

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 29th June, 2017  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 29th June, 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**

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

**3. Additional Items of Business**

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

**4. Declaration of Interest**

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

**5. Exclusion of the Public**

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

**6. List of Deposited Plans and Applications**

5 - 6

To consider reports on planning applications for development permission:

- |    |  |         |
|----|--|---------|
| a) | <b>APP/2016/0341 - Plot 5 Widow Hill Road, Heasonford Industrial Estate, Burnley</b> | 7 - 24  |
| b) | <b>APP/2016/0263 - Land south of New Barn, Billington Road, Hapton</b>               | 25 - 42 |
| c) | <b>APP/2017/0195 - The Conifers, Gorple Road, Worsthorne</b>                         | 43 - 50 |

d)	<b>APP/2017/0142 - 46 Church Street Burnley</b>	51 - 60
e)	<b>APP/2017/0250 - Land off Cairo Street, Burnley</b>	61 - 68
f)	<b>APP/2017/0219 - Thompson Park, Ormerod Road, Burnley</b>	69 - 80
g)	<b>APP/2017/0252 - Land at Towneley Park, Burnley</b>	81 - 90
h)	<b>APP/2017/0206 - Padiham Leisure Centre, Park Road, Padiham</b>	91 - 96
<b>7.</b>	<b>Decisions taken under the Scheme of Delegation</b>	<b>97 - 102</b>

To receive for information a list of delegated decisions taken since the last meeting.

**MEMBERSHIP OF COMMITTEE**

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

**PUBLISHED**

Wednesday, 21 June 2017

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

29<sup>th</sup> June 2017

Housing and Development

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Housing & Development  
9 Parker Lane

Ref.

**APP/2016/0341**

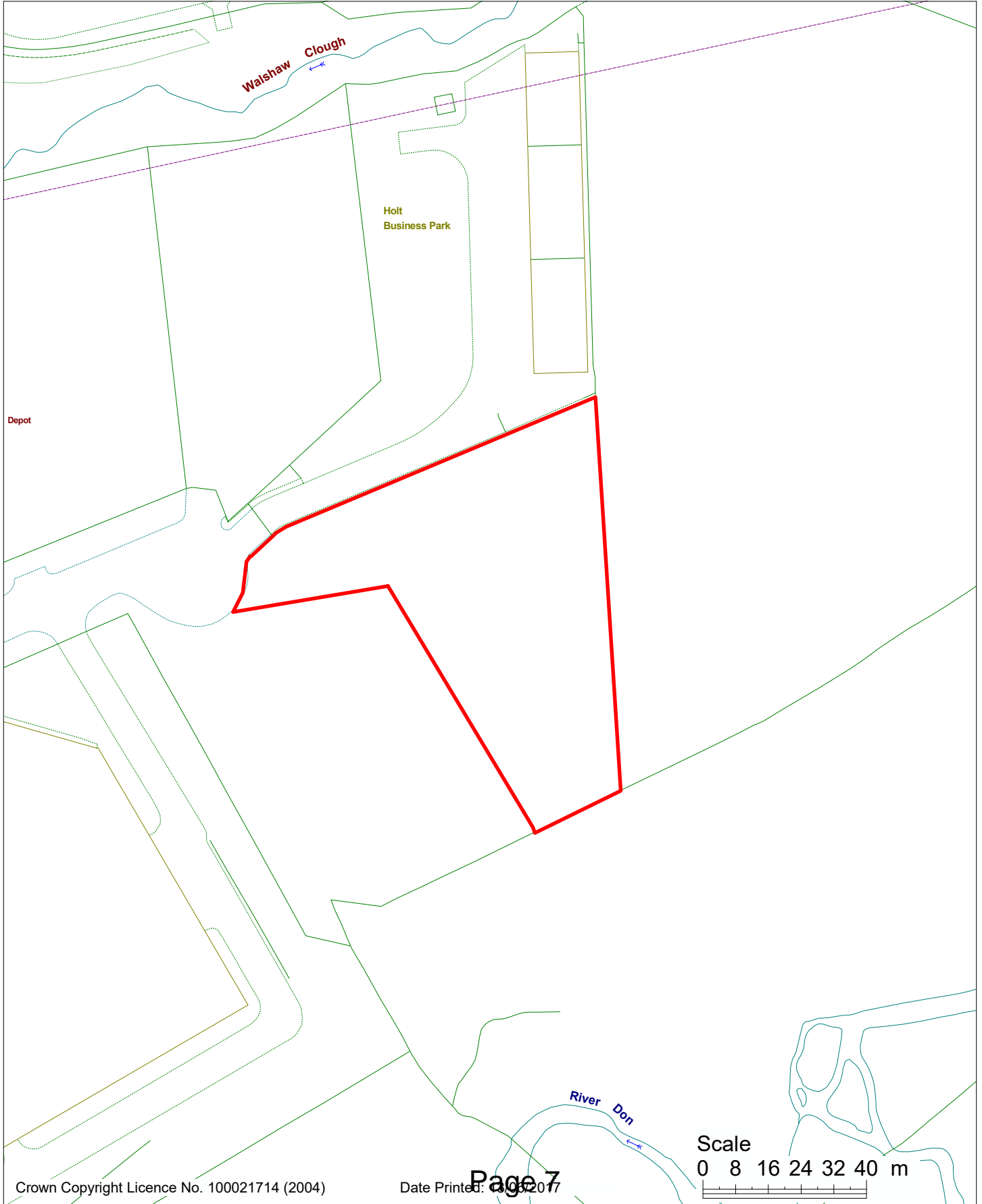
Paul Gatrell Head of Housing and Development

Location:



## Plot 5, Land at Widow Hill Road, Burnley

1:1250



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Full Planning application

*a) Proposed car showroom with associated offices; internal/external parking provisions; covered car port area & other works.*

*b) Proposed erection of 3no. units (Use Class B1/B2/B8)*

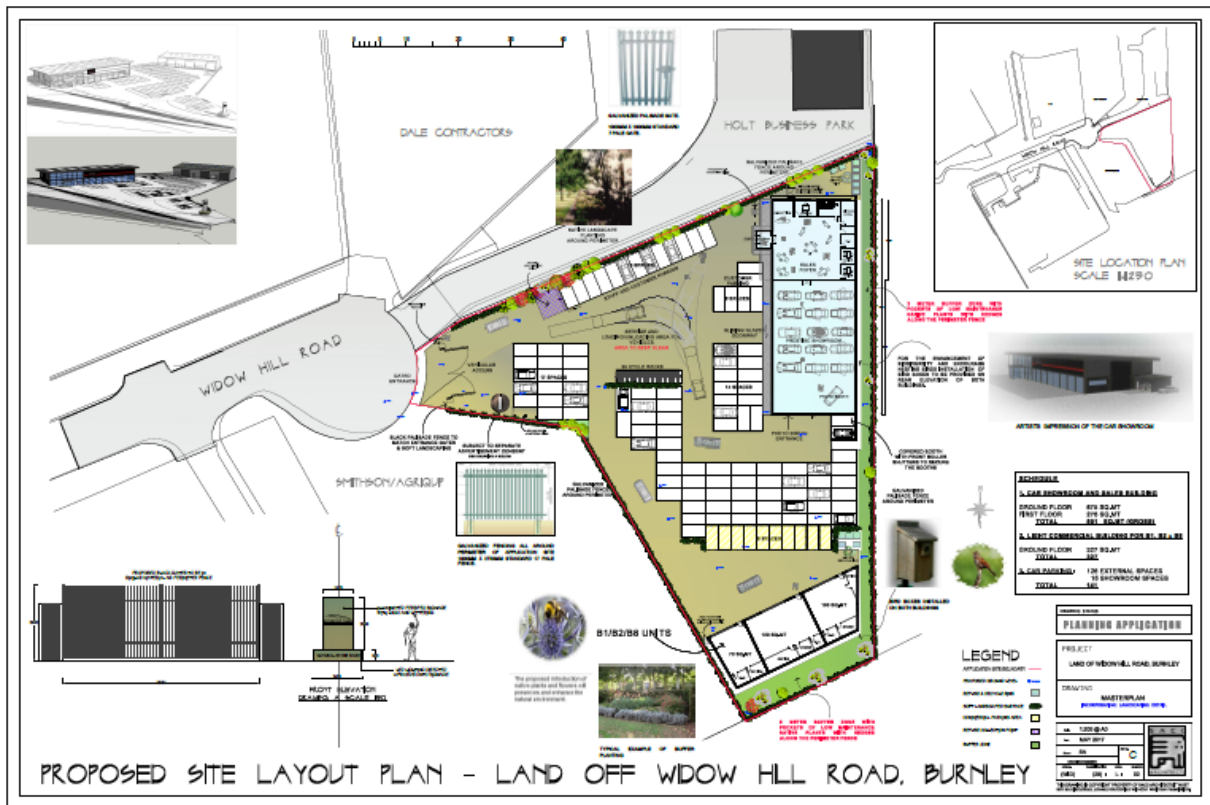
Plot 5, Land at Widow Hill Road, Heasandford Industrial Estate, Burnley

**Background:**

The main flagship development proposed on the site is a bespoke car showroom which would comprise a total floor space of 951m<sup>2</sup>. The applicant is intending to relocate an existing business in Habergham Mill (Red Rose Cars Ltd) due to rapid growth and expansion. The application also seeks planning permission for the erection three industrial units, comprising a total floor space of 327m<sup>2</sup> for business, general industrial and storage/distribution uses (Use Class B1, B2, B8).

The application site, of 1.3 acres, is located on the easterly edge of the Heasandford Industrial Estate which is surrounded by a number of businesses operating within the mixed use of B1, B2 & B8 use classes.





The site is triangular in shape and the car showroom development would be positioned along the eastern boundary to the rear of the site which is significantly elevated from the road level. The building is of a modern design and will be constructed with insulated panels, glazing with aluminium framing system and corrugated coated metal sheeting for the roof.

The industrial unit development will be located to the southern boundary and comprise three units. They would be constructed with a masonry plinth and steel cladding above.

The application sets out that the development proposal, as a whole, would approximately expect to provide in the region of 38 jobs.

The land is currently owned by the Council and will be sold subject to approval of planning permission.

Objections have been received to the application in respect of the off-site compensation for the net loss of biodiversity.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

GP5 – Access for All

GP6 – Landscaping and Incidental Open Space

GP7 – New Development and the Control of Pollution

GP9 – Security and Planning Out Crime

E3 – Wildlife links and corridors

E4 – Protection of other features of ecological value

E5 – Species protection

E6 – Trees, hedgerows and woodlands

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

EW5 – Development and Improvement of Major Industrial Estates

TM15 – Car parking standards

National Planning Policy Framework (NPPF)

Wildlife and Countryside Act 1981

**Site History:**

No relevant history

**Consultation Responses:**

1. Lancashire County Council (Highway Authority) comments that the development is unlikely to generate any highway concerns and the revised Master Plan Rev C is now acceptable therefore no objections are raised to the proposal.

The proposal will not have any adverse impact to the Public Right of Way to the rear of the site.

2. The Coal Authority

The Coal Authority concurs with the recommendations of the Exploratory Investigation (dated 19 October 2016, produced by Worms Eye); 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 Coal Authority 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 the areas of shallow mine workings to ensure the safety and stability of the proposed

development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of intrusive site investigations for approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and
- \* Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

3. United Utilities - comment as follows:

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

*Drainage Conditions:* United Utilities have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water

**Condition 1**

Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

Surface Water

**Condition 2**

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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 development shall be completed in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

4. Lancashire Wild Life Trust - object to the application on the following grounds

- The application is not compliant with the paragraph/requirement 165 of the National Planning Policy Framework (NPPF), i.e. Planning decisions “*should include an assessment of existing and potential components of ecological networks*”. Lancashire Environment Record Network (LERN) has produced ecological network habitat maps for Lancashire and these are available at the Borough and other levels. The planning application does not take account of potential impacts on the network, discuss the conservation of the components and/or identify opportunities for restoration and enhancement of the ecological network(s) and their functionality. Approval of the application as it stands would be contrary to the requirements of the NPPF.
- It is acknowledged that the application would result in the destruction of approx. 0.5ha of semi-improved neutral grassland, which forms part of the Heasandford District Wildlife Site (DWS).
- The application does not deliver a net gain in nature as required by paragraphs 9 and 109 of the NPPF. The application will result in a net loss in biodiversity in terms of the area and boundary of the Heasandford DWS, and the area of neutral grassland, which is a Habitat of Principal Importance, as listed under Section 41 of the Natural Environment and Rural Communities Act (NERC 2006). Approval of the application as it stands would be contrary to the requirements of the NPPF.
- The site boundary cannot support at least 0.5ha of species-rich grassland. Hence, in order to be compliant with the requirement of the NPPF to deliver a net gain in nature, the applicant needs to provide at least 0.5ha of OFF-SITE compensatory habitat, which is capable of supporting species-rich neutral grassland. The land should be as close as possible to both the development boundary and the Heasandford DWS, and be capable of being managed by the applicant either directly (e.g. through ownership or leasehold) or indirectly (e.g. through licence or ongoing payment). Note that in order to satisfy Biodiversity Offsetting guidance, a significantly larger area of land than that lost to development would need to be provided.
- A Management Schedule for the compensatory land should be costed up in full – including provision for increases in costs and/or inflation – and the applicant required to dedicate a commuted sum, e.g. through a Section 106 agreement, in order to deliver the net gains in nature over time.

5. Burnley Wildlife Conservation Forum – object to the application for the following reasons:

- With specific regard to Great Crested Newts, paragraphs 3.3 & 3.4 of the Bowland Ecology (2016) Ecological Appraisal refer to a pond approximately 115m to the east of the proposed site and “suitable connecting habitat between the know Great Crested Newt population to the west of the site”. However, the Great Crested Newt presence/absence survey in April & May 2017 by Verity Webster only surveyed the pond to the east and did not survey the proposed site itself and is therefore incomplete and a Great Crested Newt survey/assessment of the proposed site itself needs to be undertaken before the application can be determined
- The revised on-site ‘buffer zone’ landscaping proposal along around 50% of the sites boundaries would be inadequate mitigation for the loss of a total of 0.6ha of species-rich and semi-improved neutral grassland habitats & would result in a significant net loss of biodiversity and therefore inadequately addresses NPPF para 109 and consequently off-site compensation commensurate with the loss of the total of 0.6ha of species-rich and semi-improved grassland habitat is required.

**The applicants Ecologist has replied to the above comments and states the following:**

*“Having read the letter from Burnley Wildlife Conservation Forum, my thoughts are as follows.*

*The Bowland Ecology report quite rightly states that there is potential for great crested newt on the site and in association with the nearby pond.*

*In order to determine this, we did the great crested newt surveys earlier this year at the closest pond (or all ponds within 250m with connective habitat as required by current guidance) and did not find any evidence of great crested newts. It must be noted that there is no reliable way of surveying GCN on land; one can only assess the suitability of the habitat.*

*Results from pond presence / absence surveys are accepted as being reflective of the population density of GCN in the surrounding area. The absence of evidence of GCN from the surveys suggests that great crested newts are absent from that pond and the surrounding area (i.e. The development site) or are at such a low density they are not detectable and therefore any impacts considered negligible. This survey was undertaken following the latest good practice guidance was accepted by the ecologist David Dutton*

*The client has agreed to a precautionary method of works during site clearance with the aim of avoiding harm to amphibians among other wildlife in case individual animals are found during works. This includes staged clearance and searches for wildlife.*

*We understand the concerns raised in relation to loss of the habitat. The site is located on the corner of a previously heavily developments industrial estate and is therefore prime for similar development, but yet, lies adjacent to a Biological Heritage Site.*

*Bowland originally surveyed an area that included habitat outside the development plot as well as the development plot which is why the survey report includes reference to wooded areas. The majority of the site does comprise improved grassland with areas that have been categorised semi-improved.*

*Following discussion with David Dutton the compensation proposals described on the Masterplan are considered proportionate and the most practical and effective measures, whilst*

*allowing feasible development. The landscape management plan ensures wildlife considerate management in perpetuity, designed to further improve the habitat retained.”*

#### Greater Manchester Ecology Unit (GMEU)

Accepts the on-site mitigation provided and there is the potential once established for this to result in no net loss as species rich hedgerow is a higher value habitat than species poor neutral grassland. It is difficult however to objectively assess a linear feature against the loss of an area.

It is recommended that the landscape plan be conditioned with details of species and seed mixes agreed prior to development for the hedgerow and grassland. The Ecologist recommends 70% *Crataegus monogyna* (hawthorn) and an NVC MG5 seed mix to supplement the redistribution of top soil from species rich area along the northern boundary.

The Landscape and Environment Management Plan can also be conditioned.

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

The main considerations in respect of this application are the principle of the development; what the economic benefits of the scheme are; whether there are any highway issues; whether the layout/design is acceptable and whether there are any ecology impacts and if they are acceptable.

#### Principle of Development

The application site which is owned by the Council has been split recently in to two and the other plot is currently under construction to develop 2no units for storage of plant/machinery and equipment. There is evidence of land excavation around the perimeter and entrance to the site which is a result of the development to the adjacent plot.

The site is allocated in the Local Plan for business (B1), general industry B2 and storage for distribution B8 so the 3 smaller units are considered acceptable in line with this policy. Whilst Policy EW1 does not necessarily support proposals for sui generis uses (car showroom) in this locality, as the aim of this policy is more to support B1/B2/B8 uses as retention of this allocation maximises utilisation of existing infrastructure, it does not preclude it. One material consideration is that the proposed development would provide significant employment on-site, which would not necessarily be expected from a building of similar footprint of a B2/B2/B8 uses. The development of this plot for the uses proposed is therefore considered to be in accordance with the aims of the employment policies for the area.

The overarching theme of the NPPF is one of presumption in favour of sustainable development with three dimensions: economic, social and environmental. These roles should not be taken in isolation because they are mutually dependent to achieve sustainable development, economic, social and environmental gains should be sought jointly through the planning system.

The main consideration in this case is achieving a balance between the economic and environmental issues relating to the site to enable employment uses to be brought forward without detriment to the ecological issues arising.

The Framework recognises that the planning system can contribute to building a strong, responsive and competitive economy by providing for sufficient land to support growth and innovation (paragraph 7).

*Para 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*

#### Achieving sustainable development

The planning system should play an active role in guiding development to sustainable solutions. There is a need for the planning system to perform an economic, social and environmental role. Local circumstances also need to be taken into account. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

In decision making the NPPF sets out 12 principles which include supporting sustainable economic development and responding positively to wider opportunities for growth and the needs of the business community. In addition, the following paragraphs from the NPPF are key material considerations;

#### **Para 19 - *Building a strong, competitive economy***

Planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of business.

#### **Para 56 - *Requiring good design***

Good and high quality design is a key aspect of sustainable development. Decisions should integrate new development into the natural, built and historic environment.

#### **Para 109 - *Conserving and enhancing the natural environment***

The planning system should contribute to and enhance the natural and local environment. Protect, enhance valued landscapes and to minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

#### *The Economic Benefits of the Scheme*

The NPPF encourages development proposals and seeks to support sustainable economic growth. Paragraph 19 of the NPPF sets out that planning should encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. In this case, the applicant currently operates from Habbergham Mills and occupies 2 units with an average sales pitch of 60-70 vehicles and facing difficulty to grow further.



The business has been operational since 2014 and the gross turnover in 2016 was £1.2m. The business is rapidly growing and is in urgent need of a larger site to expand. The proposal will create approximately 38 new jobs and allow the business to develop which in turn will provide a valuable contribution to the economy. In principle the proposal is very much supported and would comply with the general provisions within the NPPF. In this location it is considered to represent a sustainable form of development.

In addition to the car showroom the B1/B2/B8 units is expected to provide 10 jobs approximately.

The applicant has undergone a sequential test of more appropriate sites for the car showroom. The identified potential sites (*Vale Garage Colne Rd, Land adjacent to Pendle Way, Station Rd Padiham*) including a main road site have been considered and it has been concluded that neither of these sites are viable in terms of size mainly and secondly two of the sites are in close proximity to residential areas. Whilst mindful of supporting the criteria of the policy EW/1, from the evidence provided I recognise the difficulty that the applicant has in finding a site that is located within one of the more sustainable Local Service Centres and Towns without being a detriment to the surrounding area. Car showrooms of a large scale are expected to receive vehicle deliveries via a transporter and its ideal for this type of business to be operating within a commercial zone rather than local centres or near residential areas.

The proposed development will directly contribute towards building a strong local economy by providing additional floor space for employment uses. The development satisfies policy EW/5 in respect of development on Heasandford Industrial Estate providing it retains and enhances biodiversity of the area.

The application site is allocated in the local plan for employment uses, so although the policy does not directly support a sui generis use, this has been recognised. It is a longstanding objective of the Council to deliver employment and the site has been on sale for a lengthy period and this is the only proposal put forward which will contribute to meeting the demand for employment floor space in the Borough. In my opinion, bringing this site forward with a user that is willing to expand and increase employment within the area; these benefits outweigh the policy guide of strictly providing only B1/B2/B8 uses on this site.

