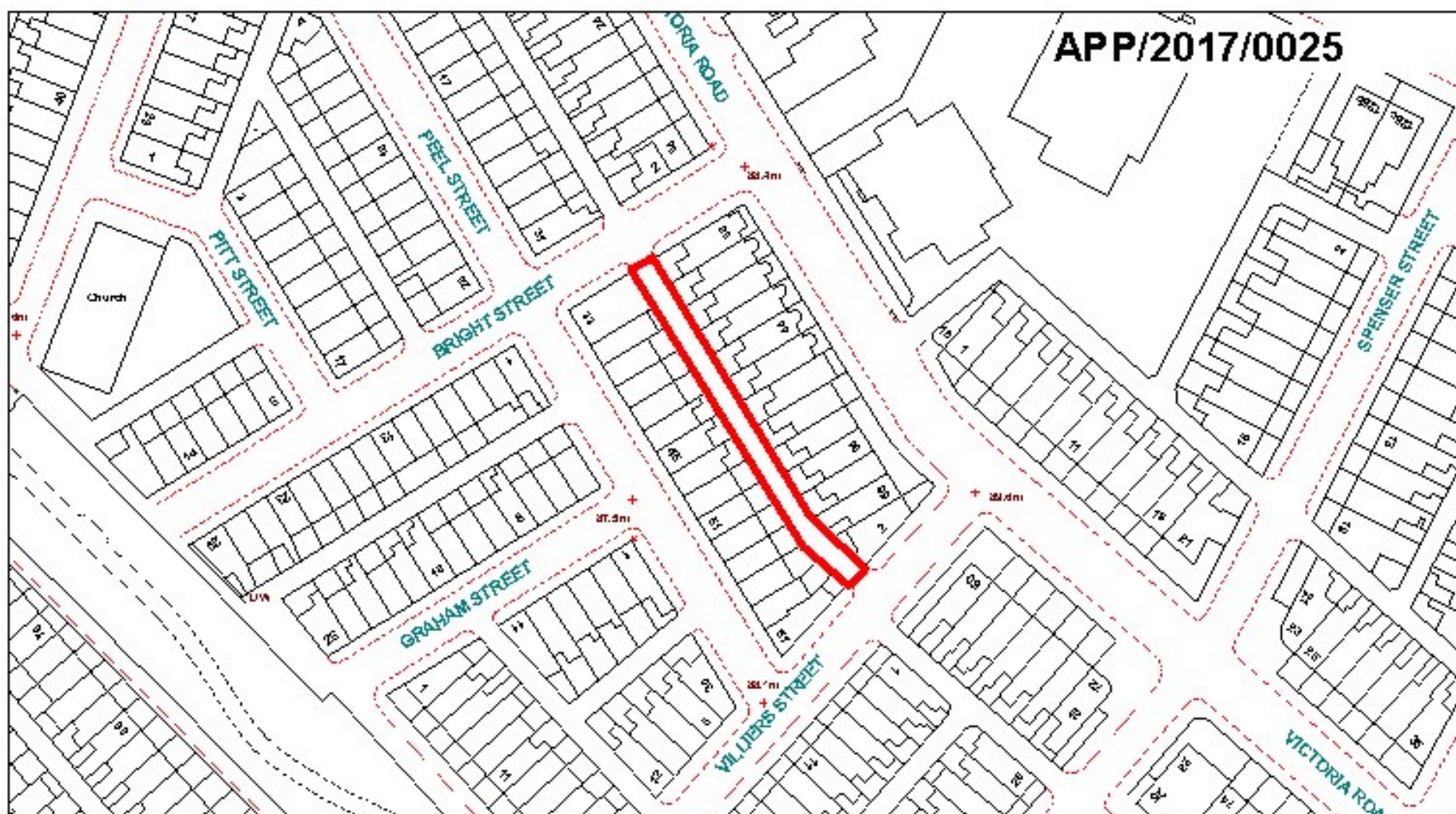


Housing and Development,  
Parker Lane Offices Burnley

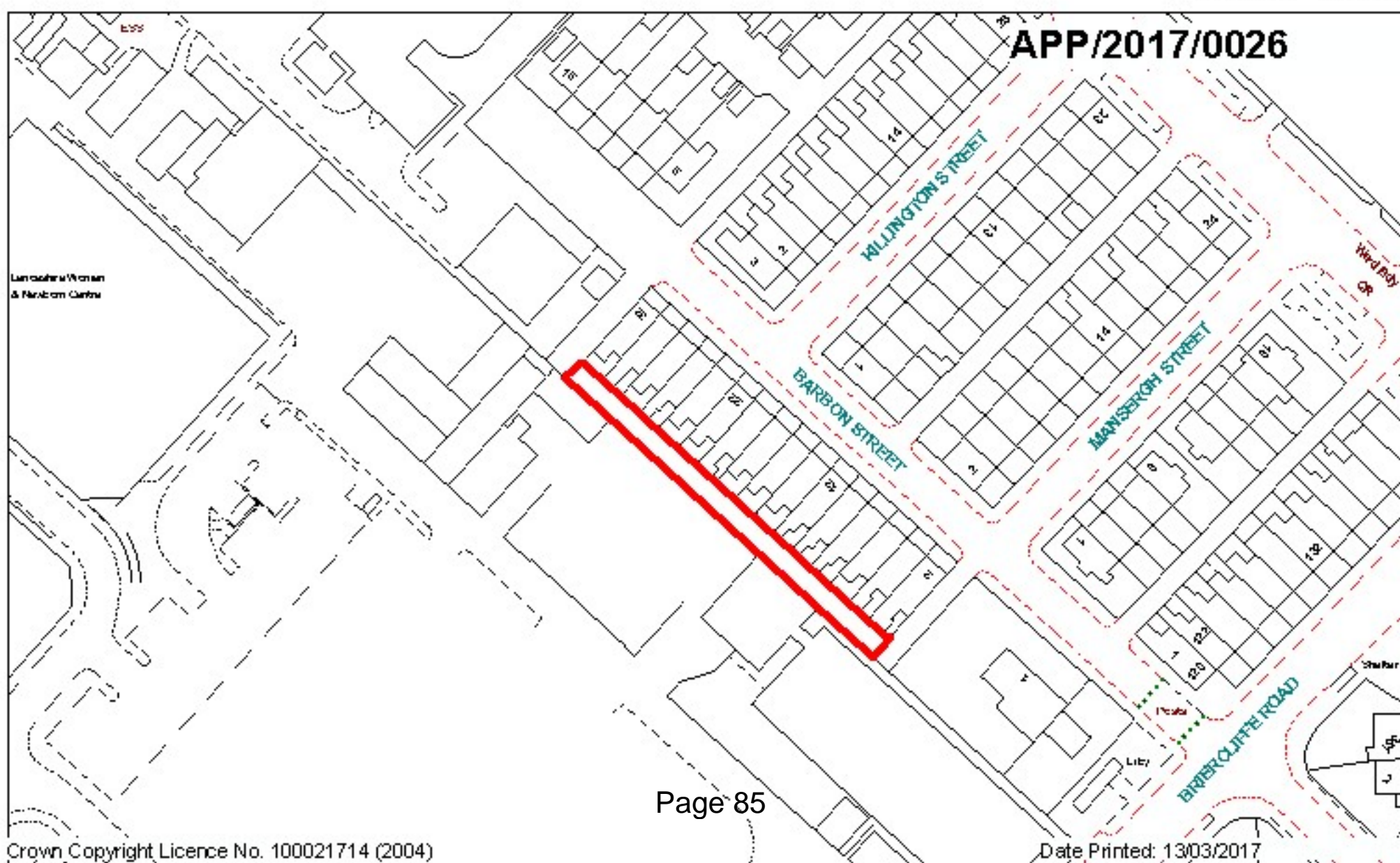


Paul Gattrell  
Head of Housing and Development

## Peel Street, Victoria Road Padiham



## Barbon Street





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# Alley-gating applications for Committee

