



**DEVELOPMENT CONTROL  
COMMITTEE**

**BURNLEY TOWN HALL**

**Thursday, 16th November, 2017 at 6.30  
pm**

**SUPPLEMENTARY AGENDA**

8) *Late Correspondence*

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## DEVELOPMENT CONTROL COMMITTEE

Thursday 16<sup>th</sup> November 2017

### Late Correspondence/Verbal Reports

#### Agenda Item 6a Pages 15-40

**APP/2017/0397 Outline application for residential development for up to 18 dwellings including details of access (all other matters reserved for future approval)- at Land at Brownside Road, Worsthorne**

#### **Page 19 – Consultation responses**

##### United Utilities:

United Utilities has abstraction boreholes used for public water supply in the vicinity of this application which could be affected. The prevention of pollution to drinking water supplies is critical. The Environment Agency has a series of published position statements documenting their approach to managing and protecting groundwater. No objections are raised subject to conditions to require foul and surface water to be drained on separate systems and for the approval of a surface water drainage scheme based on a hierarchy of sustainable drainage systems and a management and maintenance plan for the lifetime of the development.

[Informative notes should be added to the decision notice to inform the developer of the precautions that are necessary to prevent pathways for pollutants into groundwaters]

The recommended Conditions 15 and 16 in the agenda report would satisfy the requests for a surface water drainage and management scheme and condition 17 can be amended to state clearly that foul and surface water must be drained on separate systems:-

#### **Page 36 – Revised Condition 17**

As set out in agenda:-

“No development shall be commenced until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.”

Reason:-

“To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.”

Amended condition to state:-

“No development shall be commenced until a scheme for the disposal of foul water on a separate system to that of surface water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.”

Reason (unchanged):-

“To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.”

### **Late Correspondence**

#### Worsthorne with Hurstwood Parish Council

A further letter has been received from the Parish Council which is copied in full below:

Dear Borough Councillors

With reference to our previous correspondence on the application to develop land at Brownside Road/Lennox Street in Worsthorne (APP/2017/0397). Worsthorne with Hurstwood Parish Council (WwHPC) continues to oppose the existing proposal to develop the site.

However, in light of the officer's recommendation to grant permission, should Burnley Borough Council see fit to do so then WwHPC would respectfully ask that the Borough Council stipulate that the recommendations below are implemented through Reserved Matters.

WwHPC recognises that the Brownside Road/Lennox Street site is included in the Emerging Local Plan and in principal is not opposed to an appropriate development but would suggest that, although the application has been modified from its original proposal of 25 dwellings to its current level of 18, the number of proposed dwelling is still too many for what the Parish Council would hope would become a housing development of superior quality. Fewer houses would also help to mitigate the traffic issues which have been identified and which are a cause of great concern to the local school. A maximum of twelve quality dwellings with a good degree of land within their curtilage would, in the opinion of the Parish council, be more appropriate.

Furthermore, in order to mitigate any visual impact on the local landscape and to assist the new development in blending with the existing village boundary the access road should not have any housing development along its north western boundary with a minimum of a 5 metre wide structural landscaping strip along the whole north west boundary of the application site (to include the trees protected under the recent TPO) and that this should ideally not form part of the individual properties curtilage so as to better protect it from individual removal by home owners in the future. In addition, all housing development for a distance of fifty metres from Brownside Road

should be positioned such that the front elevation of said buildings faces the adjoining field to the North West.

The reason for the latter condition is that if houses were built with their rear elevation towards the adjoining field the resulting view when approaching the village along Brownside Road would give a negative impression. It would be as if the village was showing its backs to visitors. Also there would be nothing to prevent owners from erecting fencing and/or removing trees thus detracting from the overall visual impact the Council is keen to protect through policies GP2 and E27.

In order for this development to blend seamlessly with the established traditional village of Worsthorne we ask that the Borough Council adopt our proposals and include them in Reserved Matters should this application be approved.

#### Officer comment

In respect of the recommendations of the Parish Council, the following comments are made:-

- The total number of dwellings that are proposed is in line with the estimated number stated at Policy HS1/31 of the Submission Document of Burnley's Local Plan which would provide a gross density of 25 dwellings per hectare which is a reasonably low density development that would be capable of providing aspirational and quality housing.
- Conditions 6 and 7 on the agenda report relate to the protection of trees during construction and for new planting on the site's western boundary. Adequate protection of tree roots will place a natural constraint on the spacing of built development away from the western boundary and it would be unnecessary and inappropriate to use a condition to define a minimum distance.
- A Reserved Matters application would need to take into account the visual impact of the development on the village approach and the Worsthorne Conservation Area. Whilst it would be unnecessarily prescriptive to use a condition to control the orientation of properties at this stage, a condition to require a design statement to be submitted with the Reserved Matters application could assist in achieving the same objectives. An additional condition is therefore recommended:-

#### **New Condition 27**

"The Reserved Matters application shall be accompanied by a Design Statement to demonstrate how the layout, appearance, landscaping and scale of the development has taken into account the character and appearance of the village from its approach views and on the setting of the Worsthorne Conservation Area."