#### Highway

Policy TM15 of the Local Plan details parking standards for all development proposals. The Policy states that development will be permitted provided that various criteria are met including that road safety and the efficient movement of all highway users is not prejudiced. The Framework sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

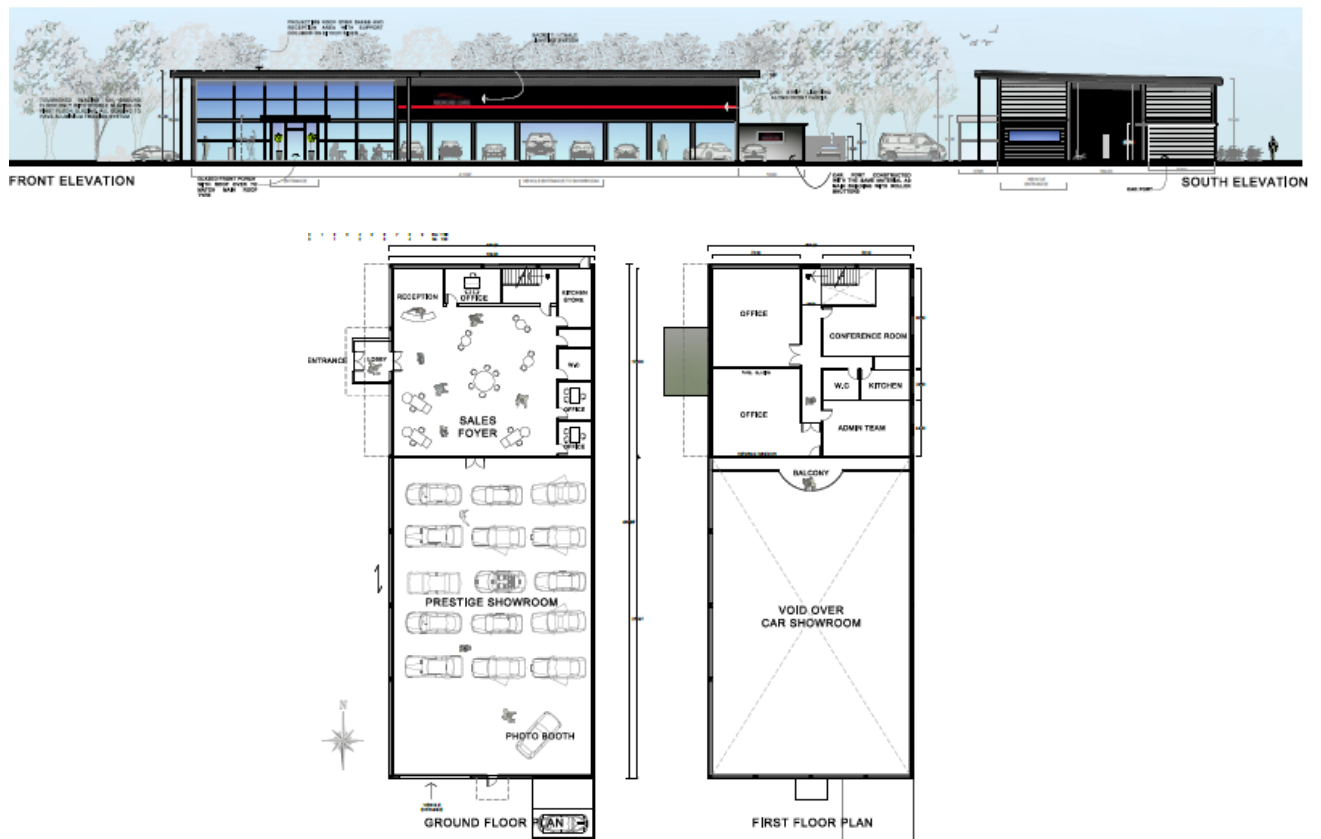
There is adequate space within the site for customer/staff parking and manoeuvring for transporters when delivering vehicles. Furthermore there is a limited amount of on-street parking available in close proximity to the site. The highway authority has raised no objections to the proposal therefore it is considered the proposal complies with the policies.

In light of the above, it is considered that this proposal would not result in a severe cumulative impact and as such complies with Paragraph 32 of the NPPF.

### Layout and Design of the site and buildings

The design of the building is an improvement to that already approved, with the use of natural course stone on the front main elevation. The use of cladding is acceptable in this location and in keeping with other surrounding buildings. The proposed mix and colours of cladding are acceptable. The height of the building to eaves is approx. 9.5 metres, but a building of such a scale is acceptable here on the industrial estate.

The car showroom would be functional and of a modern design. The proposed materials would consist of glazing with an aluminium framing system and profiled steel sheet cladding to the walls/roof with an overhang-lip to the front elevation. The maximum height of the unit would be 6.7 metres and as such the massing and scale of the unit would not appear to be obtrusive but prominent in the street scene. This design appears to be of high quality and innovative within this industrial estate and considered to be acceptable.



The proposed 3no industrial units will be positioned to the right-angle of the car showroom. It is considered that the height and scale of the proposed units is appropriate for the site, especially considering that a variety of established industrial units are in place within the wider site, and would continue to be viewed in context alongside the proposed units. The design of the proposed units, with a brick base, grey vertical cladding and stainless steel roller shutter and pedestrian access doors, is considered to be an acceptable design for an industrial unit, and is not considered to be wholly different from the adjacent existing industrial units which are established on the site.



It is considered that the scale, height and design of the building proposed is acceptable for this industrial area. It is considered that the proposed building would reflect the character of the adjacent Holt Business Park, therefore appearing acceptable with regards to the street scene and surrounding area.

The revised masterplan (Rev C) submitted outlines provision for a landscaped area immediately to the proposed buildings to provide a 3-5m buffer zone with pockets of low maintenance native plants and native landscape planting around the entire site. It is considered that this landscaping would provide some visual relief and for the enhancement of biodiversity.

Palisade fencing of 1.8m in height is proposed to secure the site, to be located along the east and south boundary. The front entrance will have matching palisade gates powder coated in black.

In light of the above, it is considered that the scale, layout and design of the proposed buildings is acceptable, and compatible with its surroundings in accordance with the requirements of Policy GP3 of the Local Plan and the NPPF.

### Ecological Impacts

Ecology Assessments and a Landscape Environmental Management Plan have been submitted as part of the application. The views of the applicant's ecologist are set out as follows:

*There are restrictions with regard to the positioning of the buildings due to the area of car parking that would be required for the successful operation of the show room at the site. For this reason it is not possible to move the orientation of the buildings. However, a benefit is that the units to the south do provide a screen, creating a more secluded wildlife area to the south.*

*We have incorporated as far as reasonably possible GMEU recommendations. The attached Masterplan reflects the ecological compensation measures proposed. It is*

*intended that, although there will be loss of total habitat, that the hedgerow habitat created and managed whilst retained will promote biological diversity whilst allowing development of the site.*

- The species rich hedgerows will be planted in accordance with the Biodiversity Assessment and Enhancement Proposal. Management of the grassland retained in the 5m buffer zone will also be managed as stipulated in the enhancement proposal.*
- In order to attempt to retain the species diversity, the topsoil from the species-rich areas of grassland to the north of the site will be re-distributed in scrapes along the easter 3m buffer of the site. If successful, this will improve the species diversity along the east boundary.*
- Indirect impacts on the River Don - Brun Valley BHS will be avoided by taking appropriate standard precautions during construction works to minimised dust and to avoid spillage of contaminants. The client accepts the condition suggested; a stand-alone method statement for the protection of the BHS will be produced. As part of this, it will be stipulated that Harris fencing will be erected along the 5m buffer zone to prevent damage of the grassland during the construction works.*

A Landscape and Environmental Management Plan has been produced.

There will be a loss of 0.5ha of neutral grassland as a result of the proposals and this cannot be feasibly avoided given the scale of the development proposals, but the areas retained can be managed in perpetuity for wildlife.

The ecologist confirms that the client is aware of the requirement to do works on site under Method Statement for great crested newts as a precaution and for nesting birds to avoid unnecessary disturbance and harm.

The Council's Ecology consultant advises that;

*NPPF requires that applications should conserve and enhance biodiversity, valued landscapes, minimise impacts and recognise the benefits of ecosystems. The impacts on nature conservation interests are also protected by separate legislation including the Natural Environment and Rural Communities Act, which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive, which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.*

They state that no further ecological assessment is necessary in this instance, but that conditions must be included relating to the implementation of the landscaping plan and it is recommend that 70% *Cratageus monogyna* and NVC MG5 seed mix to supplement the redistribution of top soil from the species rich area along the northern boundary.

The applicant has submitted a Landscape and Environmental Management Plan that is considered acceptable and it is considered appropriate to condition that the works are carried out in accordance with this document.

On this basis the mitigation measures are proportionate, sufficient and effective in addressing the biodiversity concerns and this is considered to be acceptable.

### Planning Balance

The employment policies of the local plan set out that B1/B2/B8 uses are expected to be provided on the site. Whilst the car showroom use does not fall within these use classes, it would provide a significant number of jobs. This together with the employment expected in connection with the industrial units would satisfy the aims of the local plan policy EW1 in bringing employment uses forward on the site. The proposal contributes towards the provision of an adequate supply of employment premises in accordance with Local Plan Policy EW1/2, and the overall design, layout and scale of the units proposed are considered acceptable having regard to the character of the area.

In considering whether the economic case for the development outweighs any impacts on the ecological aspects connected with the site, we must consider in economic terms the scheme would bring benefits to economic prosperity to the town. The ecological assessments have been considered and mitigation on-site has been proposed as compensation for the development of the wider site. This has been accepted by the Council's Ecology adviser and subject to compliance with the recommended conditions approval of the proposal would be acceptable when considering any limited harm to the ecological value of the site as the Council's ecology consultant advises that there is a potential for a net gain in biodiversity.

On balance, therefore, the development complies with the requirements of the National Planning Policy Framework in that it will deliver economic development in a sustainable location and that any harm to biodiversity on the site is satisfactorily mitigated for on-site. The proposed scheme is thus appropriate and therefore recommended that the proposal be approved, subject to the conditions below.

### **Recommendation:**

That planning permission be granted subject to the following.

### **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: ***Location Plan, received 08 August 2016; Master Plan Rev C, received 25 May 2017; Car Showroom Proposed Plans & Elevations Rev A, received 11 May 2017; Units Proposed Plans & Elevations Rev B, received 14 June 2017.***
3. The use of the site/building hereby approved shall not operate outside the hours of 0600 hours to 2200 hours Monday to Friday, 0600 hours to 1800 hours on Saturday's and 0900 hours to 1700 hours on Sundays or Bank Holidays.
4. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0730 hours and 1800 hours on Mondays to Fridays and between

0800 hours and 1700 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays

**5. The development shall not begin until:**

a. A strategy for investigating the coal mining legacy on the site has been submitted to and approved in writing by the local planning authority;

b. An intrusive site investigation shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Any necessary remedial works identified by the site investigation must be undertaken prior to commencement of the development.

c. A written report, detailing the findings of the investigation, assessing the risk posed and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

**6. Foul and surface water shall be drained on separate systems.**

**7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.**

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 development shall be completed in accordance with the approved details.

**8. No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitable experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.**

**9. The development shall be carried out in full accordance with the Landscape and Environment Management Plan prepared by Verity Webster, dated May 2017.**

**10. Details of species and seed mixes for the hedgerow/grassland shall be submitted to approved in writing by the Local Planning Authority. Suggested species are 70% Crataegus Monogyna and NVC MG5 seed mix to supplement**

the redistribution of top soil from the species rich area along the northern boundary.

11. The development shall be carried out in accordance with the Construction Method Statement received 08 August 2016.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to protect the amenities of the residents of adjacent residential properties having regard to Policies GP1 and EW4 of the Burnley Local Plan Second Review.
4. To protect the amenities of nearby residents, in accordance with Policy GP1 of the Burnley Local Plan Second Review.
5. To ensure that risks from coal mining legacy to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
6. To secure proper drainage and to manage the risk of flooding and pollution.
7. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF.
8. To avoid the bird nesting season having regard to Policy EW5 of the Burnley Local Plan Second Review.
9. To ensure a long term satisfactory Landscape and Environment plan of the site, in accordance with Policy GP6 of the Burnley Local Plan Second Review.
10. In order that the landscaping work is completed to a suitable standard.
11. In order to ensure the construction phase has no significant impact upon highway safety at this location.

### **Note**

*Whilst there is only a low risk of great crested newts being present, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.*

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Housing and Environment  
9 Parker Lane Burnley

Ref.

**APP/2016/0263**

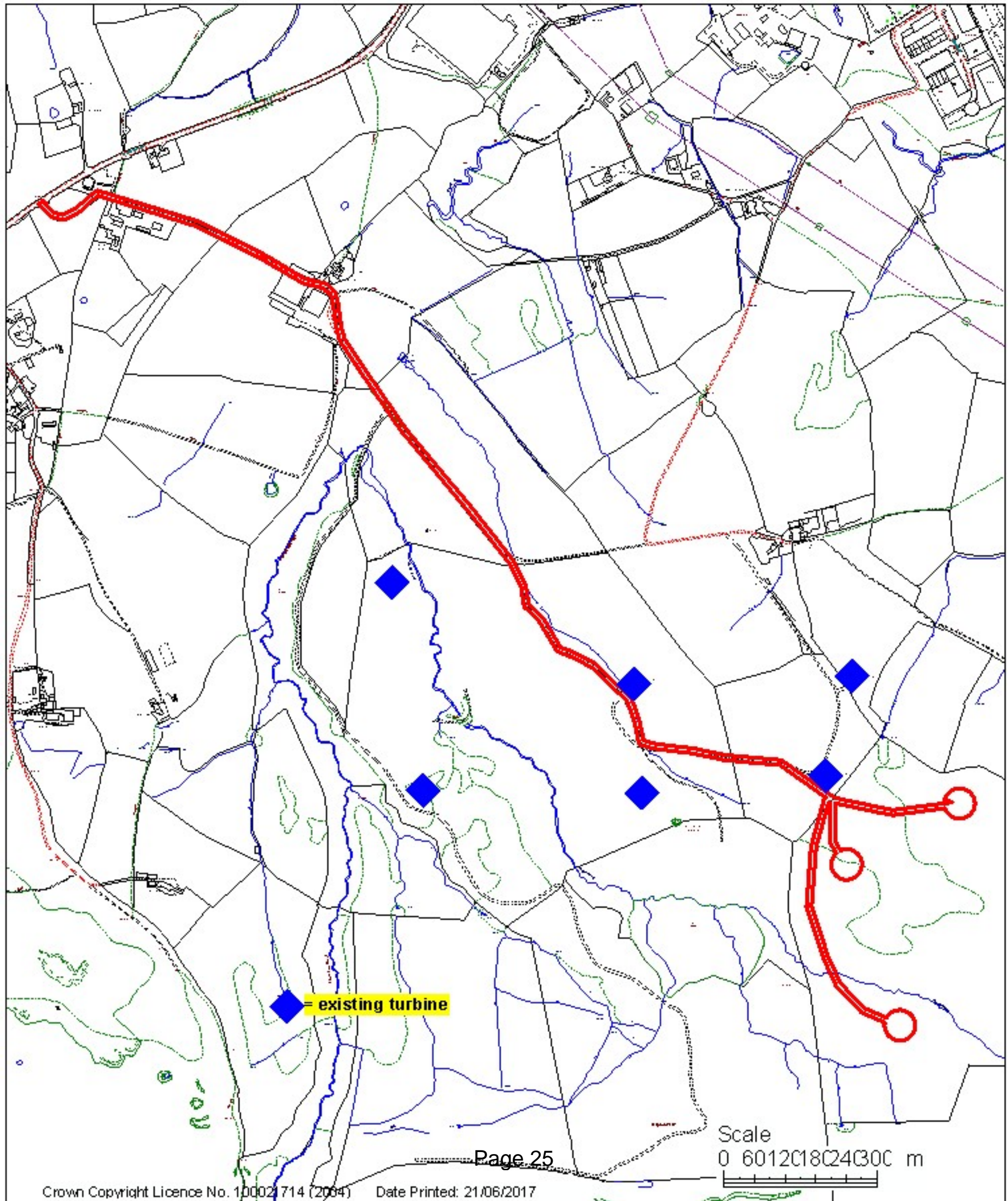
Paul Gatrell  
Head of Housing and Environment



Location:

**Land south of New Barn Hapton**

**1:10000**



**existing turbine**

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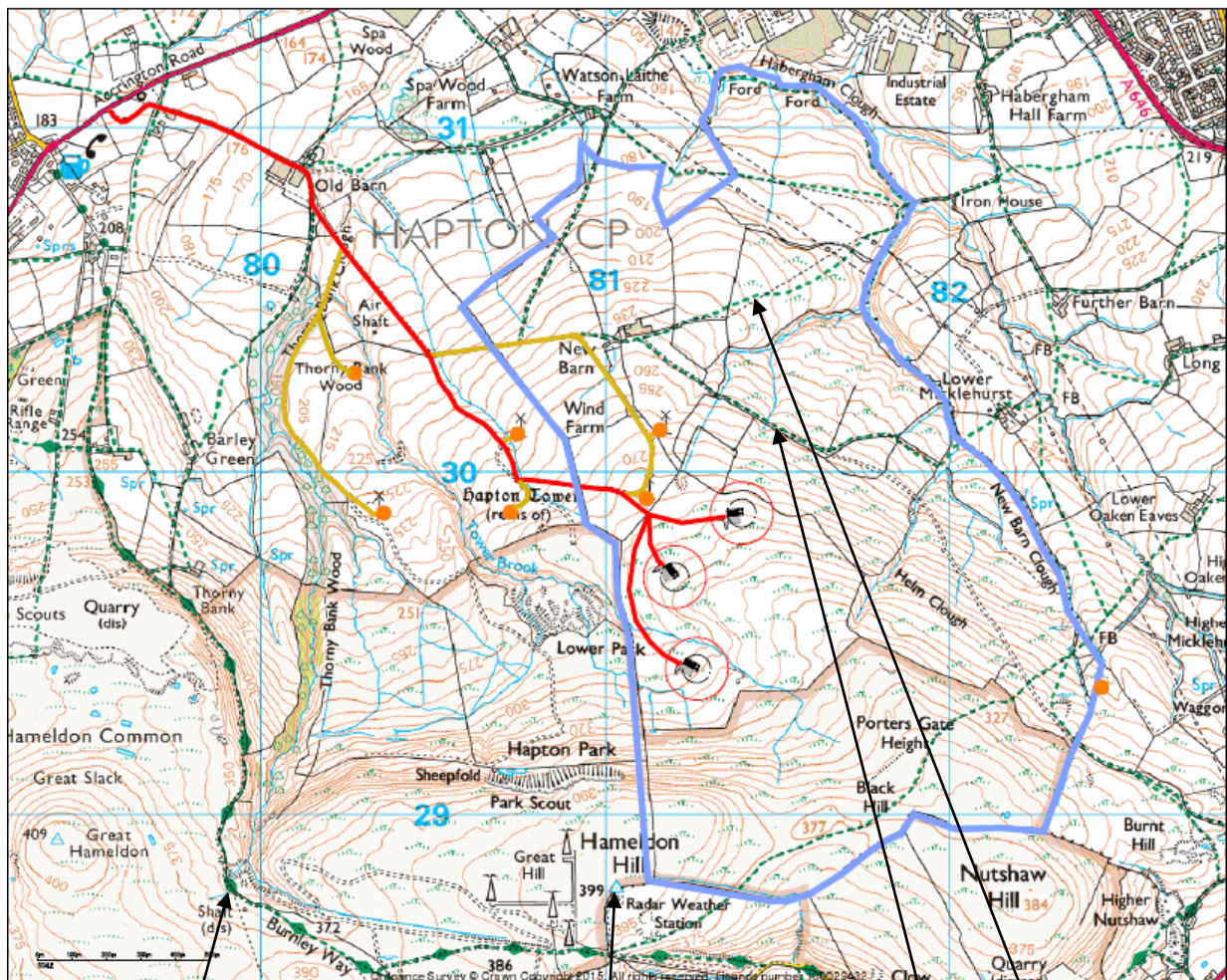
Full Planning Application

Proposed erection and operation of 3 wind turbines measuring up to 100m in height, access tracks and associated infrastructure on land to the south and south east of the existing Hameldon Wind Farm

LAND SOUTH OF NEW BARN BILLINGTON ROAD HAPTON BURNLEY

**Background:**

The proposal is to erect a group of three wind turbines on the north and north east facing slopes of Hameldon Hill to the south side of an existing group of six wind turbines. The proposal also involves extending the stoned access tracks from the most southerly point of the existing turbines up to the bases of each individual proposed turbine. The siting of the turbines indicated below would be between 285 and 295m AOD although the proposal requires the micro-siting of the turbines within 50m of these positions to be agreed once all site conditions and constraints have been tested at fine detail.