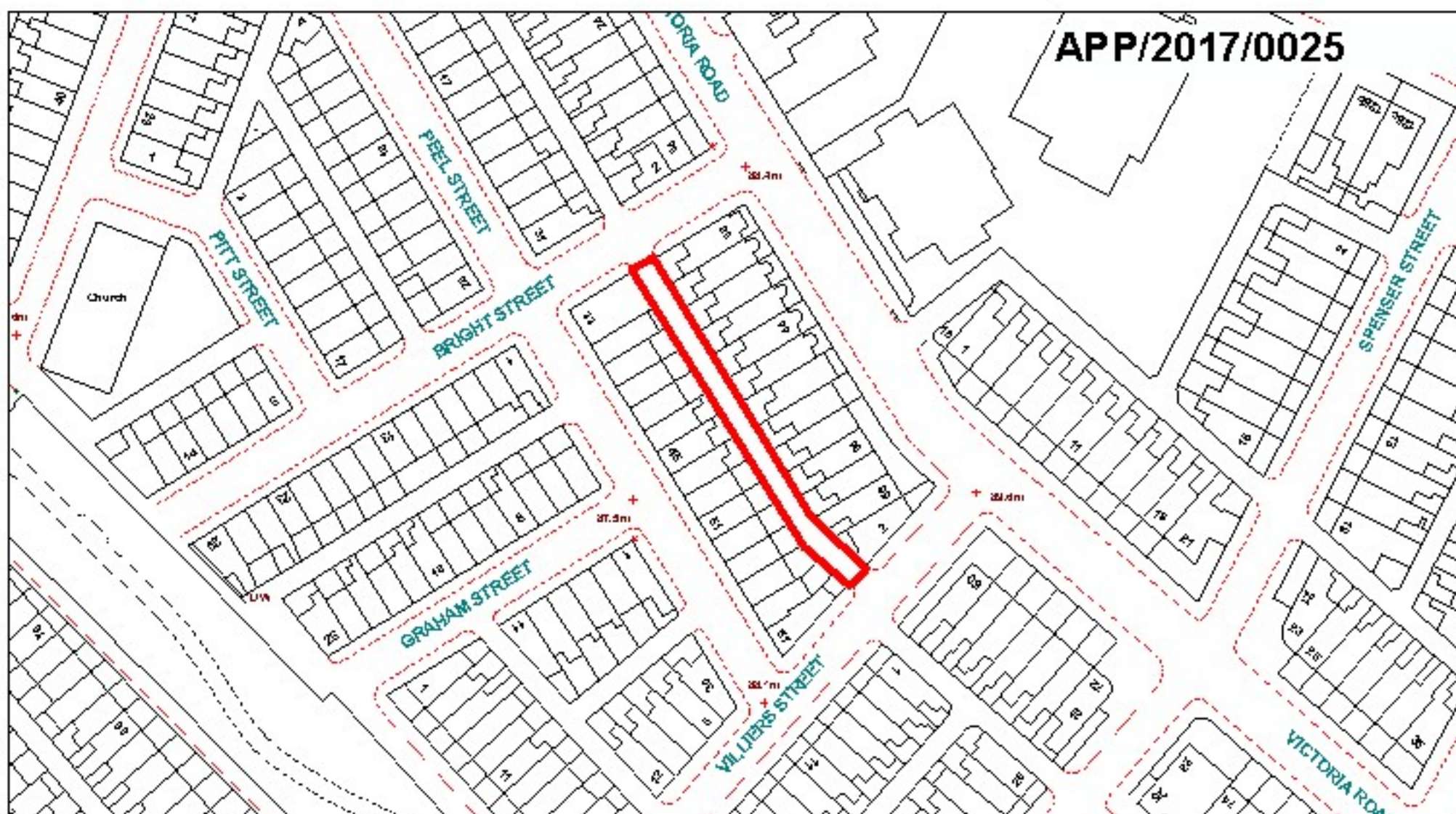
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Parker Lane Offices Burnley

