

DEVELOPMENT CONTROL COMMITTEE

Thursday, 1st October, 2020
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

REMOTE MEETING - LIVESTREAM ON YOUTUBE

Thursday, 1st October, 2020 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.

All meetings are currently being held remotely. Members of the public wishing to address the meeting should submit their request in the usual way, and will then be invited either to join the meeting by video conference or to make a submission in writing which will be shared with the Committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or from the web at: [Request To Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

All public meetings are being livestreamed on the Council's [Youtube Channel](#)

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 10

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	11 - 18
To consider reports on planning applications for development permission:	
a) a) APP/2018/0241 - Technology House, Magnesium Way, Hapton	19 - 34
b) b) FUL/2020/0290 - 122 Burnley Road, Briercliffe, Lancashire	35 - 42
c) c) COU/2020/0238 - Long Hey House, Halifax Road, Briercliffe	43 - 52
d) d) LBC/2020/0011 - Towneley Hall, Towneley Park, Burnley	53 - 58
e) e) COU/2020/0298 - 32 Manchester Road, Burnley	59 - 66
f) f) COU/2020/0316 - 47 Todmorden Road, Burnley, Lancashire	67 - 76
g) g) FUL/2020/0326 - Land at Rylands Street, Burnley	77 - 88
h) h) FUL/2020/0193 - Land Opposite 23 March Street, Burnley	89 - 96
7. Decisions taken under the Scheme of Delegation	97 - 104
To receive for information a list of delegated decisions taken since the last meeting.	

MEETING INSTRUCTIONS

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10. Joining Instructions	109 - 114

MEMBERSHIP OF COMMITTEE

Councillor Frank Cant (Chairman)	Councillor John Harbour
Councillor Mark Payne (Vice-Chair)	Councillor Alan Hosker
Councillor Afrasiab Anwar	Councillor Mohammed Ishtiaq
Councillor Gordon Birtwistle	Councillor Marcus Johnstone
Councillor Saeed Chaudhary	Councillor Anne Kelly
Councillor Ivor Emo	Councillor Lubna Khan
Councillor Sue Graham	Councillor Neil Mottershead
Councillor Sarah Hall	Councillor Jeff Sumner

PUBLISHED

Wednesday, 23 September 2020

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DEVELOPMENT CONTROL COMMITTEE

THE MEETING WAS A REMOTE MEETING HELD IN
ACCORDANCE WITH THE REGULATIONS UNDER
SECTION 78 OF THE CORONAVIRUS ACT 2020.

Thursday, 6th August, 2020 at 6.30 pm

PRESENT

MEMBERS

Councillors M Payne (Vice-Chair, in the Chair), A Anwar, G Birtwistle, I Emo, S Graham, S Hall, J Harbour, A Hosker, M Johnstone, A Kelly, N Mottershead and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
David Talbot	– Senior Solicitor
Alison McEwan	– Democracy Officer
Christine Wood	– Democracy Officer
Amanda Rumbelow	– Property Solicitor

19. Apologies

Apologies had been received from Councillor F Cant (Chair). Councillor Mark Payne took the Chair.

20. Minutes

The Minutes of the previous remote meeting held on Tuesday, 7th July 2020 were approved as a correct record.

21. Additional Items of Business

There were no additional items of business.

22. Declaration of Interest

There were no declarations of interest.

23. Exclusion of the Public

There were no items of business requiring the public to be excluded from the meeting.

24. List of Deposited Plans and Applications

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

Application reference	Location	Speaker
FUL/2020/0171	14 Higham Road, Padiham	Trish Halliwell (against)
FUL/2020/0171	14 Higham Road, Padiham	Brian Sumner (for)

25. FUL/2020/0085 - 28 Queen Victoria Road Burnley

Town and Country Planning Act 1990 – Conversion of existing terraced house into 2 independent dwellings at 28 Queen Victoria Road, Burnley.

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. No development shall take place before details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the flats and shall thereafter be made permanently available for the occupants of the flats.

Reason: In the interest of residential amenity and to comply with policy SP5 of the Burnley's Local Plan 2018.