The Burnley Way

Met Radar Station

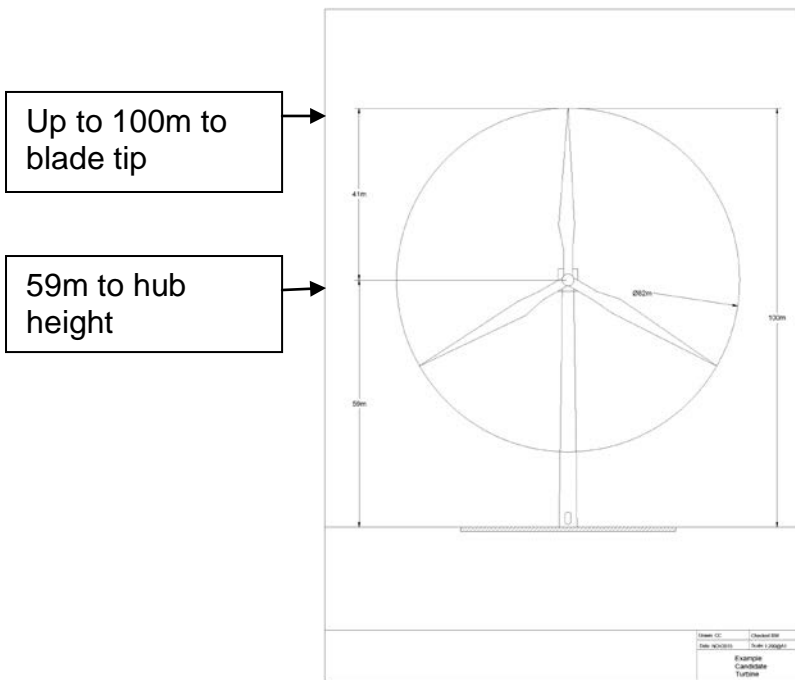
Public Footpaths

The proposed wind turbines would have a similar appearance to the existing wind turbines and measure approximately 59m at hub height and up to a maximum of 100m at the blade tip. The above map below indicates the location of the proposed turbines (within red ring) and an extension to the existing access tracks to the south east side of the existing turbines indicated by an orange dot. There is also a single turbine indicated to the west side of the New Waggoners Inn which is approximately 1,150m from the nearest of the proposed turbines. A network of public footpaths is shown by a green dotted line on the above map. Public Footpaths Nos. 14, 18 and 22 Hapton, meet at New Barn north of the proposed turbines and Footpath No. 22 which flows the contours of the land between New Barn and Lower Micklehurst comes within 250m of the nearest proposed turbine. The Burnley Way crosses higher land to the south and west of the site.

The precise turbine model is not known but would appear similar to the drawing below and the existing turbines.

Proposed turbine 100m high

An existing nearby turbine approx. 100m high



Whilst the proposal seeks approval for a height up to 100m, the applicant accepts that the final height of each turbine would be dependent on micro-siting and the need to take into account the Met radar station and other aviation radar equipment and may therefore be less than this maximum height. All cabling would be under the ground.

The wind turbines have an operational life of 25 years after which they would be decommissioned and the land restored. The proposed three turbines would generate in total a maximum of 7.05 MW. It is estimated that this would generate annually enough electricity to supply the equivalent of approximately 4,616 households. This could displace the equivalent of up to approximately 6,690 tonnes of CO2 emission per year from conventional forms of electricity generation.

An Environmental Statement has been submitted with the application which assesses the proposal against the following matters:- Landscape and visual amenity; noise; ecology, ornithology and nature conservation; archaeology and cultural heritage, traffic

and transportation; ground conditions and hydrogeology; surface water quality, flood risk and drainage; utilities infrastructure and telecommunications; and, shadow flicker.

Community consultation was carried out by the applicant prior to making the application. This involved a mail shot with a newsletter and questionnaire to residents within a 3Km radius (7483 properties), a newspaper advertisement, communication with local councillors and parish councils, a project web site and a public exhibition open day. There was a limited response: - 2 from the open-day, 4 via post and two on-line via the project web site. All responses were in favour of wind power, most were strongly supportive or supportive of the existing wind turbines at Hameldon Hill and were also in favour of an extension to the wind farm.

The applicant states that a Community Benefit Fund would be set up by the applicant and would endure for the operational life of the wind turbines which would provide the means for the development to support community initiatives and improvements to the local area. The applicant states that this would be based on £5000 per MW per annum. Given that this fund is offered voluntarily and is not required to make the development acceptable, the fund would be administered by or on behalf of the applicant and would not form a requirement of any planning permission.

#### **Relevant Policies:**

##### Burnley Local Plan Second Review

GP2 – Development in rural areas

GP8 – Energy conservation and efficiency

E3 – Wildlife links and corridors

E4 – Protection of other features of ecological value

E5 – Species protection

E19 – Development and archaeological remains

E27 – Landscape character and local distinctiveness in rural areas and green belt

E31 – Wind farms

##### Other Material Considerations

Burnley's Local Plan – Proposed Submission Document (March 2017):

SP4 – Development Strategy

SP5 – Development quality and sustainability

NE1 – Biodiversity and ecological networks

NE3 – Landscape character

NE5 – Environmental protection

CC2 – Suitable areas for wind energy development

CC3 – Wind energy development

The National Planning Policy Framework

National Planning Practice Guidance

National Policy Statement for Energy (EN-1) July 2011

Written Ministerial Statement on Local Planning June 2015

Climate Change Act 2008

UK Renewable Energy Strategy 2009

Lancashire Climate Change Strategy 2009-2020

A Landscape Strategy for Lancashire (2000)

A Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise (Institute of Acoustics, May 2013)

**Site History:**

APP/2002/0516 - Proposal for the erection of 3 wind turbines; ancillary equipment including access ways; switchgear building and underground cables. Refused March 2003. Appeal allowed February 2004.

APP/2009/0756 - Construction of a wind farm extension comprising 3no. turbines, turbines 1 and 2 up to 110 metres in height to tip and turbine 3 up to 100m to tip, together with ancillary equipment including substation, site access, temporary construction compound and areas of hardstanding for an operational period of 25 years. Approved May 2011.

**Consultation Responses:**LCC Highways

No objection on highways grounds. The proposal will use the existing access that was utilised for the construction of a similar windfarm in 2013. Some mitigation works will be required at the junction of the A56/A679 to accommodate the swept path of vehicles [these are temporary works and should be included in a revised Traffic Management Plan). A Construction Method Statement is also recommended which would provide details of parking, loading, storage of plant/machinery, security fencing, wheel washing, working hours and routes for construction traffic.

Lancashire Archaeological Advisory Service

No objection. The Environmental Statement submitted with the application identifies two non-designated heritage assets of Prehistoric or Medieval date in the wider study area. A field clearance cairn or possibly burial cairn is recorded about 17m to the south of the southern boundary and Earthwork remains of an embanked rectilinear enclosure of uncertain date (possibly a Later Pre-historic/Romano-British settlement or a Medieval enclosure associated with Hapton Deer Park) lie about 30m west of the site's western boundary. The proximity of these known heritage assets suggests that there is potential for Prehistoric/Medieval remains within the site boundary. It is therefore recommended that a condition is imposed to require a programme of archaeological work, archaeological supervision and recording.

Civil Aviation Authority

Comment on regulatory requirements in respect of consultation and notification to local aerodromes, Air Support units and other relevant bodies in the interests of aviation safety.

Ministry of Defence

Following an objection made early in the application process, based on unacceptable interference to Air Traffic Control (ATC) used at Warton airfield and the subsequent submission of a Radar Mitigation Scheme (final scheme submitted in April 2017), the MOD has removed its objection subject to a condition which requires the following:-

- The submission and approval by the LPA of a Radar Mitigation Scheme to address the impact of the development upon air safety;
- Consultation with the MOD on the above scheme before its approval;
- That the turbines do not become operational unless and until all measures required by the approved Radar Mitigation Scheme have been implemented
- That the development is operated fully in accordance with the Approved Radar Mitigation Scheme.

### Met Office

Initially had concerns that the proposed turbines would be in line of sight and within 1Km of the Met Office radar at Hameldon Hill. Raise no objections subject to a lower height of 92.5m as agreed with the applicant and a condition to require the micro-siting details of the turbines to be agreed.

### NATS Safeguarding

Initially objected to the proposal and following negotiations over mitigation measures, NATS would have no objection subject to conditions to require a Primary Radar Mitigation Scheme and its implementation to avoid the impact of the development on specific Primary Radar at Manchester Airport and associated air traffic management operations.

### Natural England

Do not consider that the application poses any likely or significant risk to features of the natural environment within their scope for commenting and do not wish to comment on the details of this proposal.

### Greater Manchester Ecology Unit

The proposed development would not have any harmful impacts on sites designated for their important ecological interest or on Thornybank Clough Biological Heritage Site which is within 1km of the site. The development is unlikely to affect great crested newts, water voles or otters. Small numbers of relatively common bat species use the site for foraging but the proposal would not pose any significant threat to local bat populations. Risk of direct strike from blades is low and habitat losses would be minor and can be compensated. Risk of harm to any roosting sites is low. Badgers may be temporarily affected during the construction period and precautions would need to be taken following an updated badger survey to ensure that the precautions are appropriate. The specially protected bird species Peregrine and Barn Owls also make use of the site, although nesting sites for these species would not be affected and the risk of turbine blade strike is low and also the losses of foraging habitat is unlikely to be significant given the large scale of alternative available habitat nearby.

Direct losses to the upland habitats should be considered in the light of the loss of the potential to improve the habitat. There are no details of habitat compensation and landscape restoration. Given that wind farms can cause indirect disturbance to species and displace them, particularly birds, it is recommended that habitat restoration areas should be larger than the direct loss of habitats caused. Following assurances from the applicant that the land is not affected by rights of Common and that sheep grazing around restored areas could be controlled, GMEU confirm that landscape and habitat restoration would be able to be adequately dealt with by a suitable landscape condition. In respect of peat which is an important substrate and present on the uplands, GMEU accepts that efforts have been made to site the turbines and access infrastructure away from any known locations with deep peat substrates and that there are methods of building in areas of peat to mitigate harm to, and loss of, peat resources which should be included in a Construction Environment Management Plan (CEMP).

In summary, no objections are made and conditions are recommended relating to the following:- Updated badger surveys prior to construction; avoidance of March to August (bird nesting period) for construction; submission of a CEMP to include

measures relating to peat, precautionary measures, supervision by specialist ecologists at times during construction and use of protective fences; and, a Landscape and Ecological restoration Management Plan (LEMP).

#### Burnley Civic Trust

Object to any further turbines, especially of the size that is proposed. If granted, request that there is no encroachment onto the remains of the old Hapton Tower.

#### Electricity North West

The proposal has no impact on the Electricity Distribution System infrastructure or assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

#### Environment Agency

No objection.

#### Environmental Health Officer

No objection subject to conditions/informatives relating to hours of construction, a protocol for the assessment of shadow flicker complaints, compliance with the noise assessment, to investigate noise complaints and undertake remedial measures where requested by the Council, and to ensure that the turbines are not illuminated.

#### Hapton Parish Council

Object on the basis that Hapton already has a number of wind turbines and any more will affect the visual amenities for the village.

#### Publicity

An objection has been made by Councillor Greenwood and Councillor Cunningham on the following grounds:-

- There are enough wind turbines in this area
- Further turbines would have a detrimental effect on visual amenity
- There have been complaints that the existing wind turbines affect residents by flicker and noise [to clarify, there has been one complaint that has been dealt with by the energy company related to the wind turbines in question].

Letters of objection have been received from 7 households at individual farmsteads at Barley Top, Barley Green Farm, Waggoners Farm, Further Barn Farm, Further Barn and Lower Micklehurst Barn. A summary of their objections is provided below:-

- Question the level of public consultation prior to the application being made, stating that leaflets weren't received.
- Impact on the landscape, vandalism of the countryside
- Effect on views
- Applicant's photomontages are taken from obscure locations and are misleading – the viewpoints of nearby residents or a view taken from north of the existing 6 turbines
- The South Pennines Landscape Study stated that Hameldon Hill should not support more than 6no. turbines
- Turbines will be visible from the main access route into Burnley from Rawtenstall
- Noise disturbance. Under certain frequent conditions, an intermittent buzzing noise becomes an intolerable booming noise within the home. Investigation is



required into Micklehurst Wind Farm before further turbines are approved.  
Existing turbines can be heard [from Lower Micklehurst Farm and Barn]

- Impact on quality of life and health resulting from stress, sleep disturbance and occasional headache
- Shadow flicker effect from rotating blades of existing turbines affects main living area and would be made worse and from driving along the access road to properties
- Impact on Grade II listed building at Lower Micklehurst Farm and on remains of Hapton Tower
- Impact on Peregrin Falcons and upland breeding birds

#### Innogy Renewables UK Ltd

A commercial objection has also been received from the owner of the two adjoining windfarms, stating that due to their proximity, the proposed turbines are likely to have a negative impact on the forecast energy generation of their turbines over their remaining lifespan [the scale of any impact is likely to be negligible and the applicant is dealing with this privately through formal agreements].

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

##### Principle of proposal

The proposed site is within the rural area where Policy GP2 limits development to that which relates to agriculture/forestry, the re-use of buildings, infilling, needs within rural settlements or other uses appropriate to a rural area. The policy requires that all new development to be in scale and keeping with the surrounding landscape and to have no impact on biological or ecological features of value and be consistent with other Local Plan policies. The proposed site would form an extension to an existing wind farm located in the rural area and it is therefore accepted that a further similar development would not be inappropriate in principle within a rural area, subject to national and local energy related policies and the impacts of the proposal on landscape, ecological and other interests of acknowledged importance.

UK policy on energy supplies is related to a commitment to reduce carbon emissions. The 2008 Climate Change Act carries a commitment to reduce greenhouse gas emissions by at least 80% (from 1990 levels) by 2050 with the aim of becoming a low carbon economy. Paragraph 98 of the National Planning Policy Framework (NPPF) states that local planning authorities should

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application [unless material considerations indicate otherwise] if its impacts are or can be made acceptable.

The Overarching National Policy Statement for Energy (EN-1) states that the UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020.

In respect of wind energy development, a ministerial statement was issued in June 2015 which set out new considerations to be applied to allow local people to have their final say on wind farm applications. The Statement provides that when determining planning applications for one or more wind turbines, planning permission should only be granted if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

In circumstances where the development plan does not identify suitable sites then transitional provisions apply which state that local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. This therefore requires detailed consideration of wind energy policies and impacts on the local community.

#### Local energy policy

Policy E31 of the adopted Local Plan is a generic policy stating that the development of wind farms and related development will be approved provided that it would not unacceptably affect landscape character or visual amenity; the setting of historic assets; nature conservation; the amenities of local residents; recreational facilities; and would minimise both electromagnetic disturbance and the need for new overhead electricity cables. The policy also states that development that would have a negative impact in relation to existing wind turbines or extant approvals will not be permitted. The explanatory text to the policy states that “The open, exposed upland areas of Burnley with high annual mean wind speeds have potential for [further] wind development” although does not identify any sites for such development.

Policies CC2 and CC3 of the submission version of the Burnley’s Local Plan carry only limited weight but are helpful because they provide a more detailed approach to assessing proposals for wind energy. The emerging local plan was partly informed by Landscape Guidance for wind turbines up to 60m high in the South and West Pennines (January 2013) and the South Pennines Wind Energy Landscape Study (October 2014) which assessed the sensitivity of the landscape to development by defining a range of Landscape Character Types. The emerging local plan identifies land within the designated Site of Special Scientific Interest (SSSI) along the eastern flank of the borough as unsuitable for wind energy development; for the remainder of the area, development must avoid locating smaller turbines close to medium or large turbines, should aim for a consistent height and design within a given area, should take account of cross-boundary cumulative impacts and should choose sites away from views to existing turbines in adjoining Landscape Character Areas (LCA’s).

The application site falls within the Enclosed Uplands of the open hillside moorland landscape where there is already a grouping of six turbines. Policy CC2 states that within the Enclosed Uplands that ‘Locally, where the landscape is somewhat larger in scale (more expansive, with large enclosures or open moorland and sparser settlements) there may be some limited scope for larger turbines or turbine clusters. It also states however that developments should avoid ‘connecting’ existing wind energy developments in the same or adjoining Landscape Character Areas (LCA) or dominating the LCA to the extent that its overall character changes. Policy CC3 permits wind energy development that falls within the provisions of Policy CC2 and, in summary, would not lead to an unacceptable impact on landscape character, on shadow/reflective flicker, on radar systems, on television and broadband reception; would contain measures to avoid any negative effect on ecology, geology or hydrology, including deep peat areas; would avoid and mitigate impacts on local amenity; would avoid the loss of or loss of productive use of the best and most

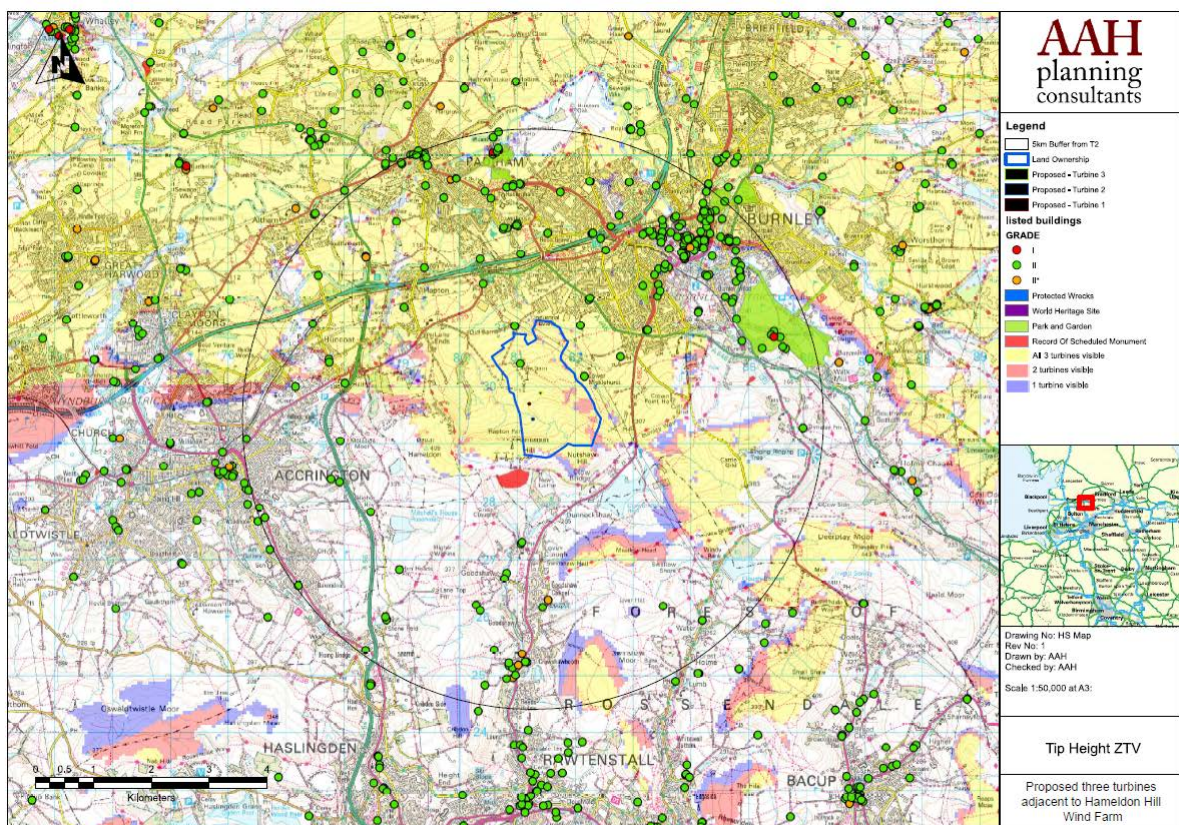
versatile agricultural land; and would have grid connections underground and minimise impact of sub-station/control buildings. The proposed site may therefore, in principle, be considered to be suitable for wind energy developments where all the requirement of Policies CC2 and CC3 are met.

Impact on landscape

In addition to the requirements of Local Plan Policy E31 and emerging local plan policies CC2 and CC3 to consider the impact of the proposal on the local landscape, Policy E27 of the Local Plan seeks to protect, enhance and restore the Borough’s distinctive landscape character. It states that this will be achieved by, amongst other things, protecting and enhancing historic field patterns, including walls and hedgerows, maintaining views and avoiding skyline development and by protecting and creating habitats.

The impact of the proposal on landscape and visual amenity has been assessed as part of the Environment Statement by way of a Landscape and Visual Impact Assessment submitted with the application. The proposed site is within the Landscape Character Type C (referred to in the emerging Policy CC2), referred to as Enclosed Uplands which has few physical features, largely without trees and a relatively blank canvas of moor grass in large fields divided by drystone walls. The Enclosed Uplands fall between the more intensively farmed lower pastures and the open upland plateau. Given the elevated position of the Enclosed Uplands the site is viewed at short and long distances. The vertical features of the existing turbines are visible within close locality of the site from traffic routes (the A679 Accrington Road) and the A682 (Manchester Road) and Rossendale Road (A646). Striking views of the proposed turbines would be seen from the elevated position of Crown Point Road travelling in a north westerly direction.

Visibility of proposed turbines



The above map shows in yellow all the areas where all three of the proposed turbines would be visible. This shows that the proposed turbines would be visible across Burnley and Padiham and from further afield from the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and Pendle Hill. From some viewpoints the proposed turbines would be seen against the backdrop of the hillslope whilst from others, similar to the existing wind farm, the blades would be seen breaking the existing skyline.

The applicant's LVIA states that the cumulative landscape effects on the Enclosed Uplands would be major-moderate within around 0.5Km of the proposed site and reducing with distance to minor overall. This is partly due to the existing presence of similar vertical features on the hillside from the existing turbines, radar weather station and electricity power lines. The proposal would in this instance be seen as an extension to the existing 6no. turbines which have become a recognisable feature on the landscape. The emerging policy CC2 accepts that at this location there is some scope for larger turbines but that turbines should not be permitted where they would dominate the landscape character. From individual farmsteads that are scattered on the moors and from the nearby public footpaths, the proposed turbines would be prominent but in terms of their impact on landscape character, seen from public roads within 5km and 10km from the site, the impact is likely to be minor. This may not be the case for a greater number of turbines. The proposed turbines in addition to the existing group of six turbines would still appear as a small cluster of turbines with the individual turbine to the west side of the New Waggoner's Inn appearing as an isolated feature.