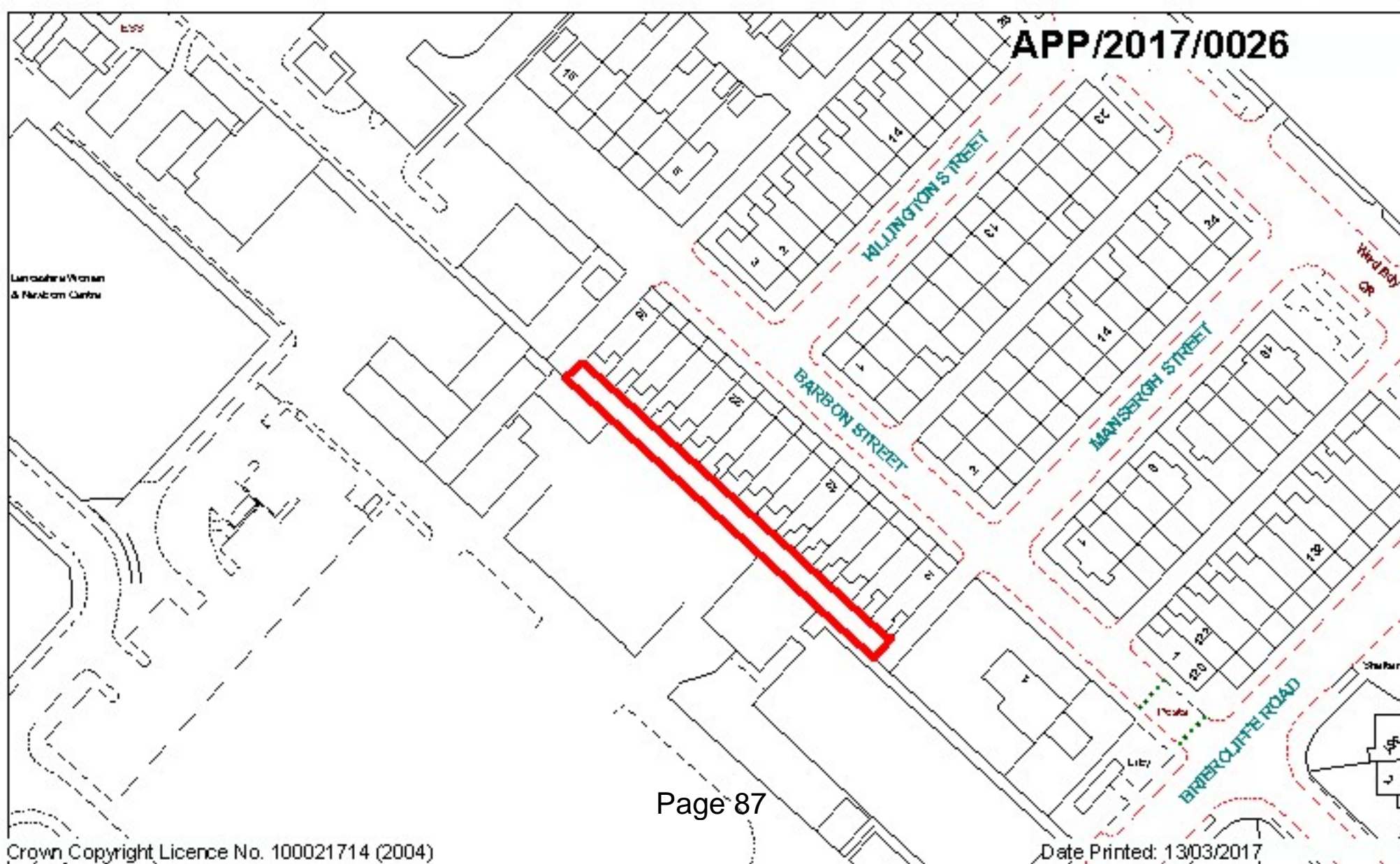


Paul Gattrell  
Head of Housing and Development

## Peel Street, Victoria Road Padiham



## Barbon Street





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## **Application Recommended for APPROVAL**

**Ward(s):** Gawthorpe, Queensgate, AND Gannow

### **Full Planning Applications for various alleygating schemes.**

APP/2017/0025 – 2no. sets of 2m high gates

REAR OF 33-61 PEEL STREET & 36-58 VICTORIA ROAD, PADIHAM

APP/2017/0026 – 2no. sets of 2m high gates

REAR OF 2-32 BARBON STREET, BURNLEY

APP/2017/0034 – 3no. sets of 2m high gates

REAR OF 40-78 MILTON STREET, 1-35 HERBERT STREET, 92-102 VICTORIA ROAD, PADIHAM

APP/2017/0038 – 3no. sets of 2m high gates

306-316 PADIHAM ROAD, 15-27 CARTER STREET, 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.

