

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 27th July, 2017  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 27th July, 2017 at 6.30 pm

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

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

### A G E N D A

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 14

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**

15 - 16

To consider reports on planning applications for development permission:

- a) **APP/2017/0200 - Land at Brownside Road & Lennox Street, Worsthorne** 17 - 34
- b) **APP/2016/0263 - Land South of New Barn, Billington Road, Hapton** 35 - 56
- c) **APP/2017 0247 - 54 Burnley Road, Briercliffe** 57 - 62

d) APP/2017/0262 - 22 Church Street, Padiham	63 - 70
e) APP/2017/0276 - Land east of Turf Moor, Burnley	71 - 78
<b>7. Decisions taken under the Scheme of Delegation</b>	<b>79 - 84</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, 19 July 2017

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 29th June, 2017 at 6.30 pm

### PRESENT

### MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), C Briggs, M Brindle, T Ellis, D Fleming, J Harbour, T Harrison, M Johnstone, L Khan, N Mottershead, M Payne, T Porter and A Raja

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
Aftab Ahmed	– Assistant Planner
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer

### 9. Apologies

Apologies for absence were received from Councillor Sue Graham.

### 10. Minutes

The Minutes of the last meeting held on 31st May 2017 were approved as a correct record and signed by the Chair.

### 11. Declaration of Interest

Councillor Tony Harrison and Councillor Asif Raja declared a prejudicial (other) interest in items APP/2017/0219 Thompson Park, Ormerod Road, Burnley and APP/2017/0206 Padiham Leisure Centre, Park Road, Padiham.

They left the room for these items and took no part in the debate or vote on the matters.

## 12. List of Deposited Plans and Applications

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

**Mr Mark Horsfall - APP/2016/0341 – Plot 5 Widow Hill Road, Heasandford Industrial Estate**

**Claire Bradley - APP/2017/0142 – 46 Church Street Padiham**

### RESOLVED

That the list of deposited plans be dealt with in the manner shown in the Minutes below:

## 13. APP/2016/0341 - Plot 5 Widow Hill Road, Heasandford Industrial Estate, Burnley

### APP/2016/0341 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

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

#### Conditions

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

### 14. APP/2016/0263 - Land south of New Barn, Billington Road, Hapton

#### **APP/2016/0263 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**

### **Deferred Application**

This application was deferred until the next meeting in order to more fully assess and report on the implications of the 18 June 2015 Written Ministerial Statement insofar as it affects this application.

<b>15. APP/2017/0195 - The Conifers, Gorple Road, Worsthorne</b>
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**APP/2017/0195 Full Planning Application**  
**Retrospective application for the retention of utility room extension to side of dwelling.**  
**THE CONIFERS, GORPLE ROAD, WORSTHORNE, BURNLEY**

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

#### **Conditions**

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

<b>16. APP/2017/0142 - 46 Church Street Padiham</b>
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**APP/2017/0142 Full Planning Application**  
**Proposed change of use to mixed use of A1 shop and hot food take-away (A5)**  
**46 CHURCH STREET, PADIHAM**

**An amended plan was received on 20 June 2017.**

**An amendment was made to condition 3 in respect of a noise assessment.**

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

#### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan received 20 June 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 odour abatement measures, the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance, and a noise assessment to assess the noise that would be generated by the operation of all the equipment associated with the fume extraction and ventilation system. The approved scheme shall be implemented prior to the approved take-away element of this permission being first brought into use and shall thereafter be retained at all times and operated and maintained in accordance with the manufacturer's instructions.
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 an odour or noise 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.

## 17. APP/2017/0250 - Land off Cairo Street, Burnley

### **APP/2017/0250 Full Planning Application Proposed erection of 2 bedroom bungalow LAND OFF CAIRO STREET BURNLEY**

An amended drawing was received showing the incorporation of gables to the front and rear elevations. This would make the building more imposing in the street scene.

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

#### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: drawing numbers 03 received 11th May 2017 and 02B Revision B received 20th June 2017.
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.

**18. APP/2017/0219 - Thompson Park, Ormerod Road, Burnley**

**APP/2017/0219 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**

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

**Conditions**

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

## **19. APP/2017/0252 - Land at Towneley Park, Burnley**

### **APP/2017/0252 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**

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

#### **Conditions**

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

## **20. APP/2017/0206 - Padiham Leisure Centre, Park Road, Padiham**

### **APP/2017/0206 Full Planning Application**

**Proposed removal of existing antennae and installation of a replacement to extend 7 metres above the roofline.**

### **PADIHAM LEISURE CENTRE PARK ROAD PADIHAM BURNLEY**

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

#### **Conditions**

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

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

Members received for information a list of decisions taken under delegation for the period 15/06/17 to 04/06/17.

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

27<sup>th</sup> July 2017

Housing and Development

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Housing & Development  
9 Parker Lane

Ref.

**APP/2017/0200**

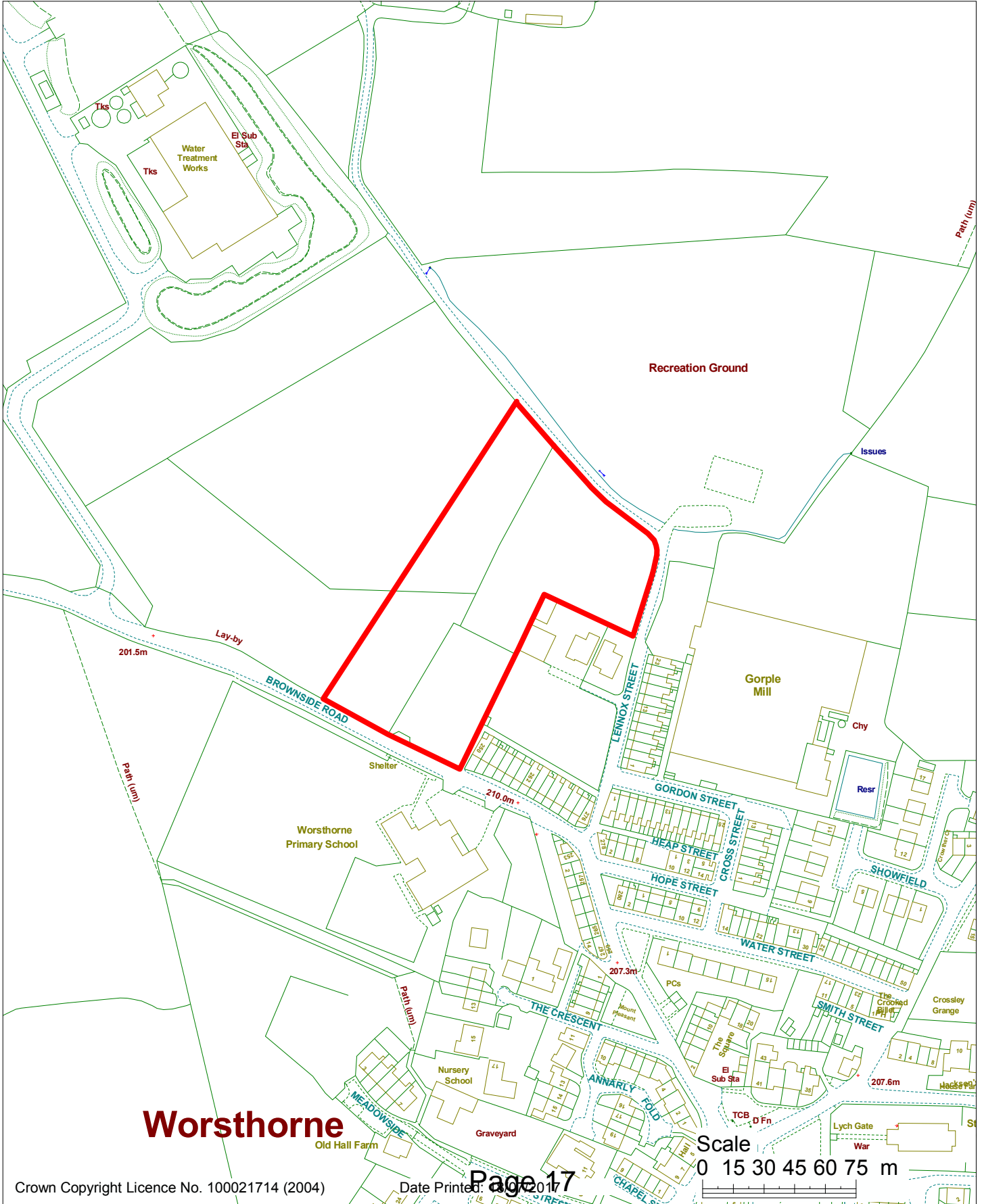
Paul Gatrell Head of Housing and Development

Location:



## Land at Brownside Road and Lennox Street, Worsthorne

1:2500



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Outline Planning Application

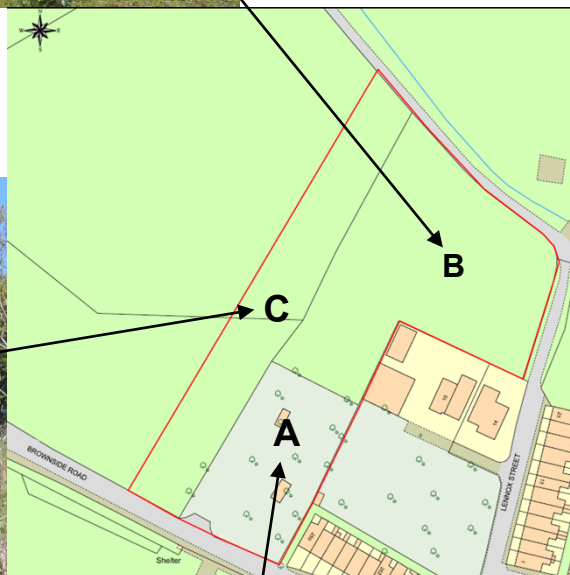
Proposed residential development up to 24 dwellings including access and associated infrastructure (all other matters reserved for future approval)

LAND AT BROWNSIDE ROAD AND LENNOX STREET WORSTHORNE

**Background:**

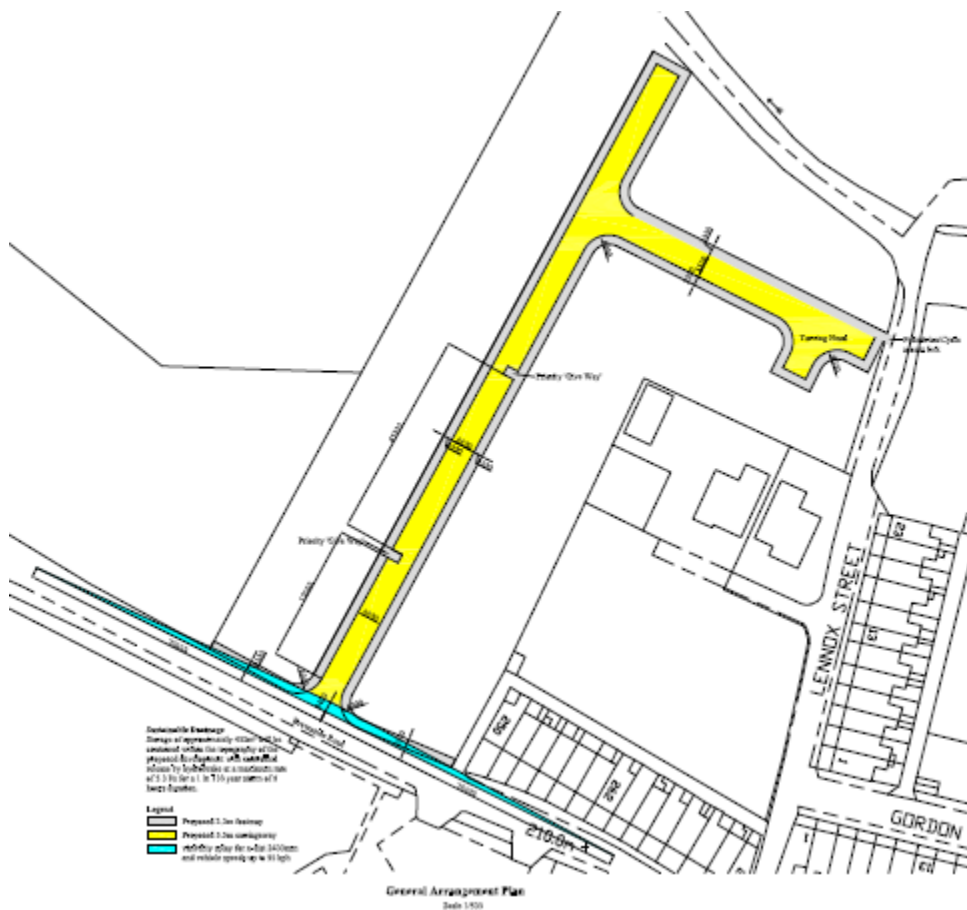
The proposal is for outline planning permission for up to 24 dwellings on land amounting to approximately 0.95ha of agricultural land that on the western side of Worsthorne village. Approval is sought for the proposed vehicular access to the site from Brownside Road with all other matters (layout, scale, appearance and landscaping) reserved for subsequent approval.