Development that would result in more than a small cluster would be likely to lead to a dominating impact which in such a prominent location would affect the landscape character. It is not considered that the proposed siting (including any allowance for micro-siting) would lead to the visual joining up with the single turbine which, if occurred, would have the effect of creating a larger expanse of wind turbines across the moorland landscape. Cumulative impacts from other wind farms such as at Cliviger have also been considered but would not lead to a coalescence of views or lead to any additional landscape impacts.

There are therefore localised significant visual impacts from the development due to their size and scale within an open setting; however, the overall visual impacts from middle to long distance views would be mitigated by a number of things, including the scale of the development involving three turbines and their siting which enables them to appear as a reasonable extension to the existing wind farm. The visual impacts from the short stretches of access tracks and sub-station/control boxes would be minimal. On this basis, the visual impact of the proposal on the landscape would in overall terms be of only moderate to low significance. This level of significance would weigh in favour of the proposal.

#### Impact on residential amenities

Local Plan Policy E31 and the emerging Policy CC3 permit wind energy development where there would be no unacceptable effect on the amenity of local residents. The nearest properties to the proposed wind turbines would be New Barn (500m) and Lower Micklehurst (700m).

#### *Noise*

The individual properties to the west side of the proposed locations are closer to the existing turbines than the proposed turbines. Some of the objections from

neighbouring properties relate to noise from the turning of the turbines, creating an audible drone. A noise assessment forms part of the submitted Environment Statement. The closest receptors which are most noise-sensitive have been assessed (12 properties) and noise limits applied which are 10dB lower than the existing wind turbine noise limits and 5dB lower in the case of New Barn Farm. The reduction in noise levels is less at New Barn (5dB) as this property is stated to be the primary beneficiary of the proposed development in which case the relevant guidance (Good Practice Guide for the assessment and rating of wind turbine noise – Institute of Acoustics states) accepts that there are circumstances where a higher noise limit can be justified. The predicted noise levels from operational noise are 16.3dB lower than the existing limits at New Barn and 14dB lower than the existing limits at Lower Micklehurst Barn. In all cases, the predicted noise levels are lower than the existing noise limits and the lower derived noise limits at all local wind speeds, including night-time periods. As a result of these findings, the evaluation of the operational noise from the proposed turbines is likely to be negligible at all receptors.

Noise from the construction phase and decommissioning following 25 years of operation would be temporary and would follow good practice in BS 5228 and limited to agreed working hours.

The Council's Environmental Health accepts the predictions and noise limits contained within the assessment and recommends that conditions are imposed to ensure that the limits on noise are applied in accordance with the noise assessment; that working hours are confined to 07:00-19:00 Monday to Friday and 07:00-13:00 on Saturdays; and, that the applicant undertakes to investigate and remediate where necessary any related noise complaint that is referred to them from the Council. Subject to these provisions, the proposal would not have a significant impact on noise conditions for neighbouring properties.

#### *Shadow Flicker*

Policy CC3 of the emerging local plan supports wind energy development where it would not, amongst other things, have unacceptable shadow/reflective flicker impacts on local residents and sensitive users of the site. Two of the neighbour objections that have been received have referred to problems with shadow flicker from the existing turbines, one of which states that this affects their main living area and a second which refers to experiencing shadow flicker when driving. Shadow flicker is described as the effect caused when the rotating blades of the turbines fall between a receptor and the sun. Research has shown that shadow flicker effects can occur within 10 times the rotor diameter from the siting of a turbine. It does not normally occur in outside areas where shadows are seen to be moving over wider areas. It is possible for this effect to be experienced within a room with a window facing the turbine and the likelihood and duration of this effect will depend on the orientation of the window in a property, distance from the turbine, the height and rotor diameter, time of year/day and weather conditions.

The potential for shadow flicker has been modelled and only two properties have the potential to be affected: New Barn Farm and Lower Micklehurst Farm. The latter would fall within the Very Low Magnitude of effect whilst New Barn Farm would fall within a Major magnitude of effect. The National Planning Practice Guidance acknowledges that modern turbines can be controlled to avoid shadow flicker impacts. Mitigation measures may include micro-siting considerations, turning off the rotation of blades when the potential for shadow flicker is at its greatest and suitable landscaping

and use of blinds. In this case, the most suitable means of mitigation would be a scheme to ensure that should the correct conditions for shadow flicker occur that the turbine rotation is shut down. This provision would reduce the magnitude of effect on any property to be only a low magnitude which would not significantly affect residential amenities. The Council's Environmental Health Officer recommends a condition to require a written scheme for assessing and dealing with any complaints that may arise due to shadow flicker.

#### Impact on ecology

Policies E2, E3 and E5 seek to protect locally important wildlife sites, corridors and protected species whilst Policy E31 and emerging Policy CC3 require proposals for wind energy to avoid and where appropriate mitigate any impacts on nature conservation. The site is not within any nature conservation designations and although the Thornybank Clough Biological Heritage Site is within 1km of the site, the proposal would not be harmful to its special interest. The Environment Statement submitted with the application provides details of information that has been collected and surveys that have been carried out to assess any impacts of the proposal on protected species, including birds, bats, great crested newts, badgers, water voles, otters and barn owls. The Upland habitat is relatively bare and without trees and vegetation found on the lower slopes. The site is still however important for foraging and overall, taking the benefits of peat substrates across the area into account, it delivers a range of ecosystem services including biodiversity, enhanced water storage capacity, reduced fire risk and enhanced recreational value.

The Council's ecology consultant (Greater Manchester Ecology Unit - GMEU) accepts that the proposal would not significantly affect protected species or wildlife and the risk of direct strike with turbine blades is low. Peregrine Falcons and Barn Owls do make use of the site but nesting sites for these species would not be affected. The amount of ground disturbance would be limited to short stretches of narrow tracks and a base for the turbine and sub-station/control box. For construction needs, there would be a larger area disturbed on a temporary basis. GMEU recommend that it would be essential for adequate habitat compensation and landscape restoration to ensure a net gain for biodiversity. The applicant has confirmed that there are no common grazing rights on the land and as such the restored land can be adequately fenced off on a temporary basis to allow for plant re-establishment. It is also accepted that the applicant has sited the proposed turbines and infrastructure to, as far as possible, avoid any known locations of deep peat substrates.

As such, the application would protect and where possible enhance the biodiversity of the site and its surroundings and any minor impacts on the immediate habitat can be satisfactorily mitigated by suitable conditions to require a scheme of landscape and habitat restoration. Other conditions are also recommended to require updated badger surveys prior to construction; to avoid work during the bird nesting period; to require the use of precautionary measures; to protect peat substrates; and, to ensure supervision by a specialist ecologist at times during construction and use of protective fences. With these provisions, the proposal would comply with the Local Plan Policies E2, E3 and E5 and to the nature conservation requirements of Policy E31 and Policy CC3 of the emerging local plan.

#### Impact on radar systems

Policy CC3 of the emerging local plan states that wind energy development will be permitted where, amongst other things, it would not have an unacceptable impact on

the operation of radar systems required for commercial or military aircraft or the Met Office safeguarded meteorological site at Hameldon Hill. Initial objections to the application were received from the Ministry of Defence (MOD), National Air Traffic Safeguarding (NATS) and the Met Office due to the potential impact that the turbines would have on their radar equipment. In each case, the applicant has sought to deal with the technical difficulties related to radar equipment by way of assessing the extent of the potential blankage through radar mitigation schemes. Following long negotiations with the MOD over radar at Warton, the applicant has provided sufficient information and analysis to enable the respective consultees to advise that they have no objections subject to radar mitigation schemes. The MOD request that a condition be imposed to require the submission and approval of a detailed radar mitigation scheme. A condition is also recommended to ensure that the exact co-ordinates within the proposed 50m micro-siting of the turbines are agreed with the Council. With these provisions the proposed development would not pose a risk to either civilian, military or meteorological systems.

#### Impact on heritage assets.

Policy E31 and emerging Policy CC3 permit wind energy development where there would not be an unacceptable impact on the setting of heritage assets and sites of archaeological importance. The setting of New Barn Farm and Lower Micklehurst Farm which fall within 500m and 700m respectively of the nearest siting of a proposed turbine would not be significantly affected by the proposal. No part of the development would encroach upon the remnants of Hapton Tower. The LCC Archaeology Advisory Service state that there are a number of non-designated pre-historic or medieval burial and earthwork sites which are within 17m and 30m of the application site boundary. It is therefore recommended that a scheme of archaeological work, supervision and recording is carried out to ensure that if any remains are discovered that these can be satisfactorily recorded. With this provision, the proposal would have an acceptable impact on heritage assets.

#### Impact on highway safety

Emerging Policy CC3 permits wind energy development where supporting infrastructure, including access tracks through the site, associated cables and operational equipment would not have a significant adverse impact on the site and its surroundings, including any public rights of way. Each turbine would require an extension to the existing stoned track that serves the existing wind farm of 228m, 105m and 451m (from north to south). The tracks would be private and not affect existing routes or public footpaths on Hameldon Hill. Use of the tracks to access the site following construction would be minimal. LCC Highways has no objections on highway grounds and recommends conditions relating to a Traffic and Construction Management Plan. With these provisions there would be no significant impact of the proposal on matters of highway safety.

#### Summary

The proposed development would be beneficial by providing a significant level of renewable energy through natural resources but should only be permitted where development plan policies (where applicable) identify it as a suitable location and where the proposal has the backing of the local community. In this case, the development plan in force does not set out suitable areas for wind energy development. The emerging local plan states that there will be some limited scope for larger turbines or turbine clusters; this proposal could be viewed as falling within that limited scope but the policy only carries limited weight due to the status of the plan.

The Ministerial Statement issued in 2015 states that where the development plan does not identify suitable sites then the proposal should be found to be acceptable if the local planning authority is satisfied that it has addressed the planning impacts identified by affected local communities and therefore has its backing. It is for the Local Planning Authority to determine the extent to which any opposition to the proposed wind turbines would deter it from coming to the conclusion that the proposal does not have the backing of the local community. In this case, seven letters of objection have been received from neighbouring properties and an objection has also been received from Hapton Parish Council. The concerns of the neighbours and the Parish Council relating to visual impact, noise, shadow flicker and nature conservation have been discussed in this report and its findings are that the additional three wind turbines would have only a moderate visual impact and would not unacceptably affect residential amenities. A moderate visual impact would not in this instance have a dominating effect given that the cluster of turbines which would increase from 6no. to 9no. would still be viewed as a limited and modest single group.

It is considered therefore that these impacts have been satisfactorily addressed and the scale and nature of the objections would not lead to the overall conclusion that the development does not have the backing of the local community. Other impacts resulting from the development, such as on radar systems, highway safety and heritage assets have also been considered and would not lead to any significant impacts.

There are significant benefits arising from the proposal. The proposed turbines are estimated to generate enough electricity annually to supply the equivalent of approximately 4,616 households. This could displace the equivalent of up to approximately 6,690 tonnes of CO<sub>2</sub> emission per year from conventional forms of electricity generation.

The benefits of the proposal and its contribution to meeting government targets to increase energy supplies from renewable resources and to tackle climate change through reducing carbon emissions weigh in favour of the proposal. The potential impacts of the development that have led to a degree of opposition have as far as possible been addressed and are not so significant that would create an unacceptable development. The proposal is therefore recommended for approval; there are no other material considerations which would outweigh this finding, in which case there is no substantive reason to come to a contrary conclusion.

**Recommendation: Approve with conditions relating to the following matters:**

**Draft List of Conditions**

1. Standard time limit – 3 years.
2. Approved drawings.
3. Revised Traffic Management Plan
4. Construction method Statement
5. Programme of archaeological work, supervision and recording
6. Hours of construction work
7. Notification of date of first supply of electricity from the turbines



8. Cease us of turbines after 25 operational years
9. Scheme for the removal of apparatus and restoration of the land
10. Details of the type, appearance and colour of the turbines
11. Wind turbine blades to rotate in same direction
12. Removal of wind turbine from the site if unused for electricity generation for a continuous period of more than 9 month
13. Scheme for dealing with complaints relating to shadow flicker
14. Compliance with the details, limits and recommendations of the submitted noise assessment
15. Scheme for dealing with complaints relating to noise
16. No illumination of the site other than during the construction phase, maintenance or emergencies
17. Submission, approval and implementation of radar mitigation schemes
18. Micro-siting and heights of turbines to be agreed
19. All cabling to be positioned underground
20. No fences to be erected around access tracks and wind turbine apparatus except where needed to allow planting to establish
21. The submission of a Construction Environmental Management Plan
22. The submission of a Landscape and Ecological restoration and Management Plan (LEMP)
23. Updated badger surveys to be carried out
24. Construction work to avoid the bird nesting season (March to August inclusive)

JF 20/6/17

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Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0195

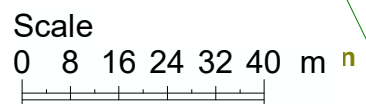
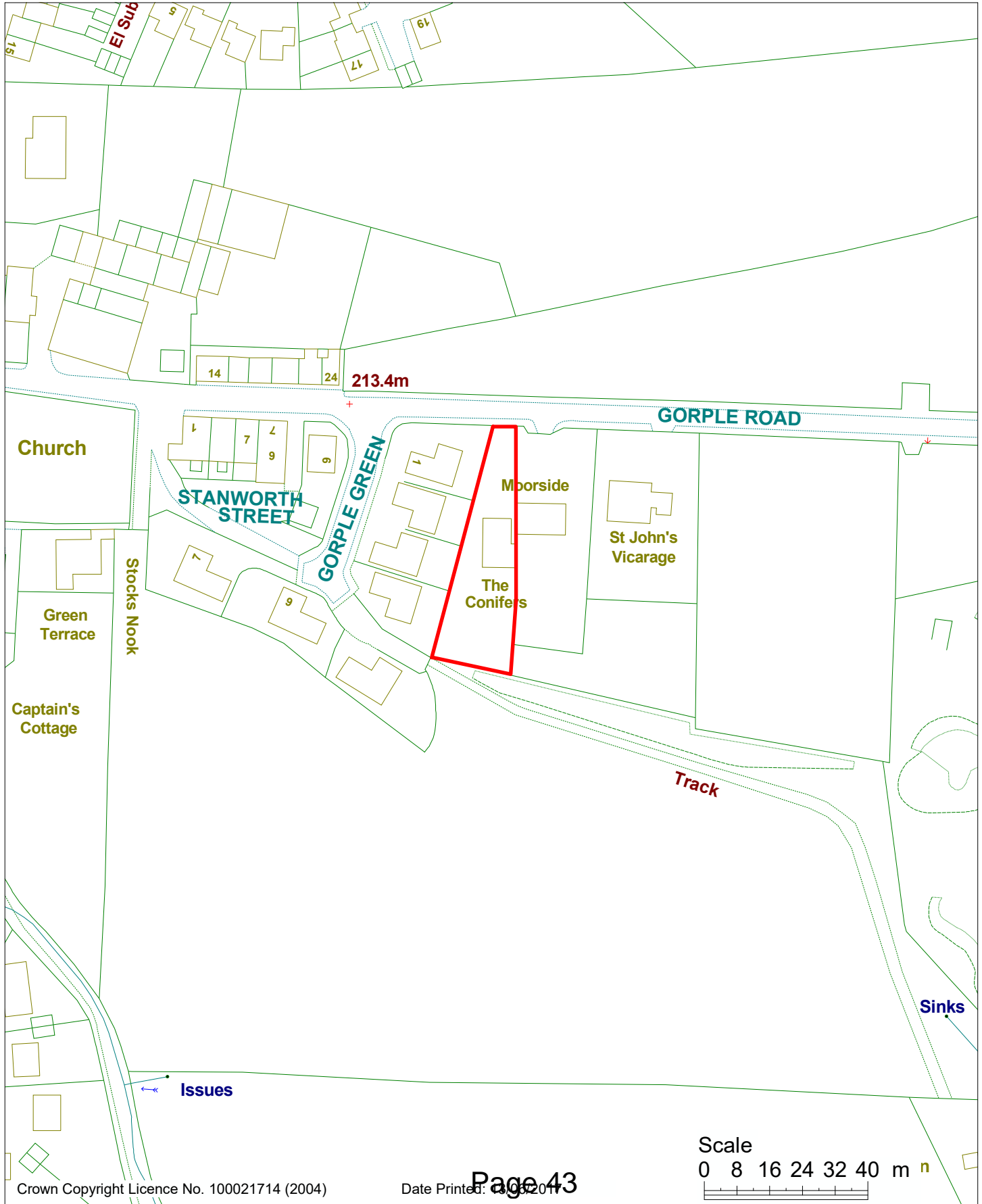
Paul Gatrell Head of Housing and Development

Location:



## The Conifers, Gorple Road, Worsthorne, Burnley

1:1250



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**Application Recommended for Approval**  
Cliviger with Worsthorne Ward

Full Planning Application

Retrospective application for the retention of utility room extension to side of dwelling.

THE CONIFERS, GORPLE ROAD, WORSTHORNE, BURNLEY

**Background:**

The utility room which is in the process of being built would normally be permitted development not requiring consent; however, there was a condition attached to the original permission when the dwelling was granted (12/98/0324), taking away permitted development rights. The reason given for the condition was 'to enable the Local Planning Authority to reconsider any future proposal to alter the dwelling, in the light of the existing trees on the site and the restricted space around the dwelling'.

The application has been submitted as the result of an enforcement enquiry.

Objections have been received.

**Relevant Policies:**

Burnley Local Plan Second Review

GP2 - Development in the Rural Areas

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

**Site History:**

12/98/0324 – proposed bungalow – c/c

APP/2006/0037 – proposed bedroom extension – granted

**Consultation Responses:**

Neighbours – 2 letters received from neighbouring properties (*nos. 2 and 3 Gorple Green*) objecting to the extension on the following grounds;

- Feel that the bungalow (originally a 2-bedroomed bungalow) which has already been extended (bedroom extension to front and conservatory to rear) is now becoming intrusive (*no.3 Gorple Green*).
- The build is facing the only outward looking window from our property and this is resulting in loss off sunlight
- from our property (*no.3 Gorple Green*).
- Due to the elevation of The Conifers in relation to our property, without consideration of footings, this could result in the retaining wall collapsing (*no.3 Gorple Green*)
- Properties 2, 3 and 4 Gorple Green have all had extensions to the rear of the properties and the submitted plans are out of date (*no.3 Gorple Green*).
- As our house is set lower than their plot, their new extension with its location near to our back garden wall over shadows our garden further reducing the light we have (*no. 2 Gorple Green*). We are already compromised by the conifers

that form the boundary between the two dwellings; the location of the extension has impacted negatively on the outlook from the back of the house.

- Feel that the extension will impact negatively on the sale and value of our property (no.2 Gorple Green).

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

The property is a bungalow that was granted approval within the grounds of Moorside (adjacent property) in 1998. The bungalow has been extended over the years. The utility room to the side of the property which is the subject of this application is almost complete.

The proposed extension (the subject of this application) would normally be permitted development and only requires consent due to the condition attached to the decision, when the original bungalow was granted approval, taking away permitted development rights.

An application for a bedroom extension at the front of the property was granted in 2006 and a conservatory at the rear of the property was built in 2011 (a planning application was not received, however as the conservatory was built more than 4 years ago it is exempt from enforcement action).

The main considerations are design/materials and privacy/outlook.

#### *Design / materials*

The single storey utility room extension to the side of the property is being built 3m away from the boundary with the properties on Gorple Green. The extension is 2.3m in width across the front elevation and extends out by 3.45m on its rear elevation. The rear elevation is on line with the original rear elevation of the dwelling and the extension is 5.7m in depth.

The materials are render for the elevations with concrete roof tiles to match the existing dwelling. The extension has a gabled roofline.