"Reason: - To assist in achieving an appropriate and high quality design that respects the distinctive character and appearance of Worsthorne village and the Worsthorne Conservation Area, in accordance with Policies GP3., H3 and E12 of the Burnley Local Plan, Second Review (2006)."

#### **Page 30/31 – Impact on highway safety**

The agenda report states that the applicant's response to additional requests from LCC Highways for a contribution to improving public transport and for cycle vouchers

and a 3 month pre-paid bus ticket for new occupiers of the development will be reported in late correspondence prior to the meeting. The applicant states that they agree to make the requested contributions and to including this in a section 106 Agreement.

### **Page 33 – Correction to Recommendation**

Recommendation currently reads:-

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to provide for contributions to affordable housing, education, sustainable travel and the following conditions:

The corrected recommendation is set out in full below:-

**Recommendation: Delegate to the Head of Housing and Development Control to approve subject to a section 106 Agreement to provide for contributions to affordable housing, education, open space improvements, sustainable travel and the following conditions:**

### **Agenda Item 6c Pages 49-57**

### **APP/2017/0478 – Proposed change of use from residential dwelling to (Use Class C3) to supported housing scheme (Use Class C2) – 383 Padiham Road, Burnley**

**Late Correspondence received from the Applicant in response to objections raised by neighbours** - (Below is a summary of the letter received that includes information not already outlined within the officer report)

*“The service will provide placements for local people who live in and around the area. Placements are a maximum of seven days and the service is staffed 24/7 every day of the year. People using the service make their own way there using public transport or a taxi and will have no impact on traffic and parking in the street.*

*Recent campaigns have helped raise the awareness of mental health issues and have sought to challenge attitudes. However, there is still a long way to go to tackle the stigma and misconceptions surrounding mental health. One in four people live with a mental health problem and services like ours help people better manage their condition and work toward recovery. Our crisis houses treat people living with mental health problems with dignity and respect working with them as equal partners in their recovery. Throughout the country our crisis houses have slotted peacefully into the community to support local people experiencing mental health problems.*

- *Councillors and Officers supported our recent planning application at Park Avenue for an identical use. We were unable to proceed with this purchase but are happy*

that 383 Padiham Road will provide equally suitable facilities. There is only 1.5 miles difference between the two properties.

- Regarding concern relating to the number of C2 (residential Institution) in the area - The supported housing scheme will be operating is very differently from traditional C2 uses such as care homes for the elderly. The external appearance of the property would be unaltered from its current domestic appearance, there would be no institutional signage and as such the property would be indistinguishable to its residential surroundings. Therefore although the proposed use is considered to fall within the C2 use class it is distinctly different to most C2 uses that generally operate on a larger scale and are more institutional in appearance.
- The LPA does not have any restrictive policies limiting the concentration of C2 uses within residential areas. Moreover, C2 uses are within 'C' residential use class, together with dwelling houses (C3) on the basis that they are compatible uses within a residential locality.
- Regarding limited parking provision - This situation is not unusual given the age of the property along this section of Padiham Road. Two off-street car parking spaces are provided which is sufficient to facilitate the proposed use. Residents are less likely to own a car and more likely to use public transport, taxis or be transported to the facility by friends or family. Parking is therefore only required for the on-site staff. Padiham Road is also served by a frequent bus service therefore there are opportunities for staff and residents to travel to the facility by sustainable means of transport. The use will not worsen the current situation.
- Considering Policy GP5 - The application is just seeking a change of use and no external changes are proposed. A number of internal alterations are proposed to facilitate the proposed use (which do not require planning permission) with plans submitted to illustrate how the proposed use will operate. The proposed internal alterations will require building regulation approval to ensure the proposal meets the requisite health and safety standards. For example, all the internal doors will be fire doors, which would prevent the spread of fire through the building.

**Late Correspondence received from the Lancashire Care NHS Foundation Trust in support of the proposal - (Below is a summary of the letter received)**

*"The Applicant has been a leading provider of Specialist Mental Health Services since 1959, and we support their core values. They successfully manage a number of Crisis House Services in residential settings and they have purchased this property to specifically accommodate the needs of the service. The service aims to provide an alternative and supporting environment for adults on a short term basis, in order to provide a sanctuary and 'safe place' for them to re-establish control over their situation and emotional wellbeing to support their recovery journey. This also helps reduce re-admission rates to hospitals.*

*In our capacity as a provider of Mental Health Services for residents of Burnley, we write to support this application."*

**Agenda Item 6e**  
**Pages 71-79**

**APP/2017/0441 – Retention of 2 sheds in connection with continued use as a storage/builders yard – Rear of 10 Victoria Road, Padiham**

**Page 73 - Consultation responses update – Highway Authority**

Further to comments from the Highway Authority, clarity was sought from the applicant in relation these comments. Whilst no confirmation or clarity has been received from the applicant, the Officer has considered the proposal on the basis of its described use and conditioned its use accordingly. The Highway Authority are happy with this approach as any change in the use would require further consideration.