The site is made up of three parcels of land that form an 'L' shape around the existing



built-up edge formed by Brownside Road and Lennox Street. The south side of the site is bound by Worsthorne Primary School, the north side by the village recreation ground, and the west side by open fields that separate Worsthorne from the suburban estate development at Brownside. The portion of the site labelled 'A' above was used as a transport depot until 1992 and is currently largely unused but contains a small polytunnel and an allotment. The site is partly under grass and partly a gravelled surface. The status of this part of the site has been accepted as brownfield due to its past uses and condition of the land. The land at 'B' is open grazing land. The long and narrower band of land at 'C' is physically defined on its eastern side by a field boundary and trees but is not defined on its western side and forms part of a larger open field used for grazing.

There is an existing gated access to the portion of land at 'A' from Brownside Road which would be improved by widening to form a 5.5m wide estate road with 6m junction radii and a 2.0m footway to each side. The proposed access plan below indicates visibility splays of 70m in each direction of the improved junction and a linear cul-de-sac estate road. A cycle and pedestrian access would be formed at the end of the new cul-de-sac road which would provide convenient access to the recreation ground.



**Relevant Policies:**

Burnley Local Plan Second Review  
 GP2 - Development in the Rural Areas

GP3 - Design and Quality  
GP7 - New Development and the Control of Pollution  
GP10 - Developer Contributions

H2 - The sequential release of further housing land for development  
H3 - Quality and design in new housing development  
H4 - Providing a choice of housing in new development  
H5 - Local housing needs  
H7 - Open space in new housing development

E4 - Protection of other features of ecological value  
E5 - Species protection  
E6 - Trees, hedgerows and woodlands  
E8 - Development and flood risk  
E12 – Development in, or adjacent to, conservation areas  
E16 - Areas of traditional construction  
E27 – Landscape Character and Local Distinctiveness in Rural Areas and Green Belt

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

Burnley's Local Plan – Proposed Submission Document, March 2017

SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
HS1 – Housing allocations  
HE2 – Designated heritage assets  
HS2 – Affordable Housing Provision  
HS4 – Housing Developments  
IC4 – Infrastructure and Planning Contributions

Burnley Green Infrastructure Strategy 2013-2031  
Burnley Green Spaces Strategy 2015-2025  
Housing Land Supply Position: November 2016  
National Planning Policy Framework  
National Planning Practice Guidance

**Site History:**

74/0049 – Erection of detached and semi-detached bungalows. Approved.  
77/0204 – ENF NOTICE – Use as a haulage and storage depot: Withdrawn  
77/0329 – Parking of one cattle haulage truck with incidental maintenance. Approved.  
78/0401 – Retention of brick building for use as a tool shed and for storage of spare parts. Approved.  
80/0652 – Retention of wooden shed to garage one goods vehicle. Approved.  
82/0475 – Retention of wooden shed to garage one cattle truck. Approved.  
82/0620 – Erection of garage for commercial vehicles: Not determined  
82/0650 – Outline application for the erection of a detached bungalow and garage: Not determined.  
2005/0197 - Proposed residential development including means of access (all other matters reserved for future approval). Refused April 2005.

2006/0171 - Proposed residential development including (details of means of access ) all other matters reserved for future approval. Refused April 2006. Appeal dismissed January 2007.

### **Consultation Responses:**

#### LCC Highways

Following improvements that were requested and have been submitted to improve the width of the estate road, visibility splays and estate road design, LCC Highways has no objections to the proposal and state that the priority give-way with a buildout is an acceptable form of traffic calming. The details will need to be agreed as part of a section 38 Agreement with the highway authority.

#### LCC School Planning Team

When assessing the need for an education contribution from this development, LCC considers primary schools within a 2 mile radius of the proposed site. This totals 9 primary schools with a current number on roll of 2677 pupils. The projected pupil number as at January 2022 is 2779 whilst the future planned net capacity as at the same date is 2832 pupils. These projections show that 53 pupil places would be available in five years' time. The expected yield from the proposed development would be 9 pupils. Taking into account a further 18 places from other planning approvals or other applications, there would be no need to seek a contribution from the developer in respect of primary places.

When assessing the need for an education contribution from this development, LCC considers secondary school provision within a 3 mile radius of the proposed site. This totals four schools with a current number on roll of 4369 pupils. The projected number as at January 2022 is 5270 whilst the future planned net capacity as at the same date is 4556 which gives a 714 place shortfall. With an expected yield of 4 places from this development, a contribution is sought for the funding of these pupil places which currently amounts to £85,693.08.

#### Burnley Wildlife Conservation Forum

There are a significant number of trees on this plot of land:- ash, sycamore, silver birch, beech, common lime, willow and the rare black poplar. It is important to retain as many of these trees as possible and incorporate them into the development proposal, in particular, the Black Poplar which is listed as a Lancashire 'key' species and request consideration be given to the making of a Tree Preservation Order.

#### Greater Manchester Ecology Unit (GMEU)

The application site is not designated for its nature conservation value at any level, and based on the available evidence it does not merit such a designation. It is not close to any designated sites.

The Ecology survey and assessment that has been carried out to inform the application has been prepared by suitably qualified consultants and is generally to appropriate standards; although field surveys were not carried out at an optimum time of year for conducting such surveys existing desk-top information for the site was sought, and I would generally agree with the view that, given the overall character, size and use of the site a fair appraisal of the nature conservation value of the site, and of the impact of the development proposal, were able to be carried out.

The site comprises species-poor semi-improved grassland, young or semi-mature broadleaved trees, developing scrub and some small buildings. The scrub, young trees and unmanaged grassland give the site some local nature conservation value since these habitats will likely support nesting and foraging birds, invertebrates and small mammals of some local value. I note the reports that the site may support ground-nesting birds, although given the size of the site and the habitats present I would not consider that the site will be of significant value for ground-nesting birds. There is a single Black poplar tree on the site; this tree species is a priority species for conservation in Lancashire. The site has low potential to support any specially protected species, except possibly for small numbers of bats. Some bat roosting boxes are present on the site but these boxes do not appear to have been investigated for possible use by bats, although the ecology report does state that '*it is considered likely that common species of bats may utilise these as opportunistic summer roost sites*'. The loss of the small areas of semi-natural habitat on the site are unlikely to affect the overall population status of local bat populations because there is significant alternative habitat nearby and because it would be possible to implement new landscaping, and install new bat boxes, on the site. I would accept that the site is unlikely to support amphibians. There is an invasive plant Japanese knotweed on the site; under the terms of the Wildlife and Countryside Act 1981 (as amended) it would be an offence to allow this plant to spread in the wild.

I have no overall objections to the application on the grounds of ecology, but I would make a number of recommendations to protect nature conservation interests, should permission be granted to the scheme. This would involve conditions no vegetation clearance during the bird nesting season, measures for the removal of invasive non-native species, measures to protect bats and the retention of the black poplar tree.

#### Environmental Health

No objections. Recommend conditions relating to construction working hours, pollution and electric charging points.

#### Local Lead Flood Authority (LCC)

Any comments received will be reported in late correspondence prior to the meeting.

#### Environment Agency

Any comments received will be reported in late correspondence prior to the meeting.

#### Greenspaces and Amenities Manager

The development shows 24 plots with no open space provided and so we would expect to see a contribution of £320 per bed space which will be used to undertake improvements to Worsthorne recreation ground.

#### Burnley Civic Trust

Similar applications have been submitted for this site in the past and have been refused. There is nothing substantially different in this application and future development in Worsthorne is now the subject of the new local plan which is in the course of consultation. Consider that it would be entirely incorrect to grant this application especially at the present time.

#### Worsthorne with Hurstwood Parish Council

Object to the proposal. A summary of the points raised is listed below:-

- The proposal would be contrary to the local plan

- The site is a Greenfield site and not within the urban boundary
- The site would not accommodate 24 dwellings and achieve adequate spacing of 20m between habitable rooms
- The proposal does not accord with the historic street patterns and would be incongruous to the Conservation Area and spoil the village aspect
- Would extend the village boundary and have an enormous impact on the approach to the village
- Brownside Road is the main entry to the village, used by 95% of traffic – the first dwellings on the approach are garden fronted terraced Victorian cottages which create a characterful welcome
- The site also extends to the recreation ground, meaning it impacts all of the community, enclosing the space for all
- Worsthorne holds a unique position in the town and to extend it into the conurbation of Burnley would diminish its appeal and amenities for both residents and visitors
- The village school is oversubscribed
- Any development should be restricted to the curtilage of the present woodyard and be no more than 4-5 dwellings
- Permission has previously been refused on this site for similar proposals. This application should be similarly refused on the basis of the Local Plan that remains in force. The proposed new local plan is still in consultation stage.
- New housing is already being provided for in Worsthorne (24 houses approved at Butchers Farm and three at Lennox Street) and is also proposed at a brownfield site (through the new local plan)
- The majority of the land at the application site is being used and has been so for several decades by the same local family for farming sheep and cattle and would lead to the loss of good grazing land
- Would contravene the Council's emerging the sustainability appraisal and rural masterplanning study within the Issues and Options version of the new emerging local plan which recommended that only a small amount of infill may be accommodated on the south eastern edge of Worsthorne
- The site is directly opposite the village primary school which causes serious congestion in the morning and afternoon. There is limited visibility from the access. Parents park at the existing entrance and are likely to continue to do so and use the junction for turning in the road, creating a further risk
- Traffic from the development would exacerbate the congestion and raise the danger level for children and adults
- There would be a significant loss of privacy and increased overlooking for properties at 8, 10, 12 and 14 Lennox Street (plus no.6 when completed) and 250 Brownside Road
- It will have a detrimental impact on the environment.
- The site has several mature indigenous trees including ash, birch, sycamore and black poplar which should be preserved
- Bats are seen on the site; they roost in the mill opposite and use this site for foraging
- Badgers have been observed using the site as a run
- Deer are located in the area and are frequently seen on the site by neighbours and residents of the village
- A variety of birds frequent the site including goldfinch, greenfinch, dunnoek, coaltit, bluetit, long tailed tit, chaffinch, blackbird, robin, kestrels, lapwing and curlew (nest on the site in summer), fieldfare and redwing



- The phase 1 habitat survey submitted with the application was not undertaken at the correct time of year
- Inappropriate and unjustified new dwellings in the rural area
- Worsthorne would lose its village location and unique character.

#### Chair of Governors at Worsthorne County Primary School

Object to the proposal, stating that the proposed access poses a significant risk to pupils, parents and staff and other members of the community. The new access is at a problematic point, opposite a bus stop and a school pedestrian access gate and there is an unacceptable risk from the likelihood and scope for accidents involving vehicles at this natural congregation point. The risk of accidents is increased by the restricted visibility towards Burnley.

#### Publicity

An objection has been received from Councillor Andrew Newhouse (Cliviger and Worsthorne Ward) which objects to the proposal and outlines the same concerns to that of the Parish Council that are listed above. 42 letters of objection have been received from neighbours at Lennox Street, Brownside Road and the village as well as from occupiers at Brownside and the nearby area. One objection is submitted by Indigo Planning on behalf of H&H Eccles & Son. These objections include all the points raised by the Parish Council and so have not all been repeated in the summary made below:-

- Oppose the development of greenfield agricultural land
- Brownfield sites should be developed before greenfield
- The land is greenfield rather than greenfield/brownfield as claimed by the applicant
- Would be contrary to the adopted local plan
- Would be contrary to the emerging local plan as 25% of the site is outside of the proposed allocation
- Inadequate justification has been made for extending housing into the open countryside outside the proposed allocation
- There are outstanding objections to the emerging local plan which then limits the weight that can be afforded to the emerging allocation
- The proposal is not in line with the village boundary
- Would lead to overcrowding of the village
- Would dramatically change the views on the approach to the village
- Want Worsthorne to remain a village
- Would lead to a coalescence and move the visual connection between the village and Lindsay Park closer
- Would destroy the village setting and uniqueness of the village
- The development would create a wall almost like a barrier to the village
- Would be an over-development of the site; 24 houses would be too many on such a small site
- Would be overly prominent and out of character with the historic pattern of the village and its rural charm
- Would create an inappropriate approach and intrusive barrier on the main gateway route into the village
- Loss of a significant amount of trees
- Would be detrimental to the Worsthorne Conservation Area; the first buildings on entry into the village are a row of terraced cottages that are in keeping with the village

- Disagree that the settlement has a gridiron pattern, instead it has an organic nature
- The trees would be removed which currently form a major part of the visual approach to the village and the scope for new screening close to the new houses would be minimal
- Would ruin the local landscape which is one of Burnley's greatest assets
- The assessment of the visual impacts of the development has not been carried out by a qualified Landscape Architect
- Access to the site opposite the school is dangerous and hazardous
- Traffic congestion is already a problem on Brownside Road, especially at school start and finishing times when the area is reduced to a single track road
- Added traffic would create more air pollution
- Cars park on double yellow lines outside the school, restricting views and visibility with no signs of traffic enforcement
- Traffic in the morning and late afternoon creates gridlock and standoffs with drivers
- Increased danger to children walking to school
- The lollipop man operates within a few yards of the proposed entrance
- Access for emergency vehicles will be affected
- Already insufficient parking for residents
- There is no public transport to the site after 6:30pm every evening and nothing at all on Sundays
- Safety issues for children accessing the recreational facilities at the end of Lennox Street
- The Brownside Road/Brunshaw Road roundabout is at full capacity. The application makes no allowance for this. With reference to the recent Brownside application for housing (APP/2016/0416), the highway authority stated that the roundabout is close to capacity
- Without improved road infrastructure, an increase in the population of residents is unsustainable
- The village school is over-subscribed and there are no facilities for extra children
- Would lead to an increased risk of flooding; there is an ongoing problem as the drains and sewers are unable to cope with heavy rain
- The site is part of the vital wildlife corridor that feeds into the ancient Hagg Wood
- Provides habitat to rare flora and fauna from wildflowers etc and would affect the movement of roe deer, newts, frogs, snipe, curlew, tawny owls, little owls, barn owls, skylarks and other small mammals
- Bat habitats may be affected
- The development would not achieve a 20m distance between habitable rooms which would lead to overlooking and loss of privacy to properties at 8, 10 and 12 Lennox Street
- Would lead to a significant increase in noise in the immediate area
- Burnley has a declining population; there are existing houses for sale and there is no need for new housing in this area.