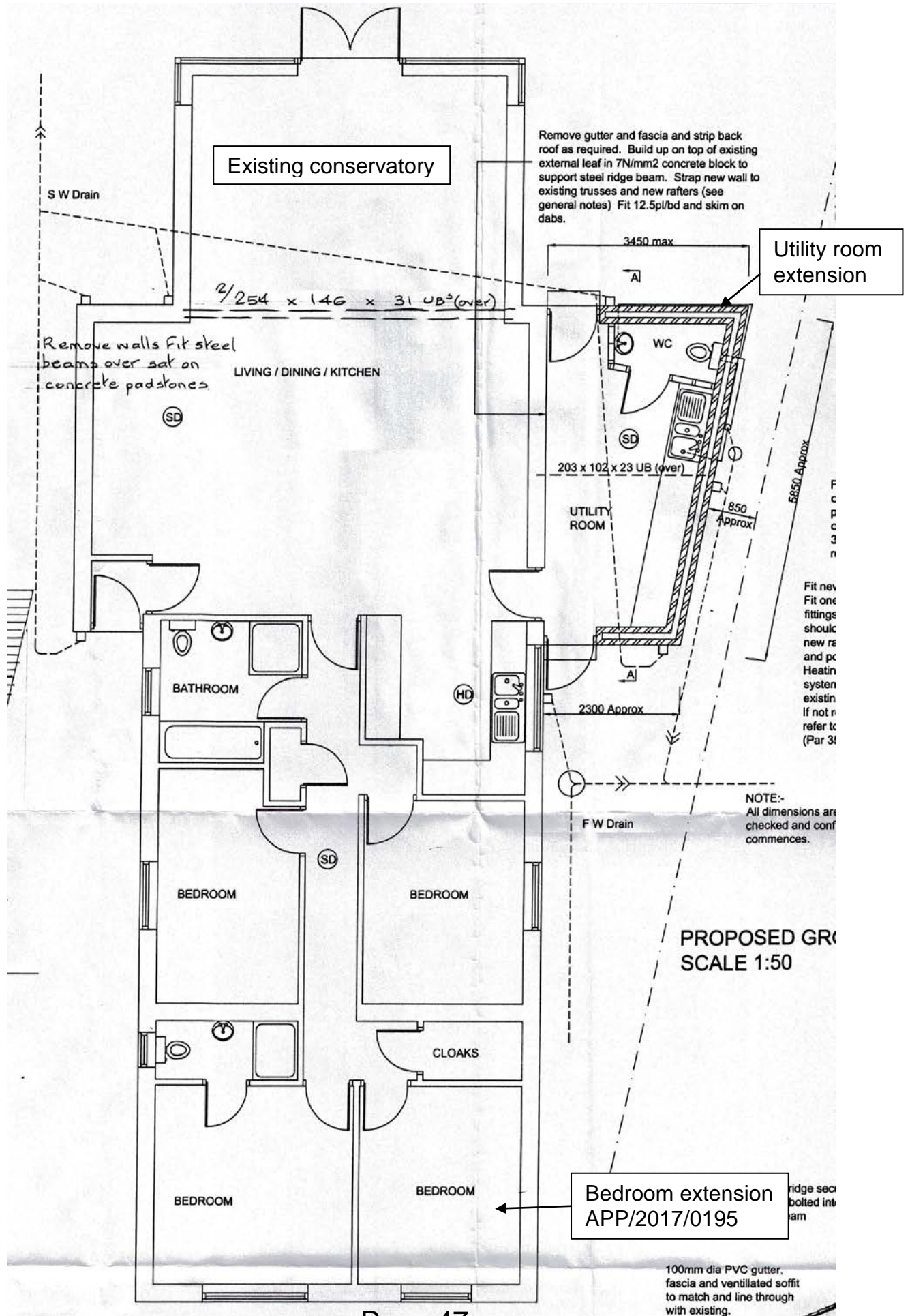
The design and materials are considered to be acceptable.



the side utility extension from the front



the extension looking from the rear



### *Privacy/outlook*

There are no windows proposed on the side elevation of the extension which is on the elevation facing the rear of properties on Gorple Green. There is a glass door on the front elevation of the utility room and one on the rear.

There is a gap of 3m between the side elevation of the extension and the boundary with properties on Gorple Green. There is a high conifer hedge between the rear of the properties on Gorple Green and the application property which is on land within the curtilage of the application property; this hedge has recently been cut back by the occupiers of no.3 Gorple Green along their boundary (see below).

Nos.2 and 3 Gorple Green have had rear extensions built taking them nearer to the rear boundaries of the properties. The utility room extension is located mainly to the rear of no.3 Gorple Green and just slightly to the rear of no.2. The single-storey rear extension at no.3 Gorple Green extends out by 3.4m from the original rear elevation and has a balcony and is approx.5m from the boundary with the application property (see photos below).



views from the rear of no.3 Gorple Green

It is considered that the extension does not affect privacy/outlook or daylight for the properties on Gorple Green; there is a conifer hedge between the properties and no windows on the side elevation of the extension which is single-storey.

### *Conclusion*

The extension, which would normally be permitted development, is considered to be acceptable and in accordance with the Local Plan policies listed above.

### **Recommendation**

That the application 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: Drawing nos: TC/1A, TC/2 (location plan), TC/3 & TC/4 received 18 April 2017.



**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.

LAB

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# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6d

Ref.

## APP/2017/0142

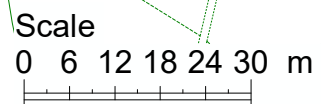
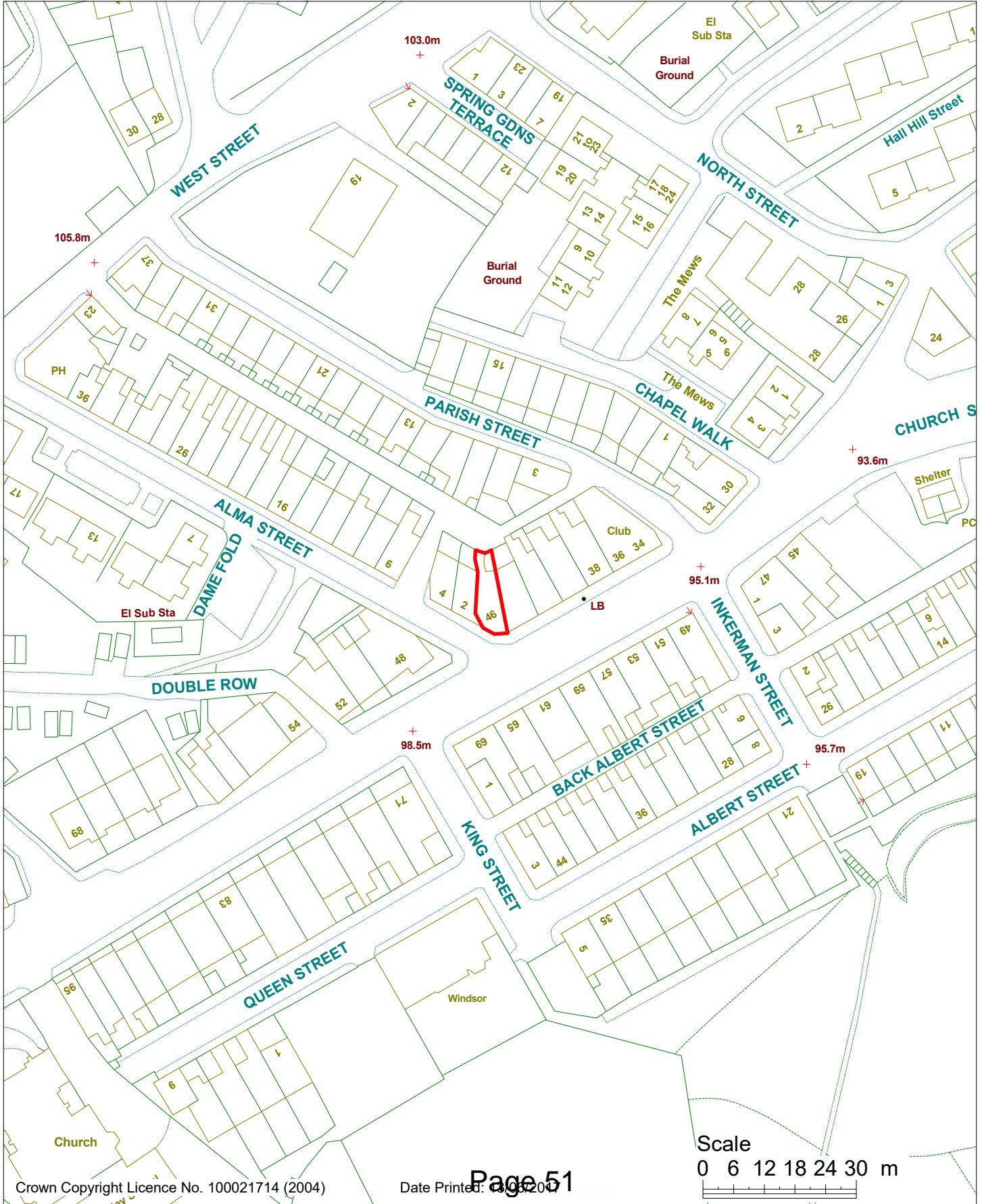
Paul Gatrell Head of Housing and Development

Location:



### 46 Church Street, Padiham

1:1000



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## **Application Recommended for Approval**

**APP/2017/0142**

Hapton with Park Ward

Full Planning Application

Proposed change of use to mixed use of A1 shop and hot food take-away (A5)  
46 CHURCH STREET, PADIHAM

### **Background:**

The property has been vacant for a number of months; the applicant states that the property has an existing A1 use, and has previously operated as a take-away following planning consent in 1982. The proposal is to use the property as delicatessen (mainly A1) during the day providing hot and cold food and a take-away service (A5 use) in the evenings. The applicants originally wanted to have a take-away delivery service in the evenings; however this has now been deleted from the application following discussions with the applicant and Highways.

Objections have been received.

### **Relevant Policies:**

#### Burnley Local Plan Second Review

CF13 - Restaurants, cafes, public houses and hot food take-aways

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

PTC6 - Gateways and Throughroutes

TM8 - Quality bus routes

GP7 – New development and the control of pollution

### **Site History:**

81/0534 – change of use from vacant shop/ dwelling to take-away with eating in facilities - 11.30am-2pm and 4.30pm-11.30pm – refused

82/0008 – retention of use as a take-away 11.30am-10.30pm – approved for a temporary period of 1 year

82/0550 – retention of use as take-away 11.30am-10.30pm – c/c

82/0551 – shop sign – c/c

86/0678 – change of use take-away from to restaurant – refused

97/0356 – variation of condition 2 attached to 82/0550 to allow the hot-food take-away to open until 11.30pm - refused

### **Consultation Responses:**

*Highway Authority* – There is obviously an issue relating to the business encouraging / attracting parking close to the site in contravention of the existing waiting restrictions and the effect that this stopping etc. will have on the amenity of the local residents, however during the daytime the proposal is to open a delicatessen which I would consider to have no significant impact over and above that which existed for the former business. The business model however is to extend the opening into the evening with a pizza takeaway/ delivery service, again, whilst this would raise no concerns from a highways perspective the applicant also proposes to operate a delivery service. There are no off street parking facilities in this area and any on-street

parking whilst it is available it is limited. This would encourage operational parking on the existing waiting restrictions which cannot be condoned.

On the basis of the application submitted I would raise no objection to the proposal but would recommend that for highway safety reasons, the delivery service option be removed from any permission that may be granted.

*The proposed delivery service has now been deleted from the application following discussions with the applicant.*

*Environmental Health* – We wish to raise the following points,

1. I refer to legislation 'Clean Air Act 1993' - the premises are located in an area covered by a smoke control order (smokeless zone), this means that only authorised fuel (smokeless fuel) can be burned on appliances connected to a chimney. Defra provide a list of authorised fuel; wood is not included on the list and therefore cannot be used at 46 Church Street. There are exemptions to this rule if the appliance has been given exemption status by Defra to burn an alternative fuel to the listed authorised fuel.

The information provided for the intended pizza oven is not listed on the Defra website as an exempted appliance and therefore must only burn authorised fuel.

On this basis I suggest to include a condition stating:

Compliance with the Clean Air Act 1993 must be adhered to at all times.

*To be added as a note as it doesn't meet the standard conditions tests.*

2. There are no details provided to enable consideration of odour and noise control from the extraction system, therefore the following comment is relevant and should be considered for inclusion as a condition:

No development shall take place until a scheme of odour suppression has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan of the proposed ventilation system detailing noise suppression and odour abatement measures, the information should include the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance.

Reason: In order to avoid odour nuisance to the occupiers of adjacent properties

Ensure that extraction system and ventilation is designed to meet requirements of relevant legislation including the Gas Safety (Installation and Use) Regulations 1998. More information can be found in the HSE's document Catering Information Sheet No 10, or the applicant can contact a member of the Food/Health & Safety team if required.

*To be added as a note.*

*Neighbouring residents* – Four objections received on the following grounds;

- It will make it impossible for the residents in surrounding properties to park. The parking situation is already at breaking point due to other hot-food take-aways a club and other shops in the vicinity.
- It will create more of a hazard for pedestrians and other road users. It was only a couple of months ago that a pedestrian was knocked down by a car trying to cross over the busy road.
- When it was a sandwich shop lorries used to park on the double yellow lines whilst the drivers nipped in to the shop this will happen even more which will be a hazard.
- Concerns about unsociable behaviour, with youths gathering around and noise and mess. Will keep the children awake in the evening and create a problem with their sleeping patterns.
- People will go to the take-away after going to the pub and cause a disturbance.
- Object to the business having any illuminated signage (but doesn't object to the proposed use) as it could cause a distraction (dentists on opposite side of road).
- Smells and fumes will be a problem.

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

The property is within a mixed residential / commercial area of Padiham being located on the corner of Church Street and Alma Street; it is a corner terraced property which is locally listed and within Padiham Conservation Area. The property is located just outside the Church Street area of 'Padiham Town Centre' (as designated by the Burnley Local Plan Second Review).

The applicant states that the property has an existing A1 use and has previously been used as a take-away. There is an existing flat above the shop, which is accessed through the shop, providing living accommodation in conjunction with the ground floor use; information provided by the applicant states that the flat will be occupied by the business manager. Permission was granted for a hot food take-away for a temporary period of 1 year in 1982 (82/0008) and then on a permanent basis (82/0550) with opening hours 8am to 10.30pm.

The proposal is to change the use of the property to a hot food take-away, the application originally included home delivery (this has now been deleted from the application following discussions with the applicant, as the Highway Authority had concerns with regard to this element of the proposals); the property will continue to operate as a delicatessen, providing hot and cold food throughout the day with a take-away operating in the evenings. The proposed opening hours are 8am until 10.30pm every day including Bank Holidays.

The main considerations are whether a change of use to a hot food take-away in this location is acceptable in particular in terms of residential amenity and highway issues.



Alma Street

46 Church Street



Alma Street

46 Church Street

*Residential Amenity*

Permission was granted in 1982 for a hot food take-away at the property, initially this was for a temporary period of one year and then a further application was granted on a permanent basis (8am until 10.30pm). The applicant states that in the 1980's and 1990's the shop was used as a hot-food take-away and that prior to this application the premises have been used for the sale of cold sandwiches, hot pies, breakfasts and other hot food for consumption on site ( 2 tables within the property) or take-away.



The proposed operation of the site is for a delicatessen which will open from 8.30am providing hot and cold foods, sandwiches, breakfasts, pizzas etc. through until early evening, with pizza take-away operating through until 10.30pm. Whilst it is clear that the proposed use has been considered acceptable in the past, we must still consider the scheme against the most up to date policies.

The main Local Plan policy relevant to this application is CF13 – Restaurants, cafes, public houses and hot-food take-aways.

**LOCAL PLAN POLICY CF13 – RESTAURANTS, CAFES, PUBLIC HOUSES AND HOT FOOD TAKEAWAYS** states that proposals for restaurants, cafes, hot food shops (Use Class A3) and public houses will be permitted when the proposal:

(a) is, wherever possible, located in, or adjacent to, a defined town, district or local centre, or within one of the named settlements listed in General Policy GP2: “Development in Rural Areas”. *(The property is located adjacent to the defined Padiham Town Centre area);*

(b) is accessible by walking, cycling and public transport *(The property is located on a main route through Padiham town centre which is a bus route and there is a bus stop close by. The property is also accessible by walking and cycling ([the property is adjacent to a residential area])).*

(c) includes an adequate and effective fume and odour control system *(The existing extraction system is vented through the chimney located above the existing cooking ranges. It is proposed to install a new extraction system utilising this system – further details would be required if the application is approved);*

(d) can be accommodated without detriment to the free flow of traffic or residential amenity *(The proposed opening hours are the same as was previously approved for a hot-food take-away at the premises. There are double yellow lines outside the property, however parking is available on the opposite side of Church Street. Parking appears to be limited for residents in the area; the Highway Authority have no objections however to the proposals on highway grounds. With regard to noise and disturbance, it is likely that there will be some noise and disturbance from people coming and going to the hot food take-away especially in the evenings; the application that was previously approved was granted initially for a one year period in 1982 and was then granted on a permanent basis. It would therefore be difficult to refuse the application on this basis as permission has previously been granted for the same opening hours, and especially as the existing A1 is unrestricted in terms of opening times.*

(e) includes measures to reduce the impact of noise and litter *(the applicant proposes to locate a litter bin outside the premises during opening hours for litter. The extraction system is to be designed to minimise possible noise);*

(f) will not create an unacceptable concentration of non-retail uses in Burnley and Padiham Town Centres in accordance with policies BTC1, BTC2, PTC1 or PTC3, or more than 30% in any other centre or frontage *(The property is located on the periphery of the Padiham Town Centre boundary and has been used for the sale of hot food for many years, there is a mixture of uses in this block which fronts Church*

*Street (no.44 dwelling, 42 butchers, 40 osteopaths, 38 dwelling and 34/36 working men's club), which constitutes more than 30% non-retail uses in the block; the precedent has already been set however when permission was granted in 1982 for the hot-food take-away and that this has an existing A1 use); and*

(g) complies with Local Plan Environment Policy E25 - "Shop Fronts" (*There are no changes proposed to the external appearance of the property*).

#### *Highway issues*

There are double-yellow lines on the road (Church Street) outside the premises. The Highway Authority have stated that from a highway safety point of view, there have been no accidents in the vicinity of the premises and the former use would suggest that parking/ waiting on the double yellow lines did occur. The Highway Authority state that during the daytime the proposal is to open as a delicatessen which would have no significant impact over and above that which existed for the former business. The proposal is to have a pizza take-away in the evenings which the Highway Authority say would raise no concerns from a highway perspective; they did have concerns in respect of the proposed delivery service, however this has now been removed from the application.

Residents in the area state that there is already an issue with parking in the area and there are double yellow lines on some of the streets in the area. There is parking available outside the shops on the other side of the road, however it is likely that some people going to the take-away will park on the double yellow lines outside the premises on Church Street.

#### *Conclusion*

Although inevitably there would be some effect on residential amenity due to people and cars coming and going, the impact is unlikely to be sufficiently harmful so as to warrant refusal of the proposal (the NPPF test is "severe harm"). We must also consider that permission has previously been given for use of the property as a hot food take-away (opening until 10.30pm) which would also make it difficult to sustain a reason for refusal of this application. On this basis, the application is recommended accordingly.

#### **Recommendation:**

Grant subject to the following conditions:

#### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan received 20 Mar 17.
3. No development shall take place until a scheme of odour suppression has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan of the proposed ventilation system detailing noise suppression and odour abatement measures, the information should include

the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance.

4. The main use of the premises shall remain as a daytime delicatessen /sale of hot food operating on any day. Any late evening opening of the premises after 1800 hrs shall remain ancillary to the main daytime use as a delicatessen / sale of hot food and not operate independently.
5. No delivery service shall operate from the premises.
6. The application premises shall not operate between 10.30pm and 8.00am on any day.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to avoid odour nuisance to the occupiers of adjacent properties and in accordance with policies CF13 and GP7 of the Burnley Local Plan Second Review.
4. To retain the daytime use of the premises in the interests of the vitality and viability of Padiham town centre.
5. In the interests of highway safety and residential amenity and in accordance with policy CF13 of the Burnley Local Plan Second Review.
6. In the interests of residential amenity and in accordance with policy CF13 of the Burnley Local Plan Second Review.

LAB

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Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0250

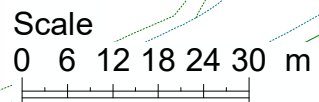
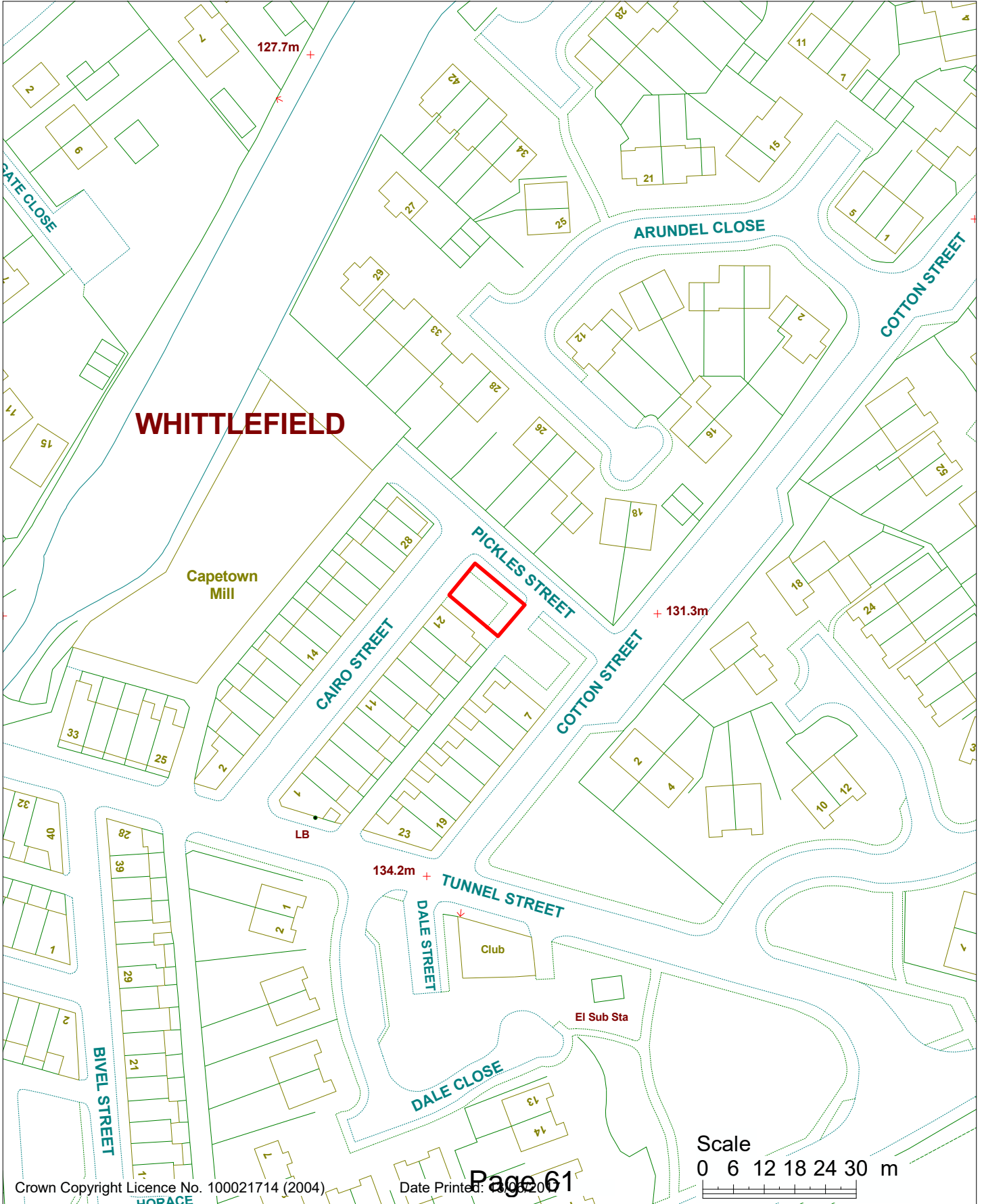
Paul Gatrell Head of Housing and Development

Location:



## Land off Cairo Street, Burnley

1:1000



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## **Application Recommended for Delegation**

**APP/2017/0250**

Whittlefield with Ightenhill Ward

Full Planning Application

Proposed erection of 2 bedroom bungalow

LAND OFF CAIRO STREET

### **Background:**

The application relates to a cleared site at the end of a residential terrace.