### **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.



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*  
*23 February 2017*

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

23<sup>rd</sup> March 2017

Housing and Development

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## **Delegated Decisions from 06/02/17 to 05/03/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
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### **Express Consent to Display an Advertisement**

#### **Advert Consent Granted**

APP/2016/0563	12 MANCHESTER ROAD BURNLEY BB11 1JH	Display of 2 fascia signs (individual letters with halo effect lighting) and 1 hanging sign
APP/2016/0576	318 PADIHAM ROAD BURNLEY BB12 6ST	Display of illuminated signage (static and externally illuminated)
APP/2016/0582	135 139 BURNLEY ROAD PADIHAM BB12 8BA	Display of internally illuminated fascia sign

### **Compliance with conditions**

#### **Conditions discharged**

APP/2017/0002	LAND BOUNDED BY RECTORY ROAD / HOLME ROAD AND GROSVENOR STREET BURNLEY	Approval of details reserved by condition on approval of reserved matters APP/2014/0397: Condition 4 (Construction method statement).
APP/2017/0041	St Johns C of E Primary School Burnley Road Cliviger Burnley BB10 4SU	Approval of details reserved by condition on planning permission APP/2015/0527: Condition 3 (alteration of yard area at rear of school building to form 5 space car park).

#### **Conditions partially discharged**

APP/2016/0539	Land off Former Peel Mill Gannow Lane BURNLEY	Approval of matters reserved by condition of planning permission APP/2015/0423: Conditions 5 (finished ground floor levels), 6 (mining legacy), 7 (remediation of contaminated ground and ground gas protection), 8 (Construction Management Plan), 9 (foundations, excavations and works method in relation to Canal), 10 (external appearance of buildings and outdoor areas) and 11 (access scheme); relating to proposed residential development of former Peel Mill site and erection of 94 residential dwellings
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### **Full Planning Application**

#### **Full Planning Permission Granted**

APP/2016/0557	POTTERY FARM THE LONG CAUSEWAY CLIVIGER BB10 4RP	Proposed detached garage/workshop
APP/2016/0566	POTTERY FARM THE LONG CAUSEWAY CLIVIGER BB10 4RP	Proposed change of use from 1 dwelling house into 3 separate dwelling houses



## **Delegated Decisions from 06/02/17 to 05/03/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2016/0580	6 MILL HILL LANE HAPTON BURNLEY BB11 5QU	Proposed single storey rear extension and alterations to existing dwelling.
APP/2016/0585	LIGHT BIRKS COTTAGE BURNLEY ROAD CLIVIGER BB10 4SX	Removal timber garage, workshop, store and erect a new steel clad building with replacement garage, store and hobby workshop building
APP/2016/0589	11-15 ORMEROD ROAD BURNLEY	Proposed change of use of 15 Ormerod Road from dwellinghouse to extend the residential care home of 11-13 Ormerod Road. Infill to rear with conservatory and enclosure of existing car parking space with a boundary wall.
APP/2017/0004	THE KESTRELS MANCHESTER ROAD DUNNOCKSHAW BB11 5NT	Proposed rear link conservatory to dwelling
APP/2017/0006	236 BRIERCLIFFE ROAD BURNLEY	Proposed alterations to existing garage
APP/2017/0007	23 FIFTH AVENUE BURNLEY BB10 1YA	Proposed first floor side extension over existing garage.
APP/2017/0009	UNIT 6 BURNHAM CLOSE BURNHAM BUSINESS CENTRE BURNLEY BB11 4AJ	Separation and change of use of existing unit to two B8 units, one with ancillary trade counter.
APP/2017/0010	14 ST JAMESS STREET BURNLEY BB11 1NG	Proposed change of use from A1 (retail) to A3 (cafe/bar)
APP/2017/0014	16 WOODLANDS GROVE PADIHAM BURNLEY BB12 8JT	Proposed demolition of existing single storey side offset and construction of new two storey side extension.
APP/2017/0044	Land at Woodland View BURNLEY ROAD HAPTON	Proposed erection of an agricultural building
APP/2017/0046	1 FIFTH AVENUE BURNLEY BB10 1YA	Proposed single storey extension to rear
APP/2017/0048	4 BROWNSIDE ROAD WORSTHORNE BURNLEY BB10 3JU	New shopfront and new ramped access

### **Full Planning Permission Refused**

APP/2016/0573	LAND TO REAR OF 164 OXFORD ROAD BURNLEY BB11 3HB	Proposed erection of 2 no. 2 bedroom dwelling houses with courtyard gardens.
APP/2017/0001	DEERPLAY INN BURNLEY ROAD CLOUGH BOTTOM CLIVIGER OL13 8RD	Proposed agricultural building

## **Delegated Decisions from 06/02/17 to 05/03/17**

APPLICATION NO

LOCATION

PROPOSAL

### **Listed Building Application**

### **Listed Building Consent Granted**

APP/2017/0011

14 ST JAMESS STREET  
BURNLEY BB11 1NG

Proposed alterations in connection with change of use to cafe/bar

### **Work to trees covered by Tree Preservation Order**

### **Work to TPO trees granted**

APP/2017/0055

39 DEEPPDALE DRIVE BURNLEY  
BB10 2SD

Application to remove a Horse Chestnut Tree covered by the Burnley (Marsden) Tree Preservation Order 1972.