## **Planning and Environmental Considerations:**

The application site is situated within the rural area where Policy GP2 seeks to permit only limited development where, for example, it is required for agriculture or forestry or other relevant rural need. In this case, the site falls just outside the main urban boundary that defines the built-up area of Worsthorne village. The proposed residential development is a speculative development and there is no information submitted with the application which would indicate it is required to meet a local need. The development plan in force would therefore suggest that the proposed development would not comply with the limited requirements of Policy GP2 and it would not therefore protect the rural area. Decision-making must be in accordance with the development plan unless there are material considerations which would indicate otherwise. It is therefore necessary to consider the proposal within the context of the National Planning Policy Framework (NPPF), the emerging local plan, policies related to the supply of housing as well as other considerations, including any harm that may result from the proposal on the character and appearance of the rural landscape and village, the Worsthorne Conservation Area, highway safety, ecology and amenities.

#### Housing supply

Paragraph 47 of the NPPF requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. The housing allocations for the delivery of the assessed need are contained within Policy H1 of the adopted local plan. Other policies, such as Policy H2 support this by requiring brownfield land to be redeveloped before greenfield development. Paragraph 49 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development' and that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It must be considered therefore whether the proposed development would constitute sustainable development and also whether the local planning authority can demonstrate a five year supply of deliverable sites. Where the latter is not the case, the NPPF states that relevant policies are considered to be out of date in which case the provisions of Paragraph 14 are engaged. These provisions state that planning permission should be granted unless:-

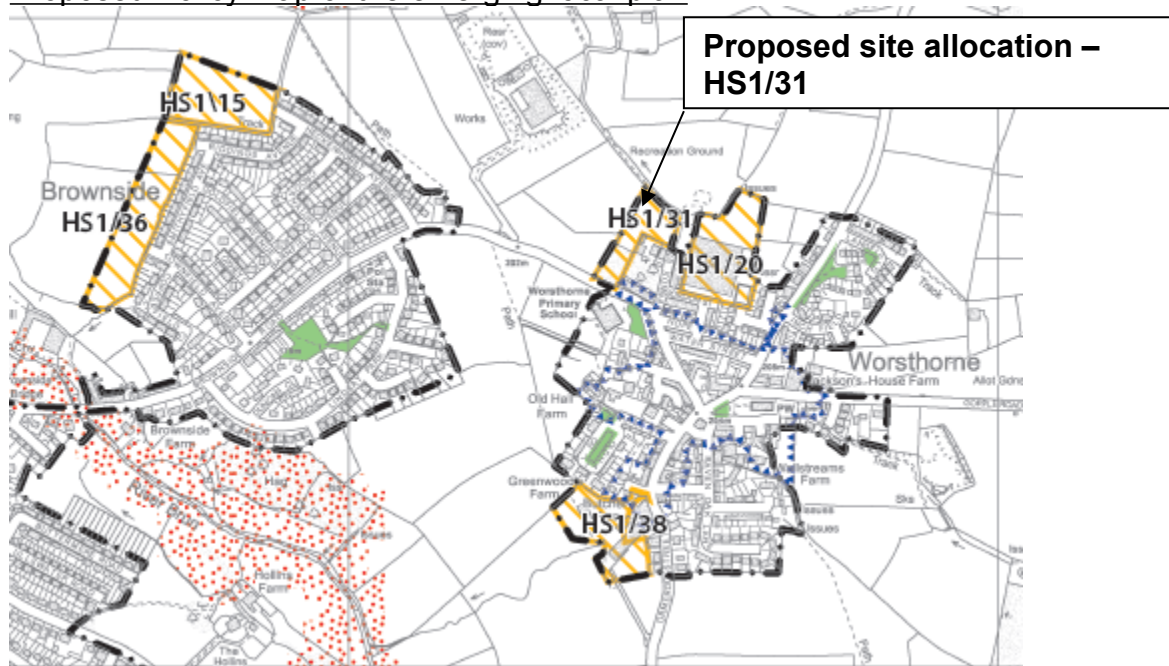
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The Council carry out continual monitoring of sites allocated for housing and other housing developments. The latest position statement that was issued in July 2017 showed that the number of housing completions has risen with 226 net completions between 1<sup>st</sup> April and the 31<sup>st</sup> March 2016 which compares to an average of 164 over the last 14 years. The Position Statement outlines three methods for calculating a five year supply of housing, the most reliable of which (prior to the adoption of a new local plan) is based on the Objective Assessed Need (OAN) which is arrived at through the Strategic Housing Market Assessment (SCHMA), dated May 2016. This arrives at a figure of between 117 and 215 dwellings per year. Taking the lower figure and adding a 5% buffer provides a five year supply requirement of 478 dwellings. Against this requirement, the Council currently has a supply of 1591 dwellings which is made up of deliverable planning permissions, a windfall allowance and an empty homes

allowance. The Position Statement affirms that using all three methods for calculating the supply, the Council has a five year supply of housing. As such, the provisions of Paragraph 14 are not engaged and policies relevant to the supply of housing in the local plan are not therefore out of date.

The emerging local plan seeks to review development boundaries, informed by a decision to meet the housing requirement and availability of developable and deliverable development sites between 2012 and 2032. This has led to a new development boundary that extends the existing urban boundary into the adjoining fields to the western edge of Worsthorne up to the tree lined field boundary to the west of 250 Brownside Road and extending northwards up to Lennox Street (this includes portions 'A' and 'B' of the current application site as shown on page 1). The proposed allocation estimates a capacity of 18 dwellings for the site. This forms part of the Submission Document and as such has already been through the main stages of plan preparation but has not yet been tested at Examination. Given that there are comments and objections to be considered to the proposed allocation, Policy HS1/31 only carries limited weight.

Proposed Policy Map of the emerging local plan



The proposed allocation reflects the aspiration of the emerging local plan to boost housing supply and in some instances to allocate greenfield land to accommodate the borough's housing and employment development requirements. The main issue relates to whether the development would constitute sustainable development.

Sustainability test

Paragraph 49 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development. It states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role. These roles should be considered against the impacts of the development. In terms of an economic role, the benefits of the proposal would be mainly short-term, being associated with generating economic activity from the construction phase. In social terms, the applicant states that the development would

provide starter homes for young people. Given that this is not supported by any identified local need for such housing, the social benefits from this development are similarly limited. The environmental strands of sustainable development are considered below.

#### Visual impact on rural area

The visual impact relates to the extent the application site contributes to the identified rural area, its landscape and setting of Worsthorne village and the Worsthorne Conservation Area. Policy GP2 referred to above seeks to protect the rural area, stating that “the Borough’s open countryside provides a visually striking and attractive setting for the urban area and is one of our greatest assets”. At Paragraph 4.14 it states that “There are a number of small villages and hamlets outside of the urban area. These settlements are an essential part of the character of the countryside. Their growth will be strictly controlled, particularly to prevent them joining together or encroaching on to the adjoining open countryside”.

Policy E27 seeks to protect and enhance the Borough’s distinctive landscape character. It states that this will be achieved by, amongst other things, protecting the setting of rural and urban settlements, protecting and enhancing historic field patterns, including walls and hedgerows and maintaining views and avoiding skyline development.

The proposed development would extend built development westwards outside the existing urban boundary by approximately 57m. The impact of this enlargement of the built-up area would be apparent from Brownside Road but would be most striking from the approach into Worsthorne village where the scale of the expansion would be seen in a single view.

#### Village approach



The field boundary along the edge of the former transport depot/woodyard currently displays a green physical edge that visually separates the village from the surrounding countryside. The route of the proposed estate road is likely to necessitate the removal of the trees. Since the time the application was submitted, the trees along this boundary have been recognised for their amenity value and protected by a Tree Preservation Order (2017). Other trees on the site’s frontage and boundaries are included within the Order although notably, this has yet to be confirmed. The proposal

would therefore lead to a new physical edge created by the expansion of the village into the open countryside. Whilst the application does not detail boundary treatment, there would be little scope for planting new trees that would adequately compensate for the loss and retain a green and rural edge to the village. The proposed development would appear as an abrupt new urban edge and encroachment into the open countryside. The visual impact would be injurious to the character of Worsthorne and would therefore fail to protect the rural area.

The proposed expansion into the rural area would reduce the gap between the built-up village and the edge of sub-urban estate development at Brownside by approximately 60m. This would create inter-visibility between the built-up area of Brownside with the extended village which would diminish the separation between the two places. This is likely to therefore lead to the perception of coalescence which would be contrary to the objectives of Policies GP2 and E27 of the Local Plan.

From the portion of the application site to the rear of new development at Lennox Street, there are uninterrupted views of Pendle Hill, creating a close relationship between the landscape surroundings and the built-up village.

View from Lennox Street



Any development of this portion of the site would obstruct these open views as seen from Lennox Street (as seen in phot below). The main view from the recreation ground beyond the application site would be unaffected and the amount of intrusion would be across a small area.

Objections to the proposal have referred to the impact of the development on the historic form and character of the village and the Worsthorne Conservation area that embraces the core village and extends up to 250 Brownside Road. Policy E12 seeks to protect the setting of conservation areas. The existing approach and arrival into the village along the main route, Brownside Road, is marked on its left side by stone terraced houses and on the opposite side by a modern primary school building. Whilst no details of houses, their appearance or materials form part of this outline application, the encroachment of new houses beyond the landscaped field boundary would create a modern and incongruous edge to the village that is unlikely to enhance the setting of the conservation area.

The proposed development would therefore lead to a loss of open countryside that would create visual harm to the setting of Worsthorne by narrowing the visual gap between the village and Brownside and contributing to coalescence and harm to the character and appearance of Worsthorne village and the Worsthorne Conservation

Area. This would be contrary to Policies GP2, E12 and E27 of the local plan. These policies remain in force and are relevant to managing the environmental dimension of sustainable development.

#### Impact on highway safety

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The site is located in a reasonably sustainable location on the edge of a settlement with facilities and amenities and close to a bus stop with services to the nearby town centre. A significant level of objection to the proposal has been received from neighbouring properties, village residents and from the Chair of Governors at the primary school situated opposite the site. The objections relate to the creation of an improved access and traffic close to a part of Brownside Road that is congested at school drop-off and pick-up times.

Following the initial comments of LCC Highways, the junction and access details have been amended to provide a junction with a suitable width and radius and visibility splays of 70m in each direction. Short-term parking occurs at and around the proposed improved access. In order to ensure adequate visibility, LCC Highways state that Traffic Regulation Orders (TRO's) will be required for a distance of 25m on the north west side of Brownside Road and on both sides of the new estate road for a distance of 20m from its junction. Subject to other conditions to ensure traffic calming along the new access road and relating to construction design and a construction method statement, LCC has no objections to the proposal. The congestion that comes from parked cars is a serious matter as it causes existing safety issues for the school and parents. This is a matter that should be addressed by all parties concerned but is not a reason to refuse planning permission where an acceptable junction design has been produced and has the backing of the LCC Highways. Other objections relate to the capacity of the roundabout at Brunshaw Road/Brownside Road but the highway authority is satisfied that the scale of the proposed development would not require these improvements.

#### Impact on ecology

Policy E5 seeks to protect protected species, whilst Policy E6 protects trees, hedgerows and woodland. The applicant has submitted a Phase I ecological appraisal which has been assessed on behalf of the Council by a qualified ecologist at the Greater Manchester Ecology Unit (GMEU). There are no nature conservation designations affecting the site. Whilst it is recognised that the site is used for birds and wildlife for foraging, it does not provide a breeding ground and is unlikely to affect protected species. GMEU recommend suitable conditions to safeguard wildlife by ensuring no clearance works take place in the bird nesting season and to require an inspection of bat boxes prior to their removal (and their re-instatement where appropriate). The majority of the trees on the application site, including the black poplar to the site's frontage and other boundary trees (downy birch, oak, beech, common lime, goat willow and ash) have been recently protected through a Tree Preservation Order (2017) which has not yet been confirmed.