An objection has been received.

The applicant has been asked to address details of the development in order to enhance the resultant street scene.

### **Relevant Policies:**

Burnley Local Plan Second Review

H3 - Quality and design in new housing development

TM15 - Car parking standards

### **Site History:**

12/89/0747: Retention of change of use of vacant land to extend residential curtilage to form garden and 4' 6" high fencing along Cairo Street frontage – Granted

12/92/0375: Change of use of hard surface parking area to extension of residential curtilage to form garden, and retention of fence – Granted

Adjacent bungalow proposal

APP/2016/0271: Erection of 3 bungalows – Granted

### **Consultation Responses:**

Highway Authority – No objections.

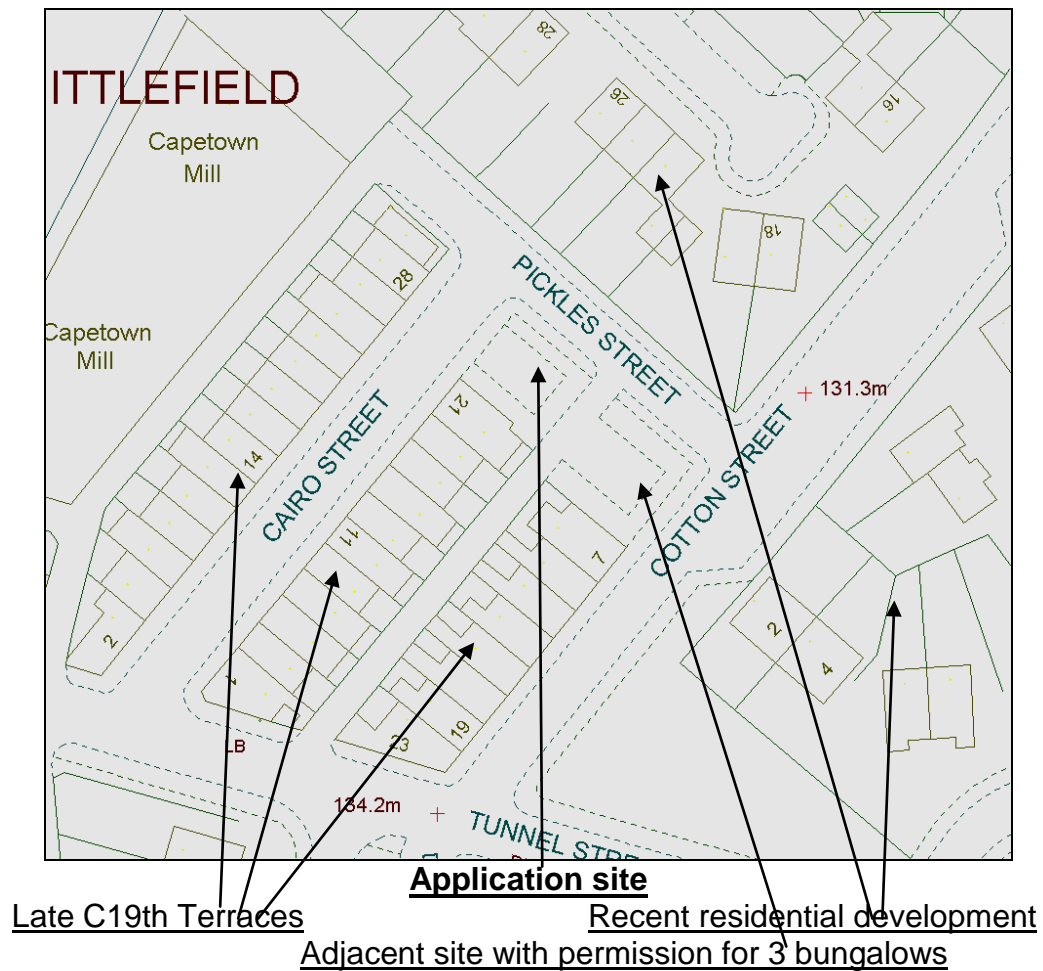
Neighbouring Resident (adjoining house) – Letter making objections, summarised as follows:

1. Because of the small size of the site, the bungalow would look squashed in.
2. Impact on trees, bushes and landscape.
3. On-street parking would cause a hazard, being near the junction with Pickles Street.
4. Loss of privacy caused by overlooking of neighbouring property.
5. Loss of sunlight.
6. Increased noise and disturbance, depending on the neighbour.
7. Smells and fumes, depending on the neighbour.
8. Impact on ecological features – less green space for insects, plants and organisms to live on.
9. The proposed building would be out of keeping with the adjacent period, stone-built terraces. The detached bungalow would not fit in.

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

The application relates to a rectangular site at the end of a residential terrace. It has frontages to Cairo Street, Pickles Street and a back street, and is adjacent to No.21 Cairo Street.

In earlier years it was occupied by 3 dwellings, part of the terrace, which were removed, presumably in a clearance scheme in the 1960s/70s. The land was then laid out as a car park to provide some off-street car parking; later it became the enclosed side garden of No.21 under the 1989 and 1992 planning permissions. Apparently the land was held by the occupier No.21 under a lease/tenancy from the Council.



Presently the land is enclosed with a 2m high concrete panel fence, within which is over-grown garden vegetation.

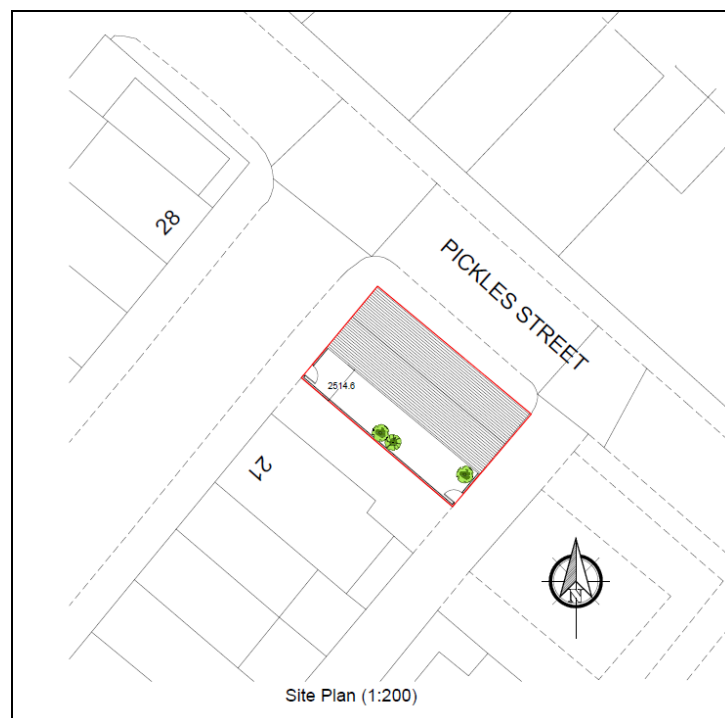




**Application site**

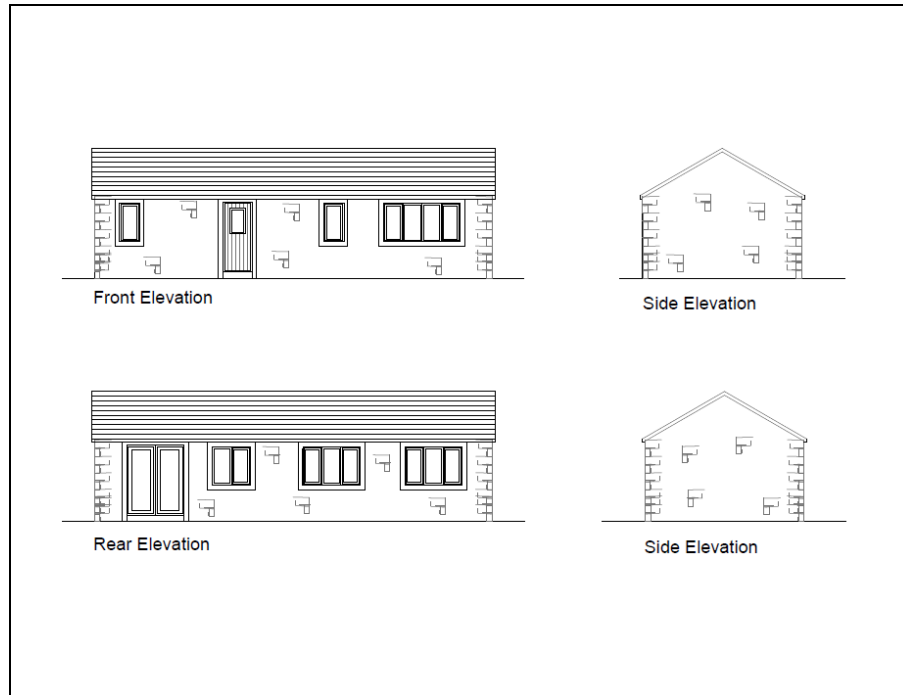
*Proposed development*

The present proposal is to erect a two-bedroom bungalow across the site, fronting Pickles Street, with its rear wall facing the gable end of the terrace. The layout is intended to maximise use of the site, so that it would be built up to the edge of the street footway on its three highway frontages. It would have a small rear garden.



**Proposed layout**

Smaller side garden retained by neighbouring house



**Initial elevations**

The submitted details (illustrated above) show that the building would be of a modest scale; built of artificial stone and plain grey tiles that would generally harmonise with its surroundings. However, this report expresses the view that the design should preferably give the building more presence in the street-scene to help enhance the sense of place created. For this reason, the applicant has been asked to address the issue and submit further details for consideration at the meeting.

In other respects, the proposal would provide appropriately for the amenities of future residents, without adverse impact on neighbours.

*Representation from adjacent resident*

The neighbour expresses a different opinion about the proposed development than is taken by this report.

There is space for a bungalow of modest size; and, given its generally sympathetic design and materials, it would enhance rather than detract from the area.

The Highway Authority are content with the on-street parking arrangement; and this is the same arrangement as for the bungalows under construction on the adjacent site.

There would not be significant (if any) loss of privacy or sunlight; and matters relating to noise, disturbance and smells arising from domestic property are matters of a social/behavioural nature, rather than material planning considerations.

It is fair comment that there would be less green space and less wildlife habitat, however the land is a legitimate housing site, identified in the Development Plan as within the Urban Boundary and Development Boundary of the adopted and emerging Local Plan (respectively) and the development sustainable, and as such, required to be granted by the National Planning Policy Framework. The development of this

brownfield (previously developed) land should commensurately reduce the pressure to develop greenfield land which could then continue to serve as wildlife habitat.

#### *Conclusion*

Small developments of this nature have the potential to signal a general uplift of confidence in residential neighbourhoods. The introduction of the new development would help 'round-off' this part of the area, helping the traditional terraces blend with the modern development it sits alongside.

#### **Recommendation:**

That provided amended details showing a satisfactory external appearance are received, the Head of Housing and Development Control be delegated to grant permission subject to the following conditions and any other conditions arising from the negotiation of details.

#### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: ***drawing numbers to be inserted.***
3. The external materials of construction to be used on the walls and roof of the development shall be as described on the application forms and approved plans only unless any variation to this is otherwise first submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no development shall be carried out on any part of the development within the terms of Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority.
5. Before the dwelling is first occupied, the garden boundaries facing Cairo Street and the back street shall be enclosed in stone walls matching the stone used in construction of the dwelling hereby permitted, unless other materials are submitted to and approved in writing by the Local Planning Authority.
6. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays or Bank Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006), currently saved.
4. In order that the Local Planning Authority can assess any future changes to the approved dwelling, having regard to the potential impacts on the residential amenities of neighbouring properties and the character of the area, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006), currently saved, and any relevant planning policies.
5. In the interests of the visual amenities of the street scene and the amenities of future residents of the dwelling, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006), currently saved.
6. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006), currently saved.

AR  
20.6.2017

# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6f

Ref.

**APP/2017/0219**

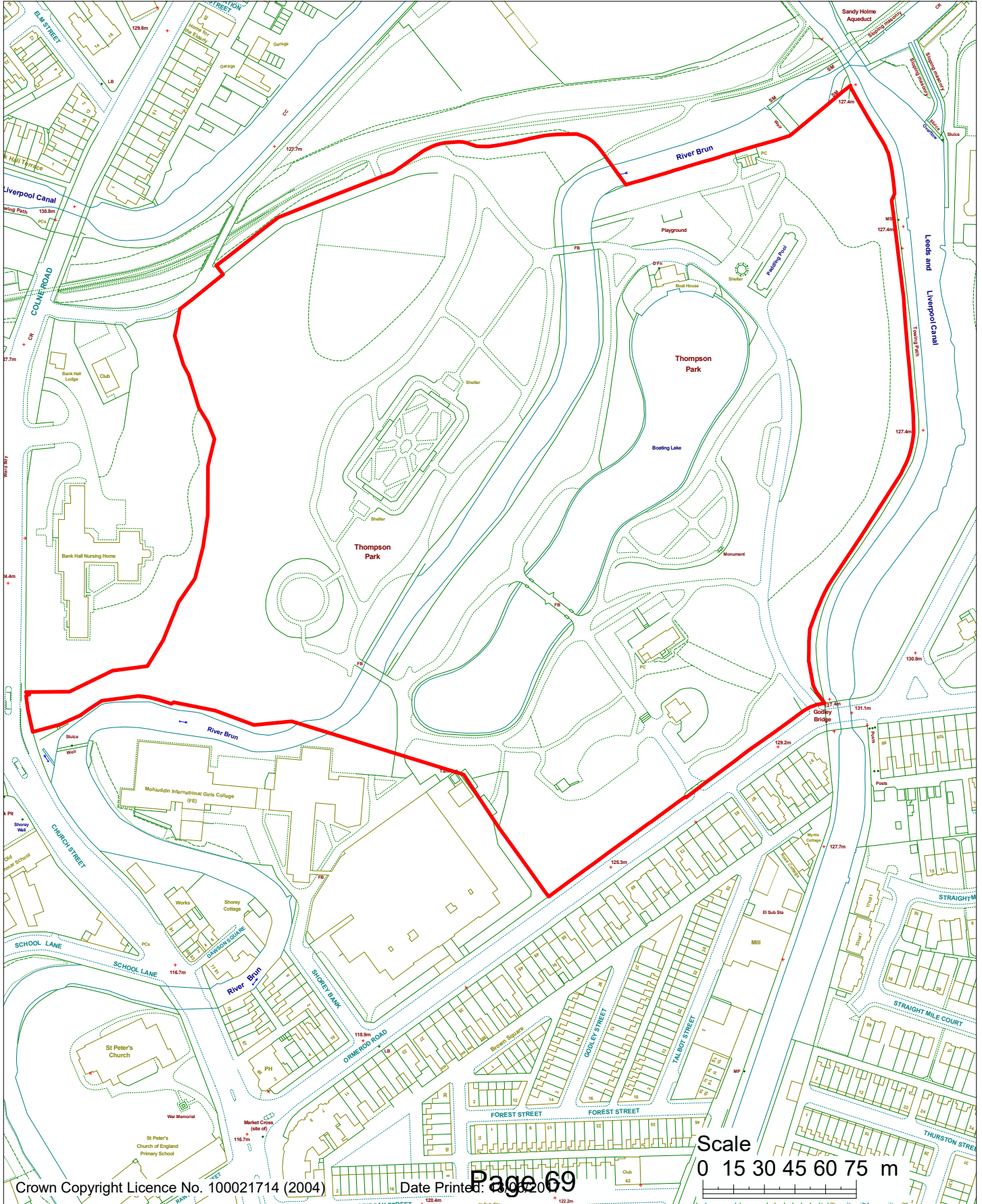
Paul Gatrell Head of Housing and Development

Location:



## Thompson Park, Ormerod Road, Burnley

**1:2500**



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Full Planning Application

Change of use of pavilion to provide a cafe / community room / office; conversion of boat house to cafe; and provision of new 6 metres high 'space net' equipment in play area.  
THOMPSON PARK ORMEROD ROAD BURNLEY

**Background:**

Thompson Park is a Grade II Listed public park, owned and managed by Burnley Borough Council.

The site is adjacent to the Canalside Conservation Area and the Top O Th' Town Conservation Area. It is a town centre park of 8 hectares located approximately 1 Km to the north east of the town centre.

The current proposals form part of the successful Thompson Park Heritage Lottery Fund (HLF) Restoration Project to be funded through the HLF Parks for People project.



*Masterplan of proposals for the Park*

The scheme will provide for:

1. The conservation and refurbishment of the entrance gates and railings

2. The refurbishment of the pathways, access from Colne Road and disabled parking improvements
3. The conservation and restoration of the Pavilion to provide an activity and exhibition room, new toilets and kitchen and servery
4. The conservation and restoration of the octagonal shelter
5. Works to the Boathouse, deck and setting to provide a café
6. Conservation and restoration of Lake Bridge and River Brun bridges
7. Works to the Lake
8. Refurbishment of the paddling pool and new fencing
9. Enhancement and refurbishment of Play Area
10. Refurbishment of toilets
11. Conservation and restoration of Italian Garden – sunken garden, pergolas, shelters, provision of disabled access
12. Conserve and restore the Rose Garden
13. Tree works
14. New planting, lawns, naturalistic areas with wildflower meadows and pond creation
15. Street furniture – restoring traditional park benches, installing new litter bins, new/refurbishment signage.

The only part of the scheme which requires planning permission involves:

- the change of use of the Pavilion building to provide for community use, a café and offices
- the conversion of the Boathouse to a café
- the provision of new 6 metre high 'space net' equipment in the play area

No objections have been received to the application. It is referred to members because the applicant is Burnley Borough Council.

### **Relevant Policies:**

#### Burnley Local Plan Second Review

CF13 – Restaurants, cafes, public houses and hot food take-aways

CF14 – Provision, retention and enhancement of community facilities

E12 - Development in or adjacent to Conservation Areas

E15 - Locally important buildings, features and artefacts

E17 - Historic parks and gardens

E7 - Water bodies and water courses

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP5 – Access for All

GP9 - Security and Planning Out Crime

#### National Planning Policy Framework (NPPF)

#### The Planning (Listed Buildings and Conservation Areas) Act 1990

### **Consultation Responses:**

1. Highway Authority – raise no objections to the application on highway grounds



2. Environmental Protection – No objections are raised to the application. It is recommended that conditions are imposed to limit the hours of construction to normal working hours in order to protect nearby residents; no combustion of materials shall take place on the site; requiring a scheme for the ventilation and odour control system to be submitted for approval.

*(Conditions are recommended accordingly)*

3. Lancashire Constabulary (Designing out Crime Officer) – raises no objections to the scheme but as there have been high volumes of crime reported around the site, a number of security measures are recommended to be considered in the design of the scheme, in order to reduce crime risks where possible.

*(The applicant has noted the recommendations and confirmed that wherever possible the suggested measures will be incorporated)*

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

The main issues for consideration relate to the impact and benefits of the refurbishment of the buildings; their proposed uses; and provision of the new play equipment in the park, having regard to the character, appearance and setting of the Grade II Listed Park, the adjacent Conservation Areas and the surrounding area.

#### *Impact on the significance of the heritage assets*

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authority to pay special regard to the impact of proposals on the character, appearance and setting of Listed Buildings and Conservation Areas.

The NPPF sets out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 of the NPPF set out that in determining planning applications local planning authorities should take account of

- the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability
- the desirability of new development making a positive contribution to local character and distinctiveness.

The application is supported by a comprehensive Heritage Assessment which sets out the historical, social and environmental significance of Thompson Park.

The proposals have been designed with special regard to the significance of the park and aim to maintain the original design of the park whilst responding to the modern requirements.

Overall, the scheme will significantly enhance the park and its significance by the conservation of its heritage through restoration and sympathetic interpretation of historic features and the enhancement of the existing landscape character. It will involve local people in the future of the park by creating opportunities for them to explore the heritage, development and management of the park and to participate as volunteers. It will increase the use, appreciation and enjoyment of the park by local people and visitors to the area and attract a wider audience to the park throughout the year. It will improve the quality of maintenance, environmental sustainability and ecological value of the park.

There would be a positive impact on the heritage asset and there are no identified adverse impacts. The scheme will deliver considerable public benefit.

There would be no adverse impact on the adjacent Canalside and Top O Th' Town Conservation Areas.