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions  
**For Information**

23<sup>rd</sup> March 2017

Housing and Development

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## **DEVELOPMENT CONTROL COMMITTEE**

Date: 23rd March 2017

### **PART III**

The Town and Country Planning (Tree Preservation) ( England) Regulations  
2012, SI No. 605  
Appeal by Mr S Wilding

Tree application APP/2016/0318 – Coal Clough House, Coal Clough Lane,  
Burnley (adjacent to 2 Netherby Street, Burnley).

The appeal was made against the refusal to grant consent to fell two trees protected by the (Coal Clough House, Coal Clough Lane No.2) Tree Preservation Order 2000.

The appeal was dealt with under the WRITTEN REPRESENTATIONS procedure and was **DISMISSED**.

Officer Recommendation – Refused under the Council's Scheme of Delegation.

Relevant Policy - Local Plan Second Review Policies: – E6–Trees, hedgerows and woodlands.

1. The Inspector considered the main issues to be (1) the effect of the proposed work upon the character and appearance of the locality (2) whether or not there is sufficient justification for the proposed work. He noted the following:
2. The mature tree cover and vegetation at Coal Clough House provides a welcome visual break and adds interest to the locality. The appeal trees are part of a protected group located between Coal Clough House and the adjacent property, no.2 Netherby Street. The Whitebeam is covered with ivy and there is indication of some pruning. Nonetheless, I concur that the trees appear healthy with no obvious sign of decay.
3. The appeal trees project above rooftops. They make a significant visual contribution to the group due to their shape and structure. They provide a soft landscape setting and accentuate the verdant quality of the plot. In short and medium-distant views from Netherby Street and Nairne Street, parts of the trees are clearly visible. They are likely to be noticeable in views from properties. While I do not afford such private views the same weight as those from public viewpoints, these views can contribute to the area's overall character and how people living within it perceive and enjoy their local environment.
4. Individually and as part of a group, the appeal trees provide a reasonable degree of public benefit. Felling them would open up a wide

gap in views from public vantages. Any replacements would take considerable time to mature. Removal has the potential to erode the verdant setting and appearance of Coal Clough House in this compact urban area. I therefore find that the work would seriously undermine the aesthetic value of this group of trees and cause significant visual harm to the character and appearance of the locality.

5. Mr Wilding claims that the trees should be felled because they are a nuisance. He suggests they adversely affect his property given the lack of tree maintenance. Leaves have caused drains to block resulting in water ingress into the building. Excessive honeydew and larvae droppings cause upset and angst because the driveway is full of residue and it affects its use. However, it should be borne in mind that leaves from the trees will be shed each year and to this extent they are no different from any other tree. The shedding of debris is a normal and natural process and is an unavoidable consequence of having trees close to one's property. I am afraid that the evidence presented does not sufficiently show shed foliage for the trees is so excessive a nuisance. I am not satisfied that the management of Mr Wilding's property is to such an unreasonable extent that the felling of the trees is warranted on these grounds.
6. Mr Wilding is concerned about perceived damage to a retaining boundary wall. There is no expert evidence, for example, a structural engineer or tree report, to indicate the trees are adversely affecting the wall by root penetration. I recognise that year on year as the trees' girths grow the pressure on the wall would also increase. However, given the age of the wall and its location, its structural failure could be down to general wear and tear or lack of maintenance and these factors have not been properly investigated.
7. On the available evidence, I am not persuaded that the impact of the trees on the wall is a strong enough reason to remove them. On the second main issue, I find the evidence presented does not sufficiently provide justification for the proposed work.
8. Having regard to all other matters, I conclude that the appeal should fail.

### ***Conclusion***

9. Having taken into account all matters raised, the inspector concluded that the appeal should be **DISMISSED**.

### **Background Papers**

Tree Application file APP/2016/0318. The above papers are available for inspection from Housing and Development Control, Contact Burnley, 9, Parker Lane, Burnley, BB11 2DT (Telephone 01282 425011 Extension 3293).



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