#### Impact on residential amenities

Policy H3 relating to quality and design in new housing development and requires proposals to protect the amenities of neighbouring properties. Some of the objections that have been received are concerned that the position of the proposed estate road would lead to insufficient spacing between habitable rooms of new dwellings and

existing houses. This is generally a matter for the relevant reserved matters (layout, scale and appearance). With no indication of the footprints of new dwellings then interface distances cannot be assessed. In the event that outline planning permission is granted then this could be controlled to approve the access junction and not the position of the whole length of the estate road. This would therefore provide some flexibility to achieve acceptable separation between windows. The proposed site amounts to 0.95ha and as such would be a gross density of approximately 25 dwellings per hectare which reflects a relatively low dense development.

#### Impact on local schools

The applicant has agreed to a contribution towards secondary school places as requested by the he School Planning Team at LCC. This would need to be subject to a section 106 Agreement. With this provision, the proposal would adequately cater for education needs relating to the development.

#### Provision of affordable housing

Policy H5 of the Local Plan requires a contribution of 10% affordable housing within schemes of over 15 dwellings. In this case, the applicant proposes 20% of starter homes on the site for first time buyers in the village. This would need to form part of an agreed scheme and be subject to a section 106 Agreement. On this basis, the proposal would provide positively contribute to affordable housing and would comply with the objectives of Policy H5.

#### Other issues

The applicant has agreed to a contribution towards open space as requested by the Manager of Greenspaces and Amenities that would be used to improve the local recreation ground. This would need to be subject to a section 106 Agreement.

Policy E34 of the Local Plan requires appropriate assessment to deal with potential contamination. A desk top contamination report has been submitted with the application. The report concludes that whilst the site is considered to be suitable for its proposed use, an intrusive investigation would be required. A condition would therefore be required to require suitable land investigation, remediation and validation.

Policy E8 seeks to manage flood risk. The site is within a low flood risk area. No detailed assessment of drainage has been submitted. The site would provide options for water management by way of sustainable drainage systems. Conditions would be necessary to ensure suitable schemes for both foul and surface water. Any comments for the Lead Local Flood Authority will be reported in the late correspondence prior to the meeting.

#### Conclusions

The proposed development falls within the rural area outside the main urban boundary of Worsthorne village. The emerging local plan which only carries limited weight seeks to allocate approximately 75% of the application site within a new development boundary; the remaining 25% of the application falls within the rural area outside the development boundary. The starting position for decision-making is the Local Plan. The report has explained that the Council has a robust five year supply of deliverable housing sites and as such, there is no requirement (within the NPPF) to engage Paragraph 14. The current policies within the local plan relating to housing, including Policies GP1 and GP2 which seek to focus new development in urban areas and to protect the rural area therefore remain relevant. The emerging local plan indicates



that a small scale development within existing field boundaries may be an appropriate means of providing for future deliverable housing sites. However, as proposed, the visual impacts of the proposed development on the character and appearance of Worsthorne village which would create a dominating, abrupt and intrusive impression that would lead to the perception of coalescence and seriously detract from Worsthorne village and the setting of the conservation area. The benefits of providing starter homes for first time buyers in the local area and from contributions to improving open space provision have been taken into account but these are insufficient to outweigh the clear harm that would be caused to the village and its surroundings. The proposal is therefore contrary to Policies GP2 and E27 of the Local Plan and would fail to achieve the environmental dimension to sustainable development.

### **Recommendation: Refuse**

#### **Reasons**

1. The proposed development would lead to a significant expansion of Worsthorne village into the rural area which due to its encroachment into the open countryside beyond existing field boundaries would create an abrupt urban edge that would appear excessively assertive, out of keeping and injurious to the character and appearance of the village settlement and the setting of Worsthorne Conservation Area, contrary to Policies GP2, E12 and E27 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
2. The proposed development would significantly intrude into the open gap that separates the suburban area of Brownside and the village settlement of Worsthorne, leading to the perception of coalescence and merger which would fail to protect the open setting of these urban and rural settlements and fail to achieve the environmental role of sustainable development, contrary to Policies GP2 and E27 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.

JF  
18/7/2017

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Housing and Environment  
9 Parker Lane Burnley

Ref.

**APP/2016/0263**

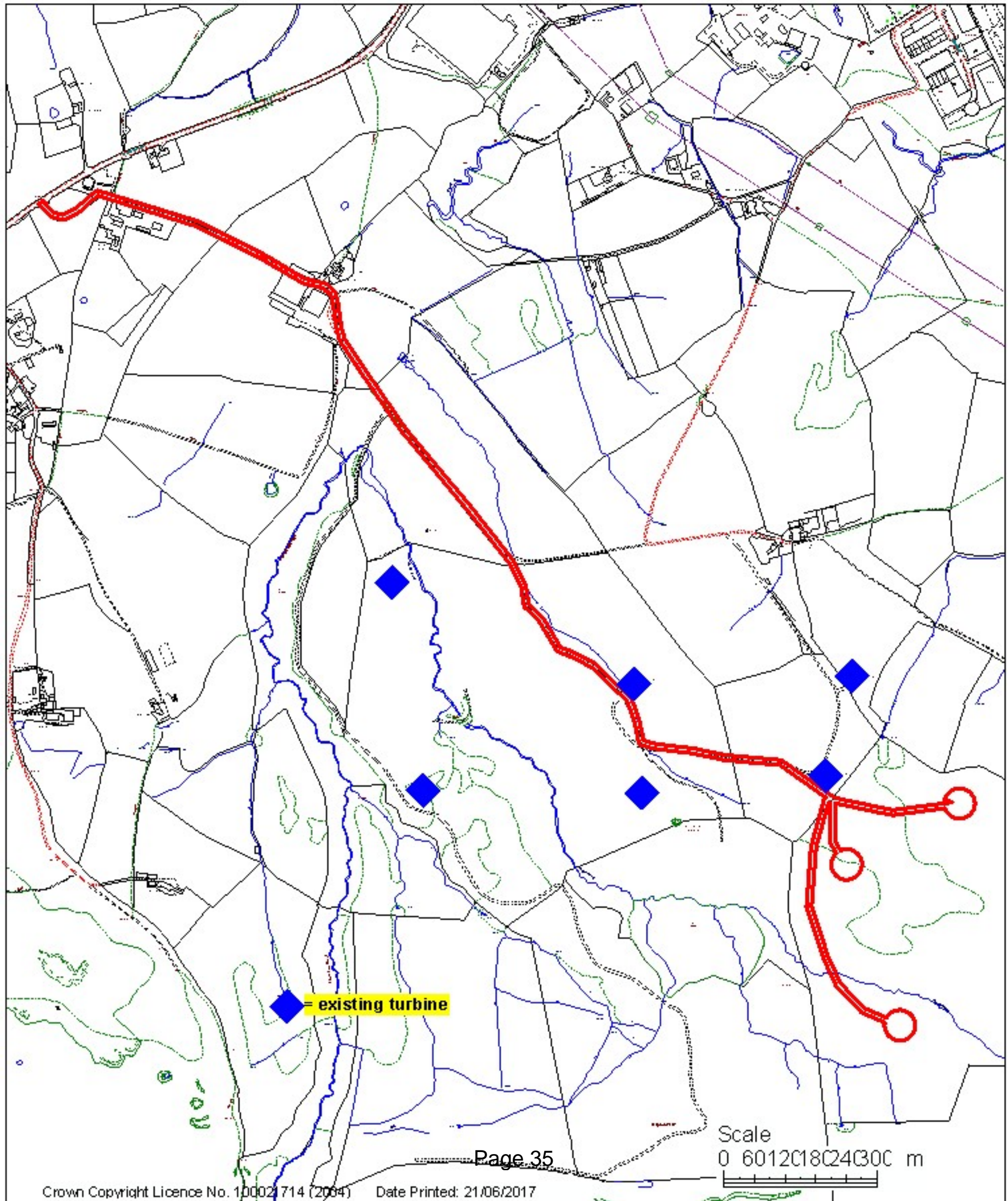
Paul Gatrell  
Head of Housing and Environment



Location:

**Land south of New Barn Hapton**

**1:10000**



**existing turbine**

Scale  
0 60 120 180 240 300 m

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**Application Recommended for Approval**  
Hapton with Park Ward

**APP/2016/0263**

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

**Application Recommended for Approval**  
Hapton with Park Ward

**APP/2016/0263**

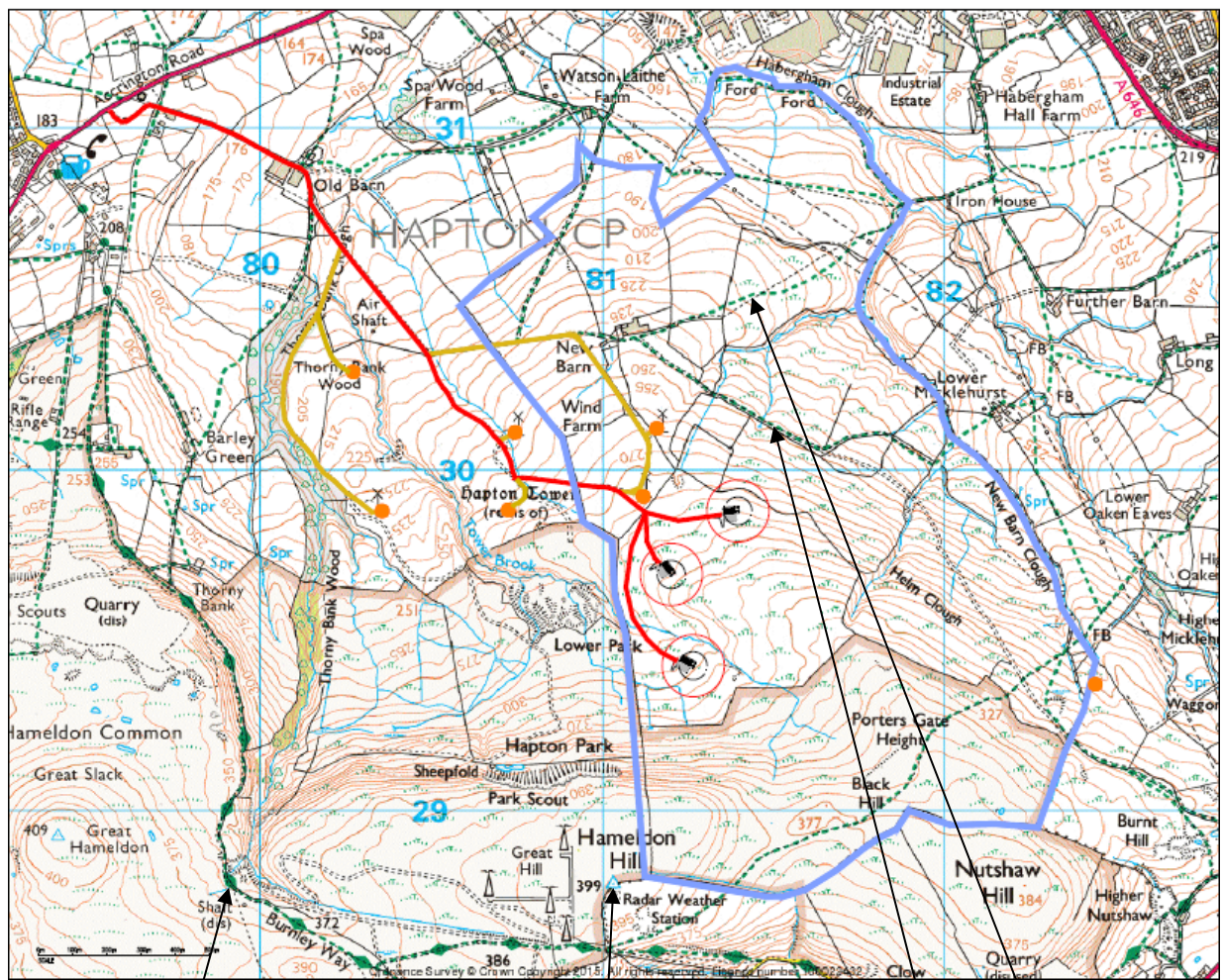
Full Planning Application

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 Burnley Way

Met Radar Station

Public Footpaths

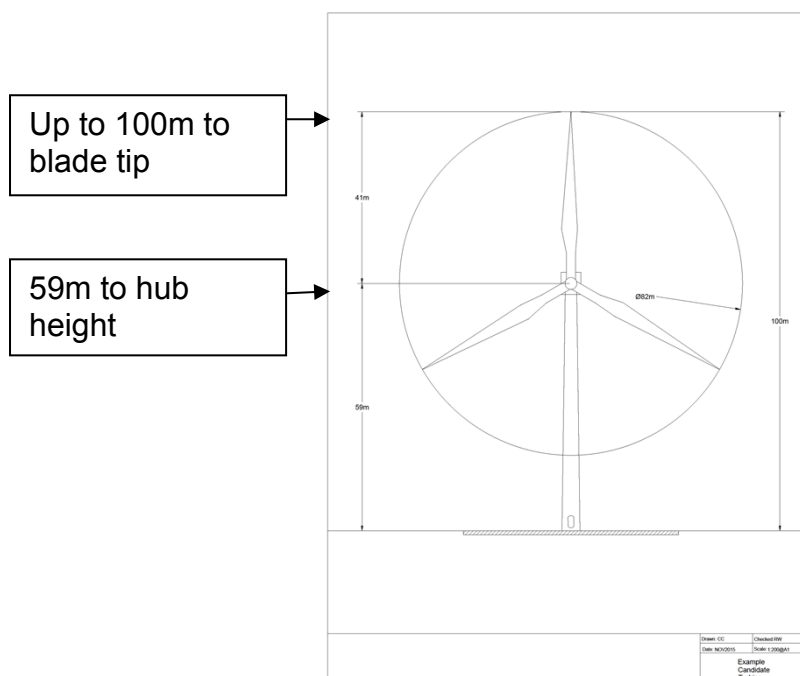
The proposal also involves extending the stoned access tracks from the most southerly point of the existing turbines up to the bases of each individual proposed turbine. The siting of the turbines indicated below would be between 285 and 295m AOD although the proposal requires the micro-siting of the turbines within 50m of these positions to be agreed once all site conditions and constraints have been tested at fine detail.