*The Proposals subject of the application*

The three aspects of the development which require planning permission relate to the Pavilion building; the Boathouse and the new Play equipment as follows:

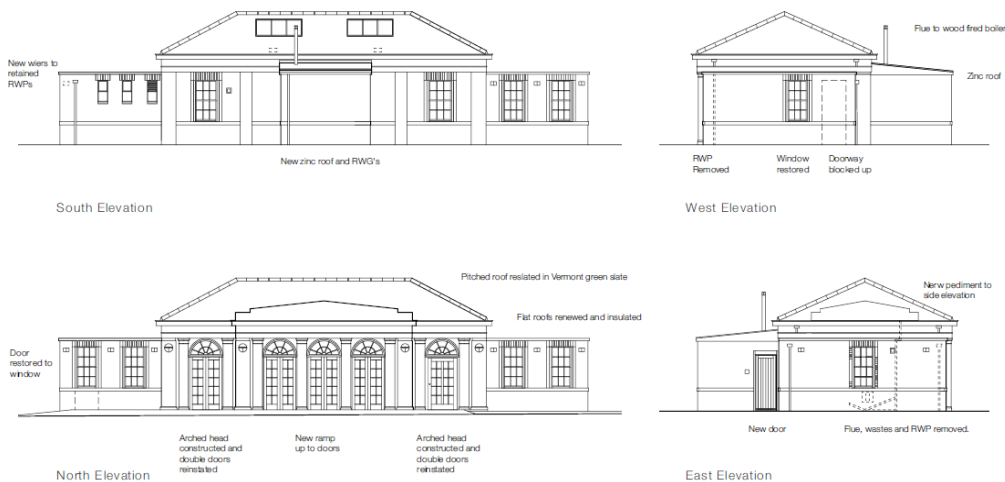
*The Pavilion*



*Pavilion building circa 1930's*



*Pavilion as it now stands*



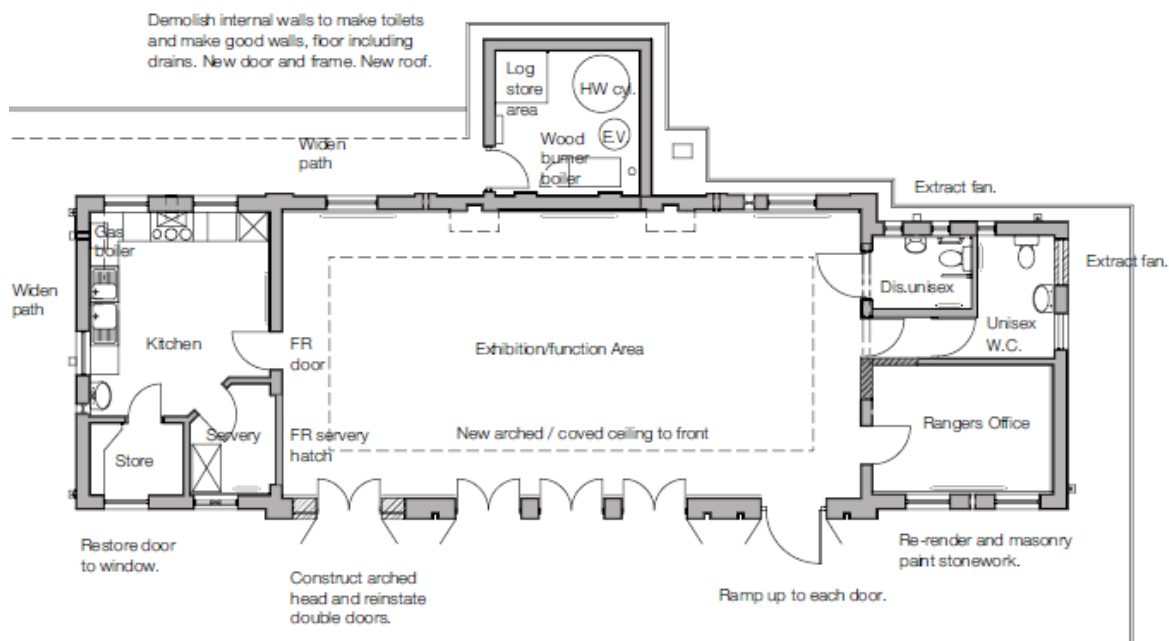
*Proposed elevations of the refurbished building.*

The pavilion in its current location was constructed as part of the original park in 1930. It is typical of the period with a hipped roof in Westmorland slate, brick /render walling and cast masonry detailing.

It has now lost its primary function as a tearoom and over time has fallen into disrepair and the fabric of the building and its materials have deteriorated although the basic structure of the building is robust and in reasonable condition. The original plan form has been retained but latterly it has been used as a garage and store and there have been unsympathetic changes and repairs to the building including the insertion of garage doors, infilling of the gutters, altered openings, etc.

The rockery to the front of the building has been removed, the terrace, steps, brick walls and planters are in poor condition and the views of the lake, bridges and boat house have been obscured due to intervening vegetation.

It is proposed to restore the pavilion to reflect its original appearance, form and massing within the park and to provide a space for events, with catering and toilets. It would house a ranger base offering security and supervision for the park.



The original façade would be restored, the roof repaired, there would be new doors and windows, new electrics, plasterwork, drainage new rendering and pointing, kitchen and toilets.

The proposal would have a positive impact on the historical, social and environmental significance of the park and the renovated pavilion would serve to reflect its status and appearance as a focal point within the park.

The Boat House



At the front of the Boat House circa 1930

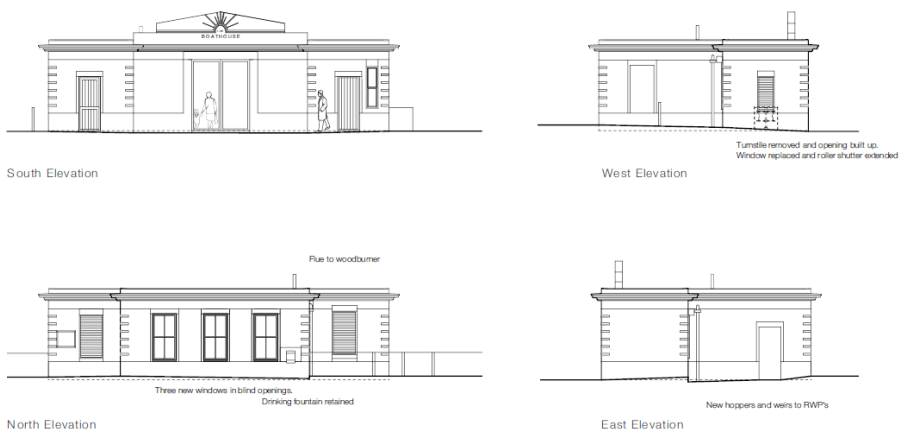


Boat House as constructed



Boat House 2016

Figure 5.12

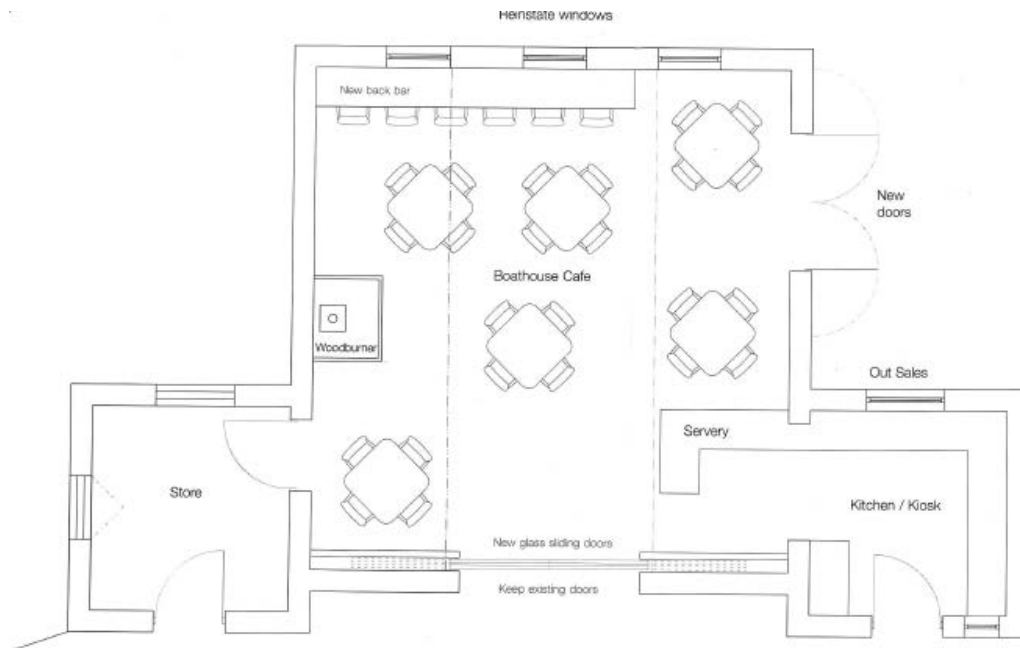


Proposed refurbished elevations

The boat house was constructed as part of the original park in its present location and is an integral part of the designed landscape. The layout of the building remains generally intact and the surviving fabric is in good condition. It has changed little over time retaining its original use and role and retaining its status and appearance as a focal point within the park.

Some external elements require repair or renewal and it is proposed to retain the boat house's original appearance, form and massing within the park. New heating, railings, jetty and a gravel forecourt to the café area would be provided.

The building will be utilised to form a hub for park events in the centre of the park and it would provide an increased catering offer with year round indoor café space.



*Proposed internal layout of the Boat House*

The proposed change of use of the building to a café use would be acceptable and in keeping with the character of the park. The works to restore the building and facilitate the use would enhance the building and have a positive impact on the character, appearance and setting of the park with no detriment to the significance of the heritage asset.

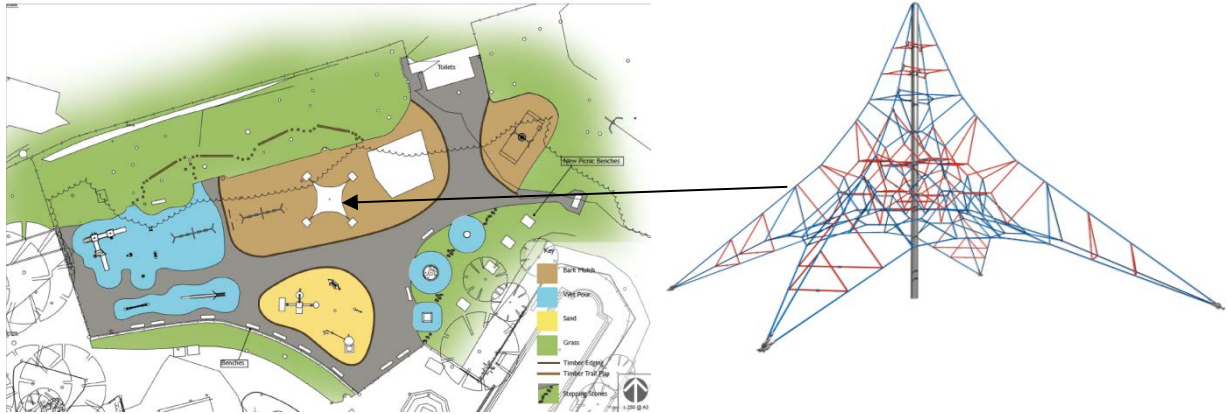
*Provision of new play equipment within the existing play area*



Historic photograph children playing on the play area



View of current play area



Layout of play area showing location of space-net equipment

The play area was introduced to the park in its present location in 1932 and is now tired and in need of refurbishment. It is proposed to refurbish and improve the play area so that it provides updated play equipment and a safe environment for children aged 2 -12.

New equipment would be provided and the equipment to be retained would be refurbished. Parts of the play area would be resurfaced.

The introduction of the 'space-net ' would be consistent with modern play equipment in local parks. It would have some impact on the character and appearance of the park because it would be approximately 6 metres in height.

However, the within the context of the existing park area and together with the other improvements to the park, its impact on the character, appearance and the setting of the park, would not be significant. The public benefits of the proposals are considered to outweigh any minor harm.

## Conclusions

Overall, the proposals represent significant improvements to Thompson Park and these would deliver substantial public benefits.

The character, appearance and setting of the park will be enhanced by the works and the proposed change of use of the buildings. There are no other considerations relating to those elements of the proposal which require planning permission to indicate that planning permission should not be granted.

## Recommendation:

It is recommended that planning permission be granted for the development, 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: Drawing No:16-004-02, 16-004-03, 16-004-10, 16-004-

11A, 16-004-04A, 16-004-05, 16-004-12B, 16-004-13A, Location plan, Fig3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8 Fig 5.1, 5.2, 5.3, 5.4, 5.9,5.10, 5.11, 5.12, Fig 9.1, 9.2,9.9,9.10Fig 0.1 received 24 April 17.

3. The use of the café areas hereby permitted shall not commence until details of a suitable ventilation and odour control system are submitted to and approved in writing by the local planning authority, if kitchen appliances which require ventilation and odour control are to be installed.

The approved systems shall be installed in accordance with manufacturer's recommendations and thereafter maintained as necessary to the satisfaction of the local planning authority.

4. No construction work shall take place on the site outside the hours of 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and not at any time on Sundays and Bank Holidays.

### **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 safeguard the appearance of the building and minimise the impact of cooking smells and odour.
4. In order to protect the amenities of nearby residents.

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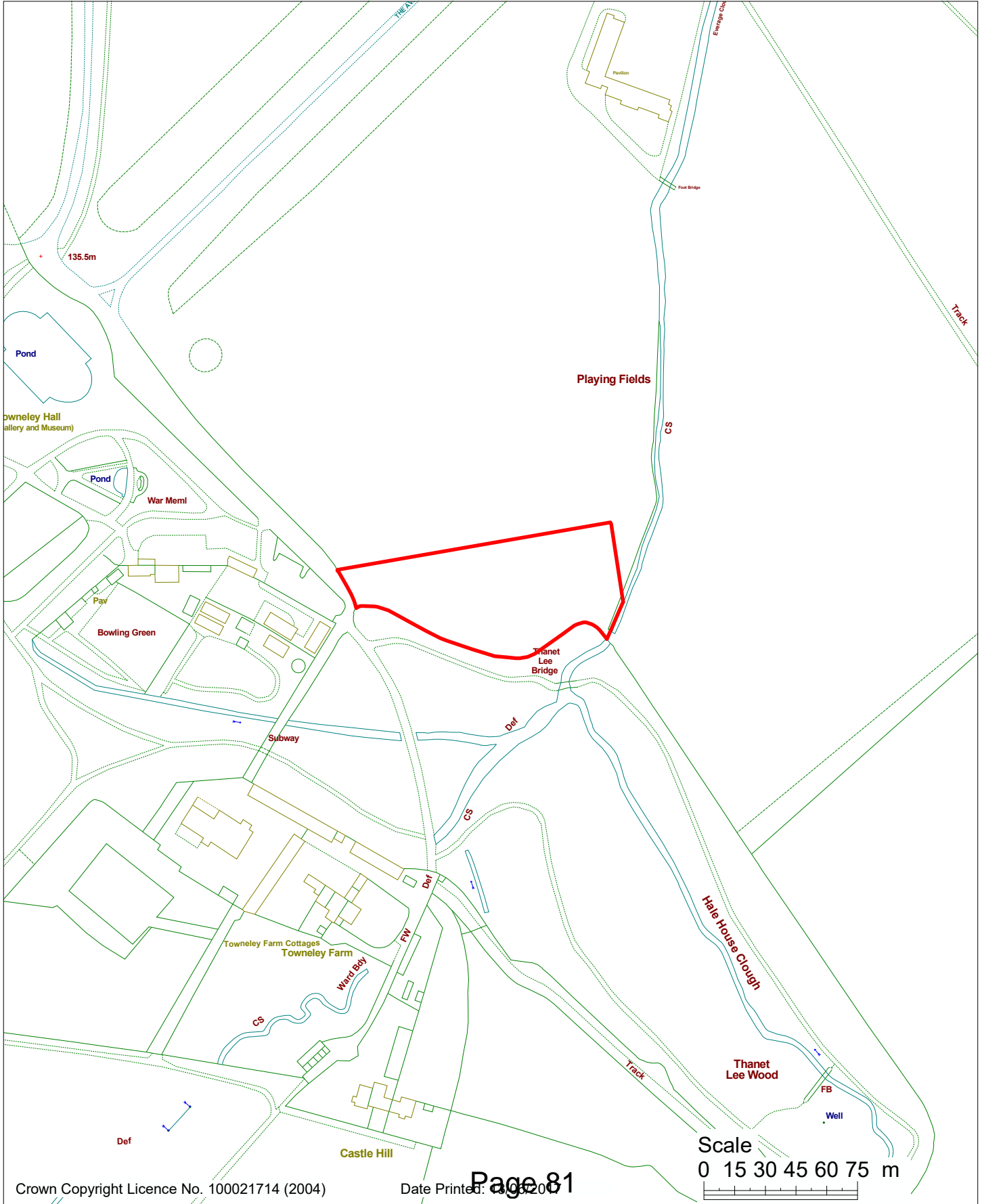
Paul Gatrell Head of Housing and Development

Location:



## Land at Towneley Park, Burnley

1:2500



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Full Planning Application  
Provision of over-spill car park for use in association with events in/at Towneley Hall/Park  
LAND AT TOWNELEY PARK BURNLEY



**Background:**

The land surrounding Towneley Hall is Listed as a Grade II Park and Garden. The list description explains their historic interest as being “Gardens and pleasure grounds which were formed largely in the mid to late C18 incorporating some C17 and early C18 features. The park incorporates an avenue of late C17 origin within landscaped grounds of the later C18 and early C19 laid out by Charles Towneley.”

The principal building, Towneley Hall itself, is Grade I Listed and dates from the C15. Some 50m north of the Hall is part of a stable building of late C18 date (Grade II Listed), some 20m to the north-west of the Hall is a C18 Brewhouse (Grade II Listed), and some 100m to the east is a Grade II Listed War Memorial.

The applicant is the Council and the following reasons behind the proposed application are presented below.

Towneley Hall hosts a wide range of events including exhibitions, weddings, family celebrations, corporate events, meetings of the Towneley Hall Society and numerous other functions. For some events the capacity of the existing car park in front of the Hall is too small, even when the car park is stewarded and cars are directed to park across the front of the ha-ha (outside of the marked bays).

Because of the requirement to maintain access rights for adjoining properties and to ensure there is minimal visual impact on the setting of the Hall, it was not considered suitable or possible to provide any additional spaces on the existing Hall car park.

The large Riverside car park is too distant (630 metres) to expect guests attending functions at the Hall to walk and the costs of providing a shuttle service would be prohibitively expensive for most of the events held at the Hall. The solution identified through consultation with the Towneley Hall Society and the Friends of Towneley Park was to provide an overspill parking area (for up to 40 cars), located at the end of the Hall car park on an area of the Higher Towneley playing fields that are not used for pitches. This location is out of view from the Hall and the approaches to it. Alternative locations including an area at the top of the drive up to the hall and on either side of the Avenue were considered but rejected as they were considered to have a detrimental impact on the visual aspect of the Hall.

The overspill car park will be surfaced using a reinforced grass surface. The car park will have a separate entrance and exit and timber bollards will delineate parking spaces, similar to the timber bollards that currently line the edge of the Hall car park, and access to and from the car park will be on a widened stone surface path that will be 4.5 metres wide from the Hall car park to the entrance and 3m width for the lower section.

It is anticipated that the car park will be used on up to 50 occasions per year, with the access controlled using a wooden field gate of the same design as the one at the top of the main avenue. This will be kept locked and unlocked by staff only when it is required for event parking, and the gates will be locked after use has ended. There will be no disabled parking spaces provided on the overspill car park as there is provision on the Hall car park and the surface and distance from the Hall mean that this car park is not ideal for disabled users.

### **Relevant Policies:**

#### Burnley Local Plan Second Review

##### General Policies:

GP1 – Development within the Urban Boundary

GP3 - Design and Quality

GP5 - Access for All

##### Environment and Conservation:

E10 - Alterations, extensions, change of use and development affecting listed buildings

E15 - Locally Important Buildings, Features and Artefacts

E16 - Areas of Traditional Construction

E17 – Historic Parks and Gardens

##### Economy and Work:

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

##### Transport and Movement:

TM6 – Walking and Horse Riding in the Countryside

#### Other Material Considerations

Emerging Burnley Local Plan Policies (Proposed Submission Document - 2017)

SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
HE1 – Identifying and Protecting Burnley’s Historic Environment  
HE2 – Conservation and Enhancement of Designated Heritage Assets and Their Setting

National Planning Policy Framework  
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

**Site History:**

No applications relevant to this location.

**Consultation Responses:**

LCC Highways (Developer Support) - No highway concerns and no objections on highway grounds.

LCC Public Rights of Way Officer – No comments received at the time of the submission of this report.

Towneley Hall Society - The Society is wholeheartedly in favour of this application to ensure the future prosperity of The Hall in times of difficult funding.

**Planning and Environmental Considerations:**

The key consideration with this proposal is the balance of the need and requirements of the proposal against the impact of the work on the historical or architectural significance of the building and its setting. The proposal also runs close to the existing Bridleway 233 that runs through the Park so any impacts on this will also need to be considered.