The 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 8 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 WMS, issued on the 18 June 2015, is a short statement which is reproduced in full below:-

“I am today setting out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications, fulfilling the commitment made in the Conservative election manifesto.

Subject to the transitional provision set out below, these considerations will take effect from 18 June and should be taken into account in planning decisions. I am also making a limited number of consequential changes to planning guidance.

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission 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 applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, 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.”

The final paragraph refers to a situation where a planning application had already been submitted for wind energy development before 18 June 2015 and in those cases sets out transitional provisions. In this case, the current planning application was submitted in June 2016. It would follow from this that the transitional provisions would not therefore be applicable and where there is an absence of a development plan that identifies suitable sites for wind energy development, the WMS would indicate that planning permission should not be granted. The objectives of the WMS are to empower local communities and engage with them in decision-making and the bringing forward of development plans. In determining new applications, proposals

must be identified in a development plan and have the backing of the local community. It states that local backing can be demonstrated if the planning impacts identified by local communities have been fully addressed.

Although the WMS should be given substantial weight, planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The prime consideration is therefore the development plan and then the material considerations which include the WMS and its objectives in empowering local communities, the National Planning Policy Framework (NPPF), the 2008 Climate Change Act, the National Policy Statement for Energy, the identified impacts of the development (and the extent to which they are capable of being adequately addressed) and the emerging Burnley Local Plan. The NPPF states that at its heart is a presumption in favour of sustainable development. The extent to which the proposal amounts to sustainable development is therefore a key consideration.

#### 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 some but limited weight; the policies are in this case 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 requirements of Policies CC2 and CC3 are met.

### Impact on landscape

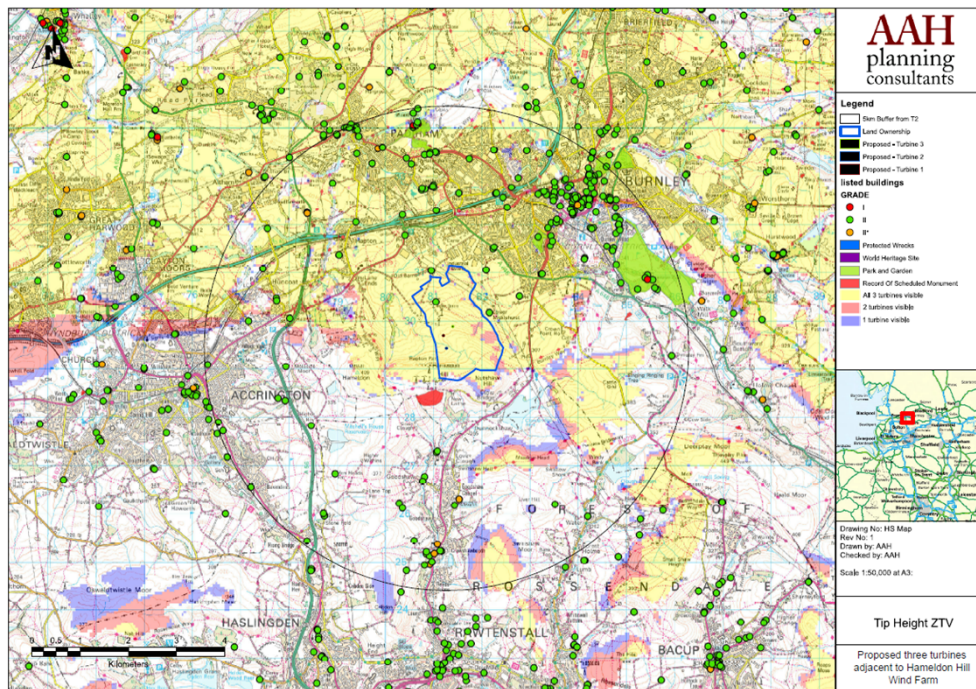
In addition to the requirements of Local Plan Policy E31 and emerging local plan policies CC2 and CC3 to consider the impact of the proposal on the local landscape, Policy E27 of the Local Plan seeks to protect, enhance and restore the Borough's distinctive landscape character. It states that this will 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 below 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.

## Conclusions

Policy 31 of the adopted Local Plan is the main relevant development plan policy. Policy 31 does not identify any specific sites for wind energy development but lists the considerations that will be applied to determine whether a proposal is acceptable. Those considerations have been applied and the report concludes in respect of each of these that the impacts would be acceptable. The Local Plan policy is consistent with the guidance on increasing the use and supply of renewable and low carbon energy and should not therefore be regarded as out of date. The development plan would therefore indicate that the proposal should be approved unless there are material considerations which would outweigh this.

The Written Ministerial Statement (WMS) is a material planning consideration which should be afforded weight. The WMS provides the most recent and up to date guidance from the Government as explained in this report. Its purpose is to allow local communities to have their say. The transitional provisions do not apply for applications submitted after the 18 June 2015 which would suggest that planning permission should not be granted for new wind turbines until suitable sites are identified in a local plan. The objectives of the WMS in engaging communities and considering the issues relating to community backing have been considered.

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, eight 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. 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.

The emerging local plan is also a material planning consideration. The proposed submission version can be given some but limited weight and states that there may be some limited scope for larger turbines or turbine clusters in the Enclosed Uplands. No objections have been received to this policy (Policy CC2) which give it more credence. The proposed development has been assessed in the agenda report against Policy CC2 and concludes that the proposal would not conflict with this emerging policy and local plan. The agenda report has also considered the applicant's response to community consultation prior to the making of the application and the response to the public consultations that have been carried out as part of this application. The report concludes that each of these individual impacts have been addressed through the assessment of noise, shadow flicker, landscape and visual impact (LVIA), ecology and heritage contained within the Environmental Statement submitted with the application.

The identified impacts are capable of being controlled and managed by conditions. The landscape impact diminishes over distance and would be seen at longer distance views as a moderate extension to the existing cluster. The objections and impacts of

the proposal have been satisfactorily addressed. 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. It should also be noted that the Community Consultation that was carried out by the applicant prior to the making of the application resulted in only a limited response but the majority of responses were supportive of the development. This would satisfy the WMS objective of obtaining the backing of the local community. The objectives of the WMS are unlikely therefore be compromised by approving the development

The benefits arising from the proposed development are also material considerations. 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 CO2 emission per year from conventional forms of electricity generation. These 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 prime consideration is the development plan. It has been shown in this report that the proposal would be in compliance with the development plan. Other material considerations have been taken into account. These include the emerging local plan which identifies the site as having some limited scope for larger turbines or turbine clusters. As this proposal would form part of a cluster and retain an overall modest size, this policy would support the proposal. The WMS has been taken into account; the statement indicates that the transitional provisions for assessing wind turbine applications after the 18 June 2015 do not apply in which case planning permission should not be granted. This would therefore weigh against the development. However, the report has explained how the objectives of the WMS in engaging local communities and applying the test of 'local backing' would not be compromised by allowing this development. The benefits of increasing the supply of renewable energy and reducing carbon emissions set out in government targets is also a material consideration. Taking all these factors into account, the lack of strict compliance with the WMS would not be so harmful as to outweigh both the development plan and the other material considerations which have been shown to weigh in favour of the proposal. The proposal is therefore recommended for approval.

### **Recommendation: Approve with conditions**

#### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1513601c (1:2500 Proposed site plan), HS Map Rev No. 1 Example of Standard Crane Platform, HS Map Rev No. 1 Example of access/jib roads, Example Candidate Turbine (Drawn CC, Nov 2015 at 1:200) and 12097005 (Proposed wind turbine substation elevations and plan), received on 18 May 2016; and, 1513602a (1:5000 Proposed site plan), received on 27 July 2016.
3. Prior to the commencement of development, a revised Traffic Management Plan to include additional mitigation works to facilitate access for construction

purposes (to accommodate the swept path of delivery vehicles) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Traffic Management Plan.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) wheel washing facilities;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
  - viii) Contact details for the site manager.
5. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays.
6. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall include a formal watching brief and the evaluation and recording of any encountered remains and be carried out by an appropriately qualified professional. A record of any findings shall be submitted to the Local Planning Authority and to an appropriate historic archive within a period of three months following the completion of the recording and evaluation.
7. The Local Planning Authority shall as soon as practicable be notified in writing of the date when electricity from the development is first supplied to the grid.
8. The approved wind turbines shall cease to operate on or before 25 years following the date that electricity was first supplied by the development to the grid.
9. No later than the end of the 24th year of the supply of electricity from the development, a scheme for the decommissioning, removal of the wind turbines, sub-stations, control boxes and associated infrastructure including any hard surfacing and access tracks, and the restoration of the land, together with timescales for the carrying out of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed in accordance with the approved timescales.

10. Prior to the erection of any of the approved wind turbines, details of their type, appearance and colour finish shall be submitted to and approved in writing by the Local Planning Authority. No part of the turbine structure shall display any logo or lettering unless otherwise previously approved in writing by the Local Planning Authority.
11. The approved turbines shall all rotate in the same direction which shall match that of the direction of the existing 6no. adjacent turbines at Hameldon Hill.
12. Any wind turbine that ceases to generate electricity for the grid for a continuous period of 12 months shall, unless otherwise approved in writing by the Local Planning Authority, be removed in its entirety from the site. This shall include removal of any above ground structure and underground structure (to a depth of one metre) relating solely to that respective turbine. The site of the respective turbine and structure shall be restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the expiration of the 12 month period. The scheme shall be implemented as approved within 12 months of the date of such approval.
13. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints relating to shadow flicker from the approved development that are made to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.
14. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints that are made in relation to noise from the approved development to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure adequate access arrangements are put in place for large construction vehicles, in the interests of highway safety, in accordance with the National Planning Policy Framework. The revised Traffic Management Plan is required to be submitted prior to the commencement of development to ensure that the Plan can be implemented from the start of the construction phase of the development.
4. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works are satisfactorily protected, in accordance

with Policy E31 of the Burnley Local Plan, Second Review (2006). The Construction Method Statement is required prior to the commencement of development to ensure that provision can be made for its implementation at the appropriate stage of the development process.

5. To protect the amenities of nearby residents, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
6. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
7. To confirm the start date of the operational life of the proposed turbines to allow a period of 25 years to be correctly calculated.
8. To ensure the wind turbines are brought out of use following their operational life, in accordance with the details of the application and to allow for appropriate decommissioning, in the interests of visual and local amenities, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
9. To ensure the effective removal of redundant apparatus and the restoration of the affected land, in the interests of the visual amenities of the landscape and the ecology and biodiversity of the site, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
10. To ensure these details are satisfactory and minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
11. To minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
12. To ensure that the turbines and their associated equipment are removed at the end of their operational life, in the interests of visual amenity, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
13. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
14. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).

JFL  
19/7/2017

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Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0247

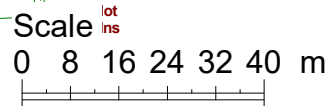
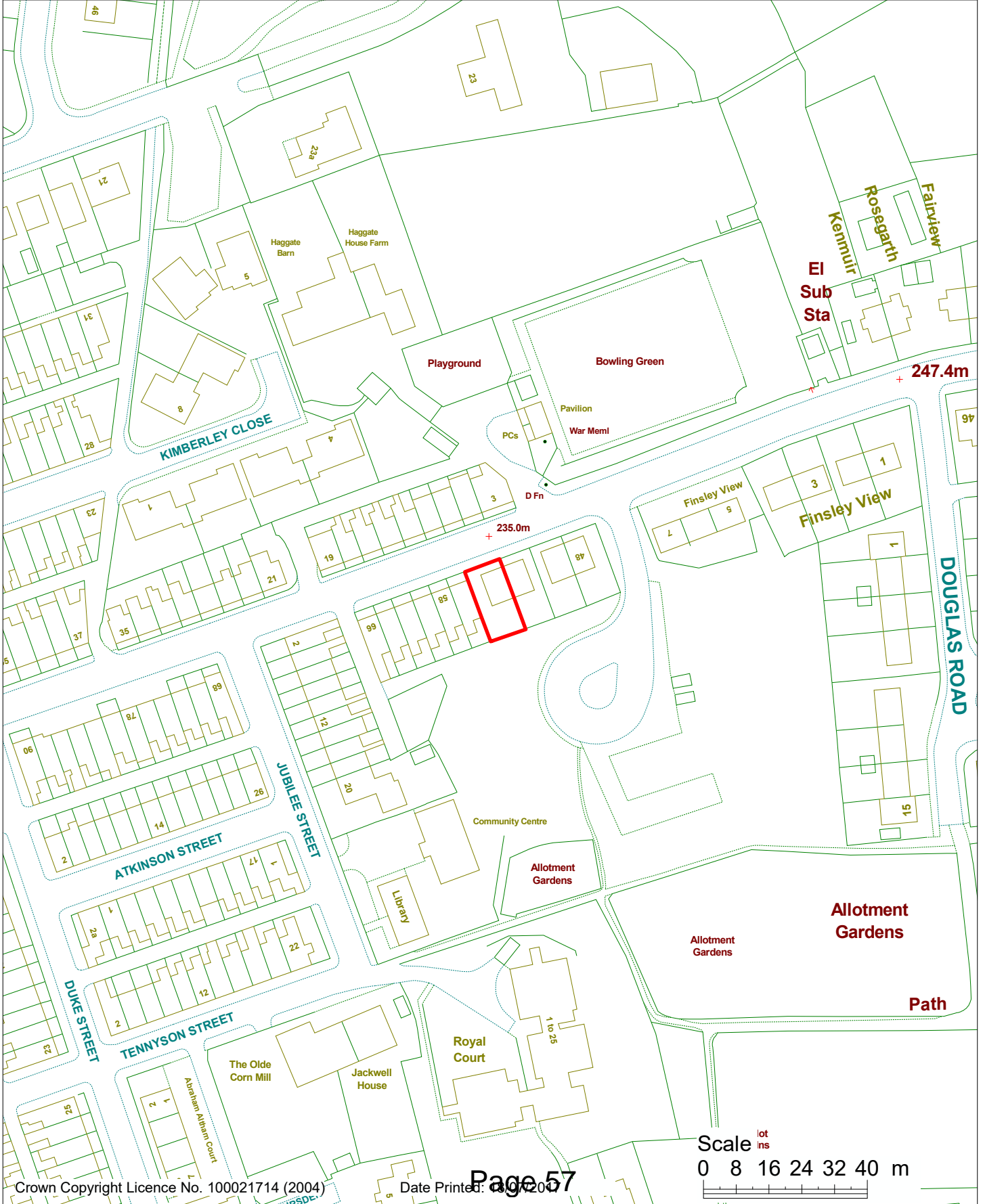
Paul Gatrell Head of Housing and Development

Location:



### 54 Burnley Road, Briercliffe

1:1250



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Full Planning Application  
Re Submission - Proposed single storey extension and porch  
54 BURNLEY ROAD BRIERCLIFFE

**Background:**

The proposal is for the erection of single storey side/rear extension forming an L shape and a small porch is to be erected at the front.



**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

H13 – Extensions and Conversions of Existing Single Dwellings

NPPF

**Site History:**

No relevant history

**Consultation Responses:**

Neighbouring no.52 Burnley Road objects to the proposal on the following grounds:

- The proposed extension would be a significant detriment to no.52, having minimal gap between both extensions.
- The proposal would lead to considerable overlooking and overshadowing.
- Loss of privacy
- Loss of natural light
- Kitchen fumes from the proposed extension will be directed through extraction fan
- Noise and disturbance from proposed kitchen

**Planning and Environmental Considerations:*****Principle of development***

The proposal seeks permission to construct a porch, side and rear extension and in this case the impact of the development on the host dwelling and the character of the wider area is to be considered.

New development should deliver good quality design and safeguard the amenity of existing development. Policy expresses that alterations to buildings should safeguard the amenity of the host premises and neighbouring occupiers. Care should therefore be taken to ensure that any alteration does not result in significant loss of sunlight, daylight or overshadowing to the property or its neighbours. Furthermore, development should not be overbearing, or result in unacceptable overlooking or loss of privacy.

***Character and Design***

The proposed single storey side extension follows general policy and guidance in that it is set back from the existing front elevation of the property, which is in keeping with the character of the existing property and is considered acceptable in terms of design and appearance.

The rear part of the extension will only project 2450mm and the roof design will wrap around. However, if the side extension is discounted then this rear element would be considered to be permitted development.

The proposed materials consist of blockwork with render finish and blue slate roof tiles to match the existing property. The proposed materials are considered acceptable.

The porch comprises a total floor area of 2.8m<sup>2</sup> and would have a traditional pitched roof design. The porch and front elevation of the side extension will be constructed from stone to match the dwelling

The extension takes a similar form and design of the existing dwelling and all materials are proposed to match. Given the location of the property and the set back of the extension from the front elevation of the dwelling it is not considered that the development will result in any adverse or detrimental visual impacts within the street scene and would subsequently comply with the provisions of policy H13

Majority of the properties along this block all have similar rear extensions and this proposal appears to be no different. The precedent has been set and based on design there is no material reason to warrant a refusal.

### ***Residential amenity***

The proposed extension would maintain a gap of 1 metre between the adjacent dwelling and be positioned 5.5 metres from the southern boundary. Considering the separation distances involved and the size/mass of the extension it is not considered to have a detrimental impact on residential amenity for occupiers of dwellings to either side.



The rear extension would not protrude beyond the neighbours conservatory and therefore will have no adverse impact to residential amenity.

A small window and door is proposed to the western elevation of the side extension and therefore this does not have a detrimental impact from overlook into the adjacent dwellings private garden area or into the property.

### **Conclusion**

In light of the above, the proposed extension is considered to be acceptable and satisfies the requirements of the NPPF and local plan policies.

### **Recommendation:**

That planning permission be granted subject to the following conditions.

### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ***Drwg No.BR 54/4, B.R 54/1A, received 12 May 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

AA  
13/07/2017

Housing and Environment  
9 Parker Lane Burnley

Ref.

APP/2017/0263

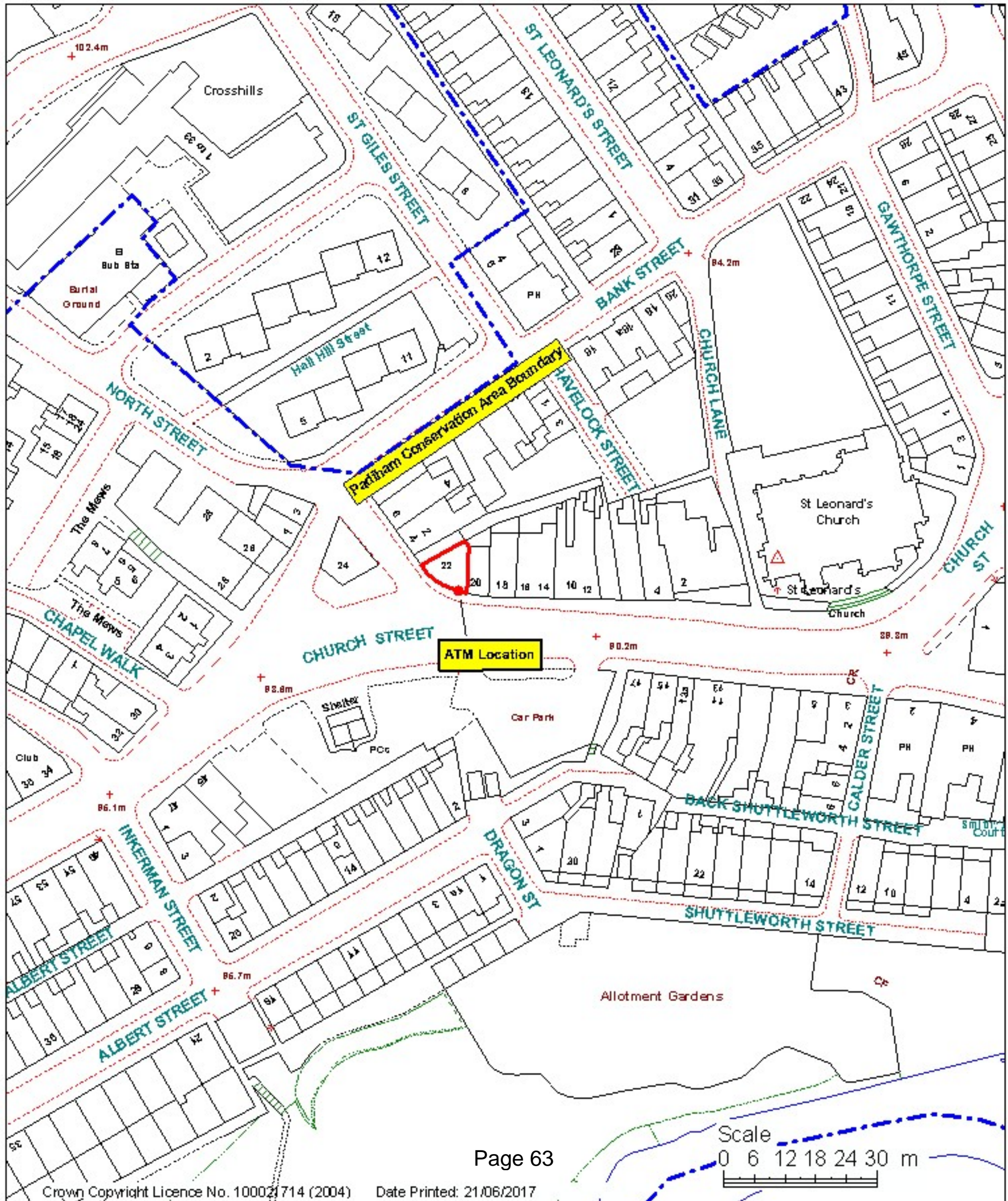
Paul Gatrell  
Head of Housing and Environment

Location:

22 Church Street Padiham



1:1000



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Full Planning Application

Retention of a non-illuminated, automated teller machine including associated alterations to shop front.

22 CHURCH STREET PADIHAM



Development subject to this application

**Background:**

This is a retrospective application for the retention of a non-illuminated, ATM including associated alterations to the shop front.

The above photograph outlines the area of development that is the subject of this application. Other alterations to the shop front and signage are being dealt with as a separate matter.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

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

E12 - Development in or adjacent to Conservation Areas

National Planning Policy Framework

Planning (Listed Buildings and Conservation Areas) Act 1990

## **Site History:**

APP/2017/0263 – Retention of associated signage (Non-illuminated) for an automated teller machine – Granted.

## **Consultation Responses:**

### LCC Highways

No objection to the proposal on highways grounds subject to the conditions regarding lighting/illumination being attached to any permission that may be granted.

Lancashire County do not support the addition of extra street furniture to support such situation. Bollards are a maintenance liability for the council in that if they are dislodged there is a cost of repairing the footway in addition to the replacement of the units. I would have to raise objections on highway grounds to the addition of Anti-Ram bollards in the adopted footway. If your council is minded to permit the installation of the ATM it is on the understanding that there will not be additional street furniture in the form of Anti-Ram Bollards.

### Padiham Parish Council

Padiham PC have made the following comments in specific regard to this application,

- The location is within the Padiham Conservation area, and the alterations to the shop front are not in keeping with the historic character of this area, which is about to undergo a Heritage Lottery Fund Townscape Heritage improvement programme to enhance the historic nature of this area.
- The design and appearance is not in keeping with a Conservation Area about to undergo a Townscape Heritage Initiative enhancement.
- Impact on historic buildings or their settings.
- Padiham Conservation Area was added to the national Heritage at Risk register published by Historic England in 2013, as a result of a deterioration of the area's condition and appearance over the previous three years. The register expresses particular concern over loss of historic detail and inappropriate change to doors and windows, decorative features, shopfronts and signs.
- The ATM has been in place for around 18 months and parking problems are occurring – there is limited parking nearby and drivers are regularly seen parking on the pavement next to the ATM, (which is around 2 metres wide), or on the zig-zag markings on the roadway approaching the nearby zebra crossing.
- Highway safety issues (caused by above).

### Project Padiham

Project Padiham object to the proposal for the following reasons,

1. Design and appearance are not in keeping with the character of the area, and
2. Proposed blue surround is out of character with the area.

### Lancashire Constabulary (Designing Out Crime Officer)

In the last 12 month period there have been moderate levels of crime recorded in and around this location, and there have also been a number of ATM related crimes

recorded across Lancashire over the last 12 month period. Planning Officers are asked to consider the following security measures to reduce the risk of crime affecting customers and staff or targeting the ATM:-

- As a minimum security requirement, the ATM should be covered by digital HD colour CCTV and positioned to provide clear coverage of the area where people will queue to use the ATM.
- The shop should be fitted with a comprehensive intruder alarm system that covers all available points of access.
- The alarm system should be monitored and installed to EN50131 (Grade 1-4) and comply with the National Police Chiefs Council Policy „Guidelines on Police Requirements and Response to Security Systems“. The alarm installation company should be certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community.
- There is also mention of “Replacing part of the existing glazing with a white laminate composite security panel”; however, it is not clear as to the actual material or thickness being utilised to replace the existing glazing.