**VISUAL IMPACT AND IMPACT ON SETTING OF LISTED BUILDINGS**

Towneley Hall hosts a wide range of events including exhibitions, weddings, family celebrations, corporate events, meetings of the Towneley Hall Society and numerous other functions. For some events the capacity of the existing car park in front of the Hall is too small, even when the car park is stewarded and cars are directed to park across the front of the ha-ha (outside of the marked bays). It is not possible to provide any additional spaces on Hall car park because of the requirement to maintain access rights for adjoining properties and to minimise the visual impact of parked cars on the setting of the Hall. The large Riverside car park is too distant (630 metres) to expect guests attending functions at the Hall to walk and the costs of providing a shuttle service would be prohibitively expensive for most of the events held at the Hall.

Ensuring that the building is able to continue to offer these additional functions is key in ensuring the longevity of the building and its grounds, and to sustain a viable use of this heritage asset. However, the impact the proposal has on the setting of the Listed Buildings and the Listed Park and Garden must be considered.

In terms of National Guidance, paragraph 129 of the National Planning Policy Framework (NPPF) advises that local planning authorities should identify and assess

the significance of heritage assets that may be affected by a proposal and take this assessment into account when considering the impact on the heritage asset, to avoid conflict between its conservation and any aspect of the proposal.

Paragraph 131 of the NPPF advises that ‘In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that ‘great weight should be given to the asset’s conservation’ and that any harm or loss should require clear and convincing justification.



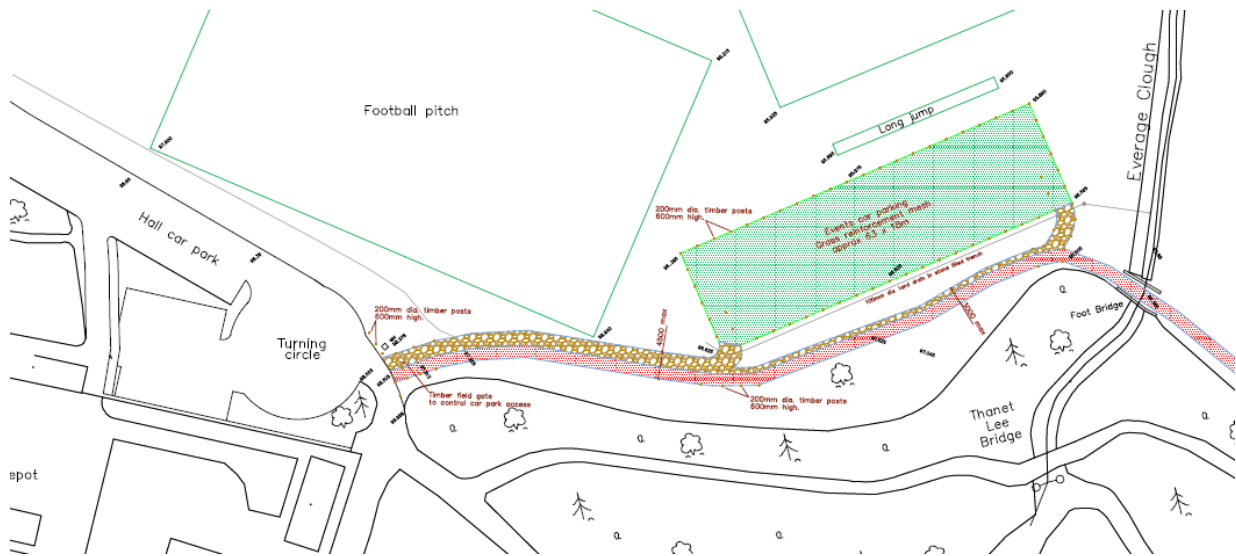
Location of proposal in relation to Towneley Hall

The location of the proposed overspill events car park lies within the Grade II Listed Park and Garden, and close to the Grade I Listed Towneley Hall itself. There are other Listed Buildings nearby however the proposal is not considered to affect them. The list description explains the historic interest of Towneley Hall Park as being “Gardens and pleasure grounds which were formed largely in the mid to late C18 incorporating some C17 and early C18 features. The park incorporates an avenue of late C17 origin within landscaped grounds of the later C18 and early C19 laid out by Charles Towneley.”

More specifically relating to the location of the proposal, this area is referred to as an area of parkland extending on the north, north-west and north-east sides of the Hall consisting of open grassland with scattered trees, with the parkland on the east side of The Avenue used as playing fields.

The solution identified through consultation with the Towneley Hall Society and the Friends of Towneley Park is to provide an overspill parking area is located at the end of the Hall car park on an area of the Higher Towneley playing fields that are not used

for pitches. This location is out of view from the Hall and the approaches to it, and so the overspill parking area will not have an adverse effect on the visual aspect of the Hall. To further minimise the visual impact of the overspill car park it is proposed that it will be surfaced using a reinforced grass surface, constructed using a honeycomb of plastic cells filled with root zone to support and protect a grass sward. The cells will be laid onto a clean stone sub base to create a permeable and free draining surface. The grass will be mown at the same frequency as the adjoining playing fields to maintain a similar appearance when not in use for parking.



### Proposed overspill events car park

The simple layout of the car park with a separate entrance and exit and use of timber bollards to delineate parking spaces will be sufficient to allow approximately 40 additional cars to be parked. The perimeter of the parking area will be delineated using 200mm diameter round section timber posts 500 - 600mm high placed at 3 m centres. This is similar to the timber bollards that currently line the edge of the Hall car park. Access to and from the car park will be on a widened stone surface path that will be 4.5 metres wide from the Hall car park to the entrance and 3m width for the lower section. This will be a shared surface which is considered acceptable given the low frequency of use of the overspill car park and that it will be managed by staff when in use.

It is anticipated that the car park will be used on up to 50 occasions per year with access controlled using a wooden field gate of the same design as the one at the top of the main avenue. This will be kept locked and unlocked by staff only when it is required for event parking. A modest sign on the gate post will identify 'authorised parking only' and the gates will be locked after use has ended. There will be no signs in the overspill parking area and no pay and display machine will be located. Four light columns, painted black, will be located on the south side of the access to provide the minimum level of light necessary to allow people to use the car park in darkness. The lights will operate only on the occasions when the car park is in use. Set back against the edge of the woodland, it is considered that the lights will not be visually intrusive.

The NPPF defines the setting of a heritage asset as 'the surroundings in which [the asset] is experienced. Its extent is not fixed and may change as the asset and its

surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.

The requirement of the Planning (Listed Building and Conservation Area) Act 1990 places a duty on local authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This has been considered by the LPA and is outlined below.



Proposed location of new overspill events car park

The wider setting of the Hall and Parkland, as well as its character and appearance, will be maintained by virtue of the minimal works proposed and the use of soft landscaping (including the timber bollards and grasscrete). The scheme will not visually detract from the setting and character of the Listed premises, and when assessed against the NPPF the harm caused is considered to be less than substantial harm.

Paragraph 134 of the NPPF advises that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’ This harm must therefore be weighed against securing the sites optimum viable use alongside the public benefits of the scheme. Planning Practice Guidance (March 2014) advises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

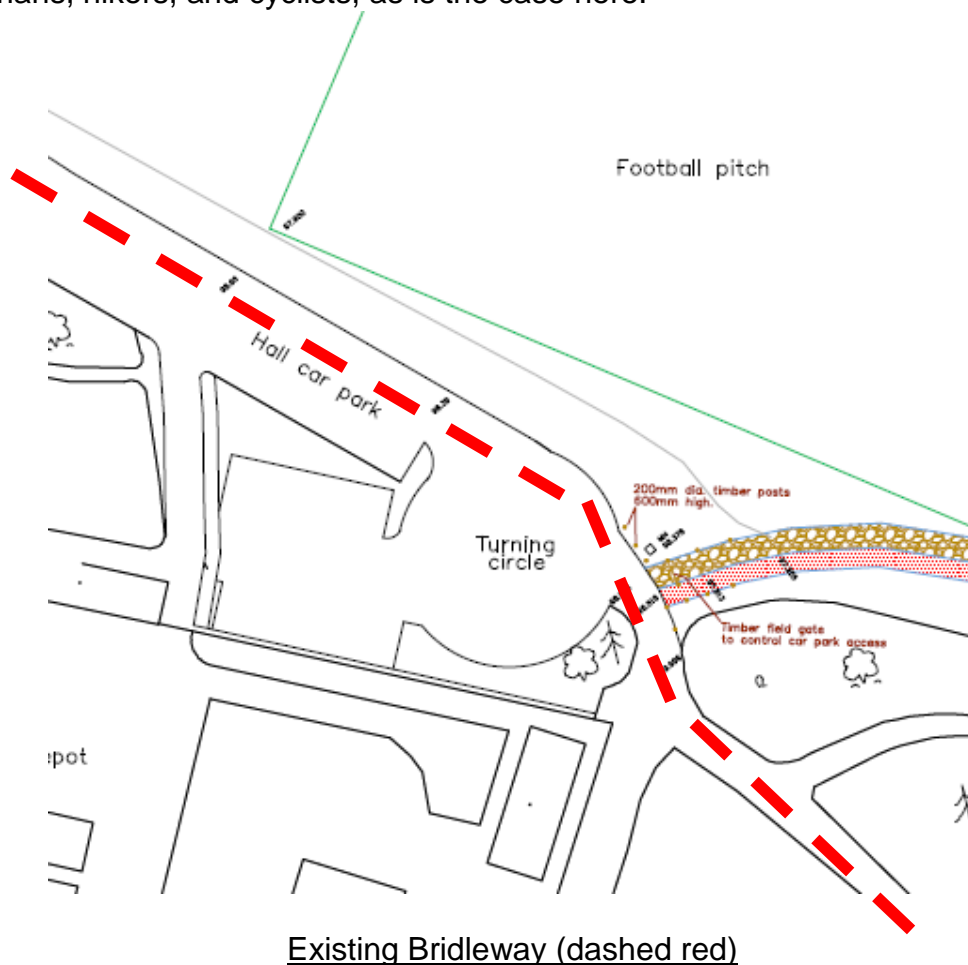
The proposal will allow additional parking for events at Towneley close to the Hall, and provide a safe and accessible route for visitors. The benefits of this proposal ensure



that the use of the Hall and surrounding park and gardens are maximised which will continue to secure the long term use of this building into the future. The more productive use of the site is likely to retain existing employment at this site and potentially lead to further employment growth and job creation, as well as an increased offer for new events moving forward.

### IMPACT ON BRIDLEWAY

The existing Bridleway that runs close to the site is annotated on the map below. The proposed new parking area will have no additional impact on the bridleway than that of the existing car parking area that the bridleway runs past. Whilst more commonly associated with horses, bridleways often now serve a wider range of users, including equestrians, hikers, and cyclists, as is the case here.



### PLANNING BALANCE AND CONCLUSION

The harm caused to the significance of the heritage asset is considered to be less than substantial. Paragraph 134 of the NPPF states that where the harm is less than substantial, it should be weighed against the public benefits of the proposal. In this case the public benefits of the proposal are considered to outweigh any harm (which in this case there is no perceived harm), and as the proposal is also considered to have an acceptable impact on the adjacent bridleway that runs close to the site, this application is recommended accordingly.

### Recommendation:

That planning permission is 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:
3. The proposed overspill car park to be used in connection with events in/at Towneley Hall, hereby approved, shall only be used for this purpose. It shall not be available for general use at any other time.

**Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In the interests of highway safety, and to ensure that any limited impacts on the setting of Towneley Hall are themselves limited throughout the year.

GDT

Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0206

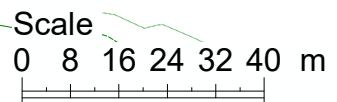
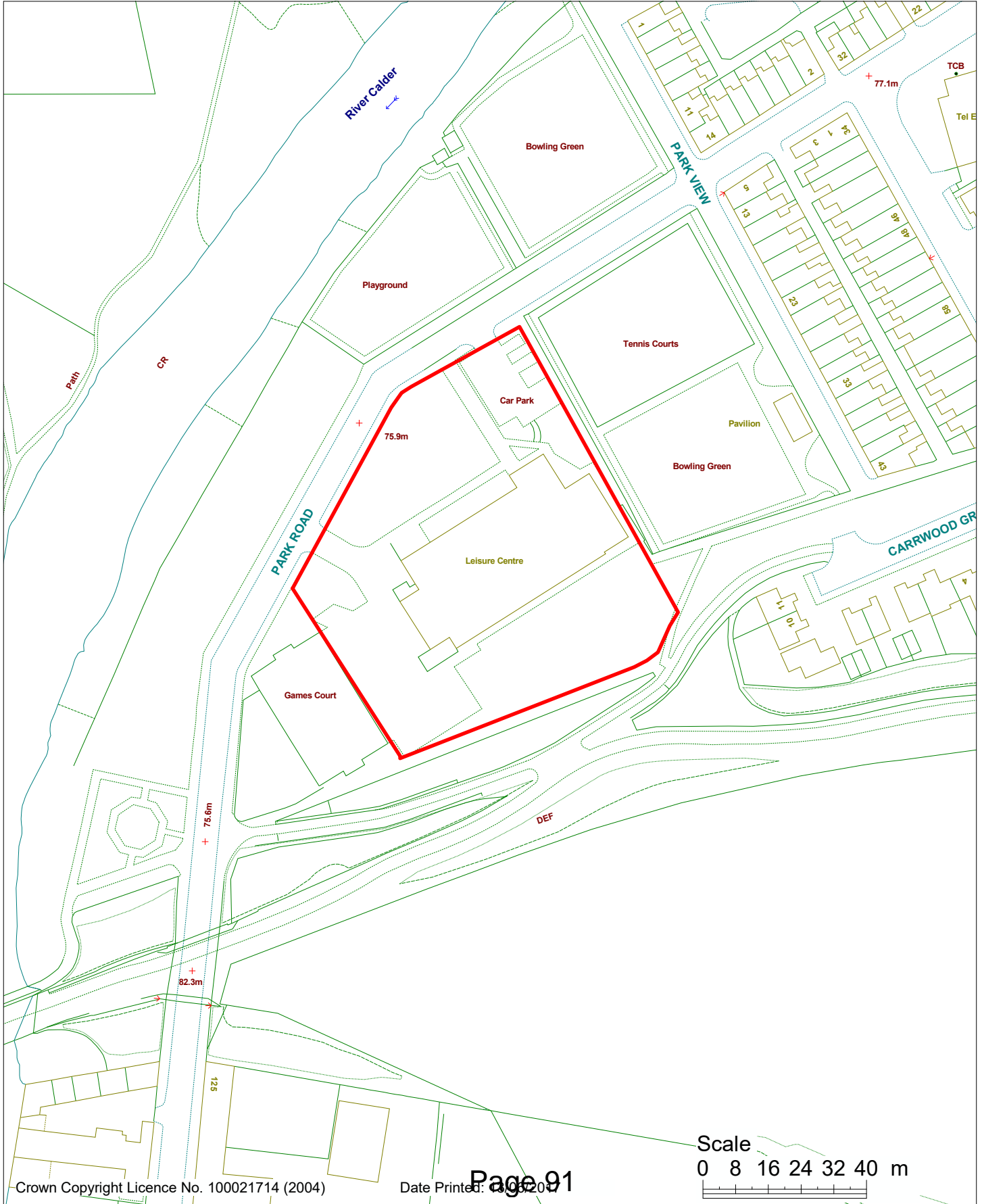
Paul Gatrell Head of Housing and Development

Location:



## Padiham Leisure Centre, Park Road, Padiham

1:1250



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Full Planning Application

Proposed removal of existing antennae and installation of a replacement to extend 5 metres above the roofline.

PADIHAM LEISURE CENTRE PARK ROAD PADIHAM BURNLEY

**Background:**

The proposed mast is infrastructure required for telecommunications purposes.

**Relevant Policies:**

Burnley Local Plan Second Review

CF6 - Provision of small indoor sports facilities

GP3 – Design and Quality

**Site History:** No relevant planning history.

**Consultation Responses:** No representations.

**Planning and Environmental Considerations:**

The proposed mast is infrastructure required for telecommunications purposes. Line of sight from the existing Leisure Centre mast to a communications mast has been lost due to intervening development. A replacement mast is proposed, set at the edge of the flat roofed building as illustrated on the image copied below.



The mast would project 7m above roof level, being attached at a street frontage corner of the building by a 3m high bracket arrangement affixed externally to the upper, cladded wall of the building. The mast would have a width of around 9cm.

The images below illustrate the position of proposed antenna in its context.

## Position of proposed mast



The mast would be of a suitable, minimal design, to suit its function, which is a requirement of Policy GP3. It would be a visible feature and would add a little clutter to the townscape; however, its simple vertical line would not be significantly adverse to the general appearance of the area. Its prominence would be mitigated to a degree by the screening or back-drop effect of mature trees.

The importance of maintaining good communication links is a material consideration in determining the application.

### **Recommendation:**

That planning permission be Granted subject to the following conditions:

### **Conditions:**

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

2. The development shall be carried out in accordance with the application drawings, namely: Location Plan ('Lease Plan'); Figure 1.6; Ariel mast dimensions; Radio antenna dimensions; and Figure 1.8, in 'rapier systems' document.

**Reason**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.

AR  
7.6.2017

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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**

29<sup>th</sup> June 2017

Housing and Development

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## **Delegated Decisions from 15/06/17 to 04/06/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Lawful Development Certificate (S192)</b>		
<b>Lawful Development Certificate Granted</b>		
APP/2017/0153	6 FAIRFIELD DRIVE BURNLEY BB10 2PU	Lawful Development Certificate for proposed dormer extension
<b>Withdrawn</b>		
APP/2017/0194	SWEETMORES ANOCROME BUILDING WITCAR WORK WIDOW HILL ROAD BRIERCLIFFE	Proposed use for installation and operation of gas powered electricity generators in buildings, electricity substation, vents, stacks, gas kiosks, heat dump radiators and enlargement of roller shutters
<b>Compliance with conditions</b>		
<b>Conditions discharged</b>		
APP/2017/0227	BURNLEY BRIDGE BUSINESS PARK MAGNESIUM WAY HAPTON BURNLEY BB12 7BF	Approval of details reserved by condition on outline planning permission APP/2011/0362: Condition 39 (Completion report for groundworks).
<b>Conditions partially discharged</b>		
APP/2017/0171	LAND AT WIDOW HILL ROAD BURNLEY	Discharge of conditions 4 and 7 of planning application APP/2016/0528, relating to the Proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure construction method statement (Condition 4); and programme of works statement (condition 7)
<b>Full Planning Application</b>		
<b>Full Planning Permission Granted</b>		
APP/2017/0127	11 QUEEN STREET BRIERCLIFFE BB10 2HE	Proposed retention of porch
APP/2017/0131	53 GLEN VIEW ROAD BURNLEY BB11 2QW	Construction of two storey rear extension
APP/2017/0148	13 BRENNAND STREET BURNLEY BB10 1SU	Proposed kitchen extension to rear

## **Delegated Decisions from 15/06/17 to 04/06/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0150	6 MARTON DRIVE BURNLEY BB11 4RE	Proposed first floor extension to side elevation and single storey extension to rear elevation.
APP/2017/0157	1 LANGWYTH ROAD WORSTHORNE-WITH-HURSTWO OD BB10 3JX	Proposed 2 storey extension
APP/2017/0177	52 CHURCH STREET BURNLEY BB11 2DL	Proposed new extraction flue
APP/2017/0202	18 HARGREAVES STREET BURNLEY BB11 1DZ	Proposed use of premises as 4no. retail units, 2no. offices and 2no. apartments, including installation of new shop fronts
APP/2017/0216	146 COLNE ROAD BURNLEY BB10 1DT	Change of use from shop to dwelling

### **Full Planning Permission Refused**

APP/2017/0161	28 HILL CREST AVENUE CLIVIGER BB10 4JA	Proposed 1.8m by 3.7m balcony to first floor extension
APP/2017/0199	80 COAL CLOUGH LANE BURNLEY BB11 4NW	Proposed change of use from newsagent (use class A1) to hot food take-away (use class A5). Installation of new shop front and integrated roller shutters to front elevation and extraction unit with extraction flue to rear elevation

### **Withdrawn**

APP/2017/0162	488-490 COLNE ROAD BURNLEY BB10 1TW	Alteration and two storey rear house extension.
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### **Minor material amendment following a grant of planning permission**

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

APP/2017/0165	LOW SYM HALIFAX ROAD BRIERCLIFFE BB10 3QY	Minor material amendment of condition 2 on planning permission APP/2016/0339 to raise the height of the ridge of the 2 storey extension to the same height as the existing building ridge.
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### **Outline Planning Application**

#### **Withdrawn**

## **Delegated Decisions from 15/06/17 to 04/06/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0190	LAND TO SOUTH OF HALIFAX ROAD BRIERCLIFFE	Outline application for residential development including associated access and amenity spaces, re-submission of planning application APP/2016/0449, (all other matters reserved for future approval)

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

#### **Work to trees in CA granted**

APP/2017/0145	2 NETHERBY STREET BURNLEY BB11 4NR	Application to prune 4no Sycamore and 1no Sorbus trees within G11 covered by the Burnley ( Coal Clough House, Coal Clough Lane, No.2) Tree Preservation Order 2000.
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#### **Work to TPO trees granted**

APP/2016/0425	GAWTHORPE EDGE PADIHAM ROAD BURNLEY	Application to prune and fell various trees covered by the Burnley (Land adjacent and west of Habergham Infants School, Padiham Road) TPO 1975, (Land North of Gawthorpe Edge, Padiham Road) TPO 1992, (Gawthorpe Area) TPO 1955 and (Whitegate) TPO 1977
APP/2017/0158	REAR 11 THANET LEE CLOSE CLIVIGER BB10 4TX	Application to fell 1 Sycamore tree covered by the Burnley (Thanet Lee Wood, Cliviger, Burnley) TPO 1981