*[The Agent responded as follows;*

- *The site already has a fully monitored alarm.*
- *We can request that one of their 12 cameras covers the ATM externally.*
- *The spec of the composite panel is - Composite panels are to be used where the ATM is to go through a window which has been modified to accept a panel of either, high density laminate solid grade or similar 12mm or 16mm white both sides.*
- *The best we specify is the Panel is to be High Density Solid Grade Laminate.]*

The following was also requested to be considered to reduce the risk of crime affecting customers and staff or targeting the ATM:-

- The area around the ATM must be illuminated with low energy dusk till dawn lighting to ensure customers can easily see and be seen. It will also improve natural surveillance and assist with reducing the fear of crime.
- As a “condition” of the application, anti-ram raid bollards should also be installed in this location along the front elevation of the building to cover the actual ATM.

*[The site is adjacent to an existing street light so no further illumination is considered necessary (the illumination proposed was considered out of keeping with the character of the Conservation Area as well), and the County Council have objected to bollards within the pavement due to the risk of any maintenance costs arising. Highways consent would not be forthcoming so adding a condition would not be reasonable as it would not be enforceable. Given that the ATM is already inserted, the applicant will most likely have considered the need for bollards and decided against them (as only the ATM has been inserted. They could apply separately for them but the lack of them does not lead me to consider the proposal would not be unacceptable without them].*

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

The site comprises a retail convenience store at No.22 Church Street which forms part of a locally listed terrace of C19 shops which is sited in a prominent position within the Padiham Conservation Area. The shop is to the ground floor and a wooden shop frontage of centrally positioned customer entrance door with large blanked out shop

windows to either side below an overly large shop fascia illuminated by externally fitted lights above (this is subject to a separate enforcement case).

The main issue, from historic environment perspective, is the effect of the development on the street scene, on the Padiham Conservation Area and on adjacent listed and locally buildings.

Visual impact and effect of the development on the street scene, on the Padiham Conservation Area and on adjacent listed and locally buildings.

The building is viewed within the context of the Grade II Listed Saint Leonards Church (see image below) which is fundamental to the significance of the Conservation Area.



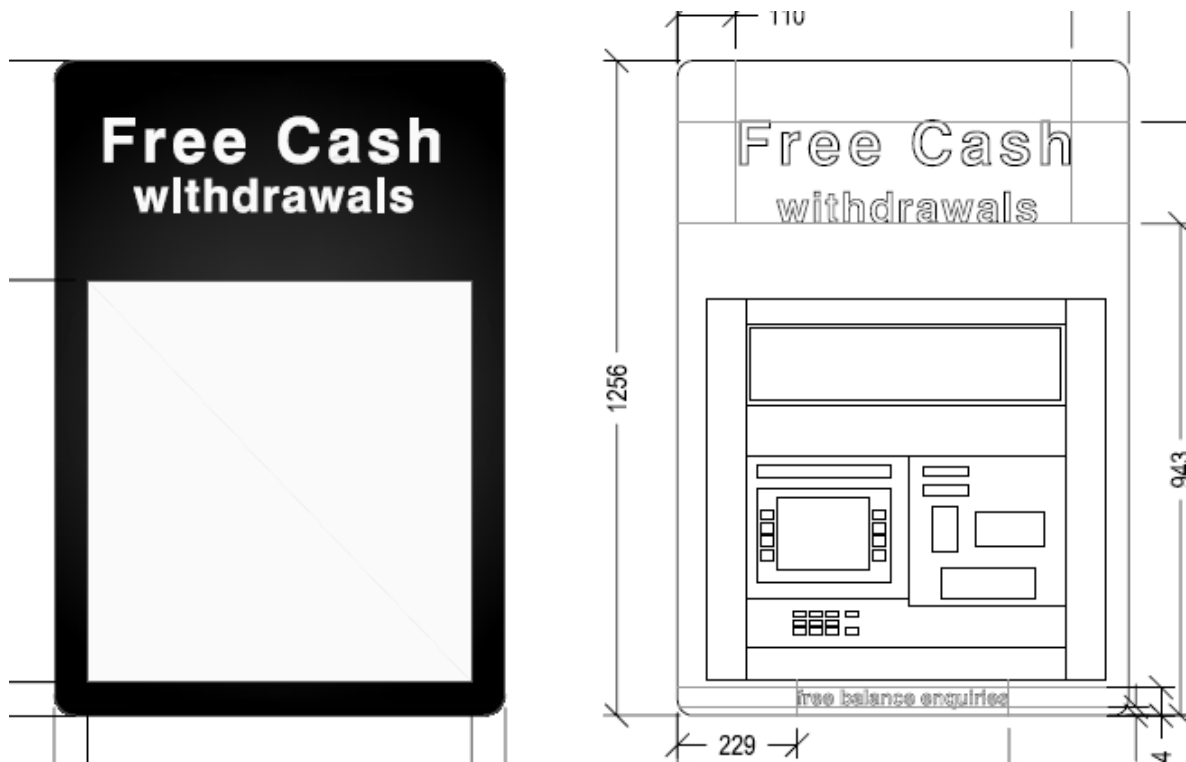
As the site is within the Padiham Conservation Area (CA), the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to the proposal. For conservation areas, s72 requires that special attention be paid to the desirability of preserving or enhancing the character of that area. Local Plan Policy E12 also sets criteria in that respect.

The shopfront presents a poor aesthetic and is an incongruous feature that interrupts the architectural flow of the attractive series of traditionally respectful shopfronts (within which its forms a group) and neither preserves nor enhances the character or appearance of the Conservation Area. However, the matter sought for permission here is for the insertion of the ATM only with any other alterations to the shop front being dealt with as a separate matter.

The use of internal illumination for the lettering above the actual cash machine and the Blue LED Halo surrounding the ATM (as originally submitted) was considered to be harmful. Following discussions with the applicant the illumination has been removed from the scheme so we must now just consider the insertion of the ATM.

Given the ATM can be viewed in situ, it is considered to have a relatively neutral visual impact within the streetscene, thereby complying with the requirements of 'preserving the character of the Conservation Area' as outlined and required within the Planning (Listed Buildings and Conservation Areas) Act 1990.

The insertion of the ATM itself is therefore not considered to be so harmful that it would warrant refusal.



Non-illuminated ATM scheme

Other matters

The Lancashire Constabulary (Designing Out Crime Officer) requested that number of security measures be considered to reduce the risk of crime affecting customers and staff or targeting the ATM. The majority of these can be incorporated within the scheme and as such will ensure an improved level of safety around the site.

The site is adjacent to an existing street light so no further illumination is considered necessary (the illumination proposed was considered out of keeping with the character of the Conservation Area as well), and the County Council have objected to bollards within the pavement due to the risk of any maintenance costs arising. Highways consent would not be forthcoming so adding a condition would not be reasonable as it would not be enforceable.

Given that the ATM is already inserted, the applicant will most likely have considered the need for bollards and decided against them as only the ATM has been inserted. They could apply separately for them in due course but the lack of them does not lead me to consider the proposal would not be unacceptable without them.

Conclusion

The scheme is considered to be in accordance with the relevant Local Plan Policies and national guidance and on this basis the 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 amended D&A Statement received 6th July 2017 and the following approved plans: location plan received 17th May 2017 and plan reference number NM-GA-F1-N1 received 6th July 2017.
3. For the avoidance of doubt, the ATM shall be non-illuminated (by virtue of an LED strip or otherwise).

## **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 the development is implemented in accordance with the approved plans to avoid ambiguity, and to protect the character and setting of the Conservation Area and the surrounding buildings.

GDT

Housing & Development  
9 Parker Lane

Ref.

**APP/2017/0276**

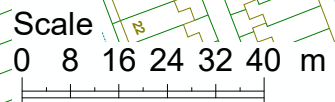
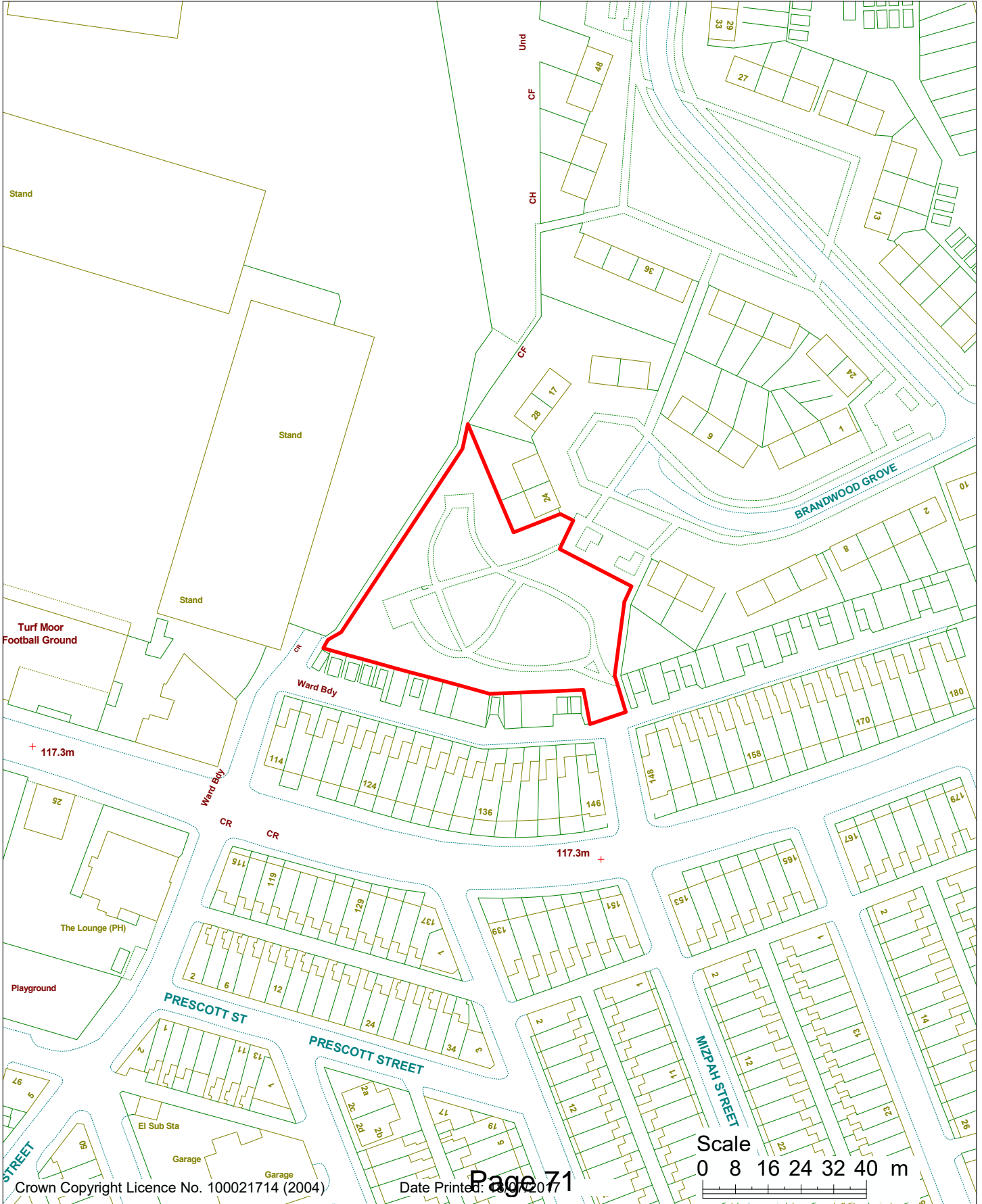
Paul Gatrell Head of Housing and Development

Location:



## Land East of Turf Moor, Burnley

**1:1250**



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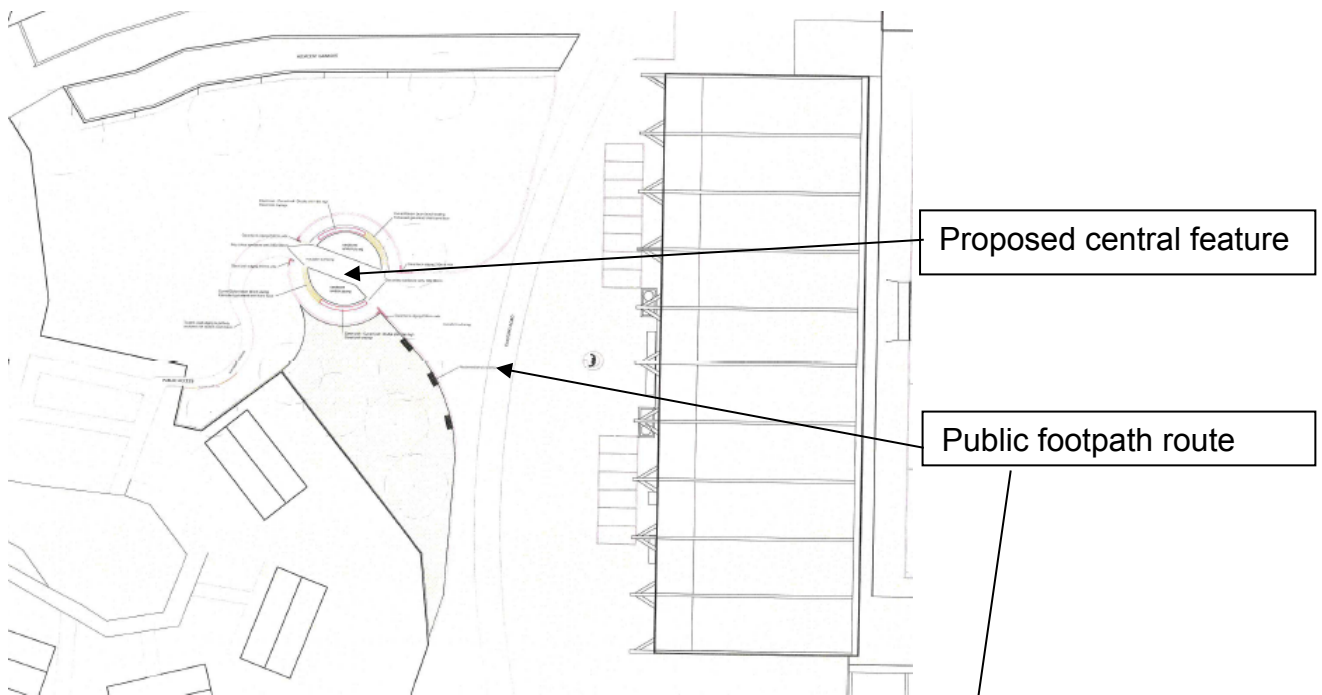


Full Planning Application  
Formation of memorial park  
LAND EAST OF TURF MOOR BURNLEY

**Background:**

The proposal is to carry out operational development and landscaping to form a memorial garden within an area of existing open space adjoining the east stand of Burnley's football ground at Turf Moor.

The existing area of open space is grassed with scattered trees, all of which are to be retained. Public Footpath No. 127 bounds the western edge of the area of open space and its route which fenced on each side separates the open space from the tarmac apron around the east stand's entrance.



A bronze statue of Jimmy McIlroy (8 foot high) on a plinth is to be erected outside the entrance doors and the tarmac apron opened up by the removal of the boundary

fences to each side of the public footpath. A circular wall in claret brick and block and cobble paving with architectural planting would form a feature within a central area of the open space with a pathway leading to the tarmac apron around the bronze statue.

#### Illustration of proposal



#### **Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

Burnley's Local Plan – Proposed Submission Document, March 2017

NE2 – Protected open space

The National Planning Policy Framework

#### **Site History:**

None.

#### **Consultation Responses:**

LCC Public Right of Way Officer

No comments received.

Greenspaces and Amenities Manager

The Council has previously indicated that it would support the development of a memorial garden on the site of Turf Moor Gardens. The proposed design for the memorial is fine but the existing footpath which crosses the site and provide access for Turf Moor estate residents to Harry Potts Way has been cut and pedestrians will need to walk through the memorial circle. It is not clear from the design statement whether pedestrians will be able to use this route 24 hrs per day or whether access will be prevented when gates to the football ground are locked. The terms of the lease of the site to the club will require the club to Permit uninterrupted public access across Turf Moor Gardens between Brandwood Grove and Harry Potts Way, except when

public access needs to be temporarily suspended for health and safety reasons whilst construction or maintenance activities take place.

#### Publicity

No comments received.

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

#### Principal of proposal

The site is within the main urban area where Policy GP1 seeks to locate new development where it does not, amongst other things, result in the loss of an area which makes a significant contribution to public amenity by virtue of its open space character, appearance and function. The application site is a small area of open space in the ownership of the Council that is undesignated in the adopted local plan but is identified as protected open space in the emerging new local plan. The proposal to create a memorial garden would not alter the use of the land as open space and as such there would be no objection in principle to the proposal. The main issues relate to the impact of the proposal on the character and appearance of the open space and any impact on the public right of way that bounds the edge of the open space towards the football stadium.

#### Impact on open space

Policy GP1 seeks in general terms to protect the character, appearance and function of open space that makes a significant contribution to public amenity. The open space is well used by people using the footway that crosses the site and is an important pocket of open space within a highly built-up area. It is necessary therefore to ensure that the proposal protects the open space. Policy NE2 of the emerging local plan carries limited weight but similarly seeks to protect and enhance the recreational, amenity, biodiversity and other benefits of the open space.

The proposal seeks to enhance the character, appearance and function of the open space by creating a memorial feature with a footpath and visual links with a new statue at the nearest end stand to Turf Moor. The trees and most of the grassed areas of the open space would be retained and the proposed circular hard and soft landscaped centrepiece would be a focal point creating visual and cultural interest associated with the football club. The Greenspaces and Amenities Manager has no objections but notes that the existing path through the site would pass through the circular memorial and stresses the importance of ensuring access for pedestrians crossing the site from Turf Moor estates to Harry Potts Way is kept open at all times. The application form states that access would be at all times. Given that the land is in the ownership of the Council then access issues are a matter between the relevant parties. Notably the existing path would pass through the memorial feature as shown in the illustration below which would enhance the route for pedestrians through the site.



The proposal is likely therefore to enhance and promote the use of the open space and would comply with Policy GP1 of the Local Plan and Policy NE2 of the emerging new local plan.

#### Impact on public right of way

An enclosed public right of way edges the site between the open space and the tarmac apron around the stand's entrance. The removal of the fences would create an open route across the expanse of tarmac apron which across only a short length would have no significant impact on the experience of the footpath user. Public access along the route would not be affected. The proposal would not therefore have a significant effect on the public right of way. A note is placed on the decision notice to ensure the applicant is aware of the need to avoid any obstruction or impediment of the footpath route during construction work.

#### Summary

The proposal is likely to be beneficial by leading to an enhancement of the function, character and appearance of this small pocket of open space and would comply with the policies of the development plan.

**Recommendation: Approve with conditions**

#### **Conditions**

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), Sit1 (1:200 proposed site plan, dated 28/04/2017), Sit2 (1:200 proposed site plan with legend, dated 05/02/2017), Land1 (1:200 proposed site plan with planting schedule, dated 28/04/2017) and Illus 1 and Illus2 (coloured illustrations), received on 19 May 2017.
3. No external lighting shall be installed at any part of the application site other than low level lighting to illuminate the central memorial unless otherwise agreed in writing by the Local Planning Authority.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To avoid excessive illumination, in the interests of the residential amenities of adjacent properties, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

JFL

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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**

27<sup>th</sup> July 2017

Housing and Development

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## **Delegated Decisions from 05/06/17 to 02/07/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Express Consent to Display an Advertisement</b>		
<b>Advert Consent Granted</b>		
APP/2017/0186	4 PARKER LANE BURNLEY BB11 2BY	Retention of signage surrounding ATM
APP/2017/0207	318 PADIHAM ROAD BURNLEY BB12 6ST	Application for consent for the retention of 2 externally illuminated fascia signs, and vinyls on windows (re-submission of planning application APP/2016/0576)
APP/2017/0212	QUEST DENTAL CARE RED LION STREET BURNLEY BB11 2AE	Application for consent to display 2no. replacement non illuminated, powder coated aluminium signs with vinyl graphics applied.
<b>Compliance with conditions</b>		
<b>Conditions discharged</b>		
APP/2017/0234	9 GRIMSHAW STREET & 12-16 NICHOLAS STREET BURNLEY BB11 2AS	Discharge of conditions 5 & 6 of planning permission APP/2016/0334 relating to the change of use to 18no apartments with external alterations
APP/2017/0235	9 GRIMSHAW STREET & 12-16 NICHOLAS STREET BURNLEY BB11 2AS	Discharge of conditions 6 & 7 of listed building application APP/2016/0335 relating to the change of use to 18no apartments with external alterations
<b>Conditions not discharged</b>		
APP/2017/0058	55 PARKER LANE BURNLEY	Application for approval of details reserved by conditions 3 (noise assessment) and 4 (cooking odour removal) of planning permission APP/2015/0415
<b>Full Planning Application</b>		
<b>Full Planning Permission Granted</b>		
APP/2017/0154	71 CASTLERIGG DRIVE BURNLEY BB12 8AT	Proposed single storey extension to side and rear
APP/2017/0178	MOUNT COTTAGE MOUNT LANE CLIVIGER BB10 4TW	Erect detached 2 car garage (re-site from position indicated on APP/ 2015/ 0331)
APP/2017/0181	17 SANDIWAY DRIVE BRIERCLIFFE BB10 2JS	Proposed single storey rear kitchen extension
APP/2017/0182	26 HIGHFIELD AVENUE BURNLEY BB10 2PR	Demolition of existing garage to make way for a double storey side extension, with an addition of a front porch.

## Delegated Decisions from 05/06/17 to 02/07/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0184	3 5 ELIZABETH STREET BURNLEY BB11 2BQ	Conversion from nightclub, bar and restaurant to 14 offices
APP/2017/0185	4 PARKER LANE BURNLEY BB11 2BY	Retention of ATM
APP/2017/0187	4 ELM STREET BURNLEY BB10 1AJ	Proposed single storey extension
APP/2017/0205	4 RIVER DRIVE PADIHAM BB12 8SE	Enlargement of existing porch
APP/2017/0208	428 BURNLEY ROAD CLIVIGER BB10 4SU	Proposed single storey extension to side/rear
APP/2017/0209	7 STOCKBRIDGE ROAD PADIHAM BB12 7HA	Proposed conversion from dwelling into 1no. one bedroom apartment and 1no. three bedroom maisonette.
APP/2017/0214	1 VINCIT STREET BURNLEY BB10 3BY	Two single storey extensions to the rear
APP/2017/0215	64 BROAD ING CLOSE CLIVIGER BB10 4TY	Proposed rear extension
APP/2017/0220	St Leonard's Church Cemetery Blackburn Road Pdiham	Erect freestanding wall to place name plaques adjoining consecrated ground in graveyard
APP/2017/0222	Land to rear 376 BRUNSHAW ROAD BURNLEY BB10 3HU	Repositioning of access from approved planning application APP/2008/0671 relating to proposed erection of dwelling
APP/2017/0225	11 CHILTERN AVENUE BURNLEY BB10 4NE	Proposed single storey extension to rear elevation
APP/2017/0232	OAKMOUNT BURNLEY ROAD CLOWBRIDGE BB11 5NX	Retention of garage / workshop and stores as constructed (revision of application APP/2002/0149).
APP/2017/0233	48 SIMPSON STREET HAPTON BB12 7LJ	Proposed bedroom/shower room extension
APP/2017/0237	COAL CLOUGH HOUSE COAL CLOUGH LANE BURNLEY BB11 4NJ	Change of use of land to form extended nursery curtilage and erection of security fencing, erection of unit for toilets, kitchen and garden machinery storage
APP/2017/0238	2 DYNELEY AVENUE CLIVIGER BB10 4JD	Proposed 2 storey extension and balcony to rear.

## **Delegated Decisions from 05/06/17 to 02/07/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Full Planning Permission Refused</b>		
APP/2017/0125	7 HAREFIELD RISE BURNLEY BB12 0EZ	Proposed first floor extension to side (re-submission of APP/2016/0558)
APP/2017/0192	9 ROSSENDALE AVENUE BURNLEY BB11 5HF	Proposed two storey and single storey extensions and retention of porch.
<b>Listed Building Application</b>		
<b>Listed Building Consent Granted</b>		
APP/2017/0213	QUEST DENTAL CARE RED LION STREET BURNLEY BB11 2AE	Proposed 2no. replacement non illuminated, powder coated aluminium signs with vinyl graphics applied.
<b>Reserved Matters Application</b>		
<b>Reserved Matters Granted</b>		
APP/2017/0197	LAND OFF LOWER TIMBER HILL LANE BURNLEY	Approval of reserved matters following outline planning permission APP/2013/0367 (erection of 4 dwellings). Approval sought for appearance, landscaping, layout and scale.
<b>Work to trees covered by Tree Preservation Order</b>		
<b>Work to TPO trees granted</b>		
APP/2016/0578	COAL CLOUGH HOUSE COAL CLOUGH LANE BURNLEY BB11 4NJ	Application to carry out work to various trees covered by the Coal Clough House, Coal Clough Lane No.2 TPO 2000
APP/2017/0204	19 ANNARLY FOLD WORSTHORNE BURNLEY BB10 3AB	Application to fell one Sycamore Tree covered by the Burnley (Land rear of No. 5 Church Square, Worsthorne) Tree Preservation Order 1991 and within the Worsthorne Conservation Area.
APP/2017/0224	20 CONSTABLE AVENUE BURNLEY BB11 2PA	Application to crown lift and prune 1 oak tree covered by the Burnley (20 Constable Avenue) TPO 1977
APP/2017/0244	LAND REAR 122 HARGROVE AVENUE BURNLEY BB12 0JY	Application to crown lift 1 Horse Chestnut Tree covered by the Burnley (Clifton House & Clifton Farm, Ightenhill) TPO 1976