26. FUL/2020/0171 - 14 Higham Road Padiham

Town and Country Planning Act 1990 – Proposed detached house with new access from Pennine Grove (re-submission FUL/2019/0191)

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

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

Reason: 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. The development hereby permitted shall be carried out in accordance with the approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. Prior to construction work commencing on the approved dwellings, details and representative samples of the external materials of construction to be used on the walls and roof of the development 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 materials.

Reason: To ensure satisfactory appearance to the development, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).

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. Details of working hour; and
- viii. Contact details for the site manager.

Reason: To ensure that the safety and amenities of other residents on Pennine Grove and Higham Road are satisfactory and disturbance is minimised, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

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 other than between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 on Saturdays.

Reason: To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

6. Prior to the commencement of built development, a scheme of landscaping which shall include indications of all existing trees and hedges on the land and details of those to be retained, as well replacement tree planting where applicable, and details of hard and soft landscaping works to include schedules of plants, species, plant sizes and proposed numbers/densities where appropriate, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and its surroundings, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (July 2018).

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long-term appearance harmonises with its surroundings, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).'

8. **Revised in accordance with the late report published via supplementary agenda on 6th August 2020** – The construction of the approved driveway shall not be commenced until an Arboricultural Method Statement to include appropriate protective measures to safeguard the adjacent protected oak tree during the construction process, details of on-site supervision by an arboricultural consultant and details of appropriate temporary and permanent ground protection measures for before, during and after construction, has been submitted to and approved in writing by the Local Planning Authority. The driveway construction shall thereafter only be carried out in accordance with the approved Arboricultural Method Statement and in accordance with drawing numbers PARKER-C/01ADwg04A and PARKER-C/01ADwg06A, the Geoweb Statement, Geoweb Transition Ramp details and the Geoweb Installation Guide, received on 8th July 2020.

Reason: To ensure the long term health of an oak tree that is protected by a Tree Preservation Order and contributes to the quality of the residential environment at Pennine Grove, in accordance with Policies NE4 and SP5 of Burnley's Local Plan (July 2018).

9. No development shall be commenced until a scheme for the means of protecting the trees indicated to be retained on and adjacent to the site, which shall be in accordance with BS 5837 (2012) and include the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained

trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees on and adjacent to the site which should be retained in the interest of the visual amenities of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stages of the development process.

10. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

11. No development shall be commenced until full engineering, drainage and constructional details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be constructed and completed in accordance with the approved details prior to the first occupation of the approved dwelling.

Reason: To ensure a satisfactory form of access and to ensure the drainage design prevents run-off over the adjoining highway (Penning Grove), in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.

12. Prior to the erection of any boundary treatment or the first occupation of the approved dwelling, boundary treatment shall be constructed in accordance with details which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure a satisfactory appearance to the edges of the development and to safeguard neighbouring residential amenities, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of development, details of gas protection measures to be incorporated into the design of the scheme in accordance with the recommendations of the submitted Coal Mining Risk Assessment (prepared by Worms Eye, dated 17 April 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out and completed during the construction of the approved dwelling and a Validation report shall be submitted to and approved in writing by the Local Planning Authority to verify that the approved measures have been implemented prior to its first occupation.

Reason: To cater for a risk from coal mining gas, as identified in the Coal Mining Risk Assessment submitted with the application, to ensure that the site is suitable for its intended use, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

14. The approved dwelling shall not be first occupied until its associated off-street parking provision has been constructed, surfaced and is available for use as indicated on the approved plans. The approved car parking spaces shall thereafter be retained at all times.

Reason: To ensure adequate off-street parking to meet the needs of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

15. The approved dwelling shall not be first occupied until its associated refuse and recycling storage has been provided and is available for use in accordance with the details as indicated on the approved plans. The refuse and recycling storage facilities shall thereafter be retained as approved at all times.

Reason: To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

16. The development shall be constructed in accordance with the recommendations of the submitted Noise Assessment (Report no. 101971, prepared by Miller Goodall, dated 19 December 2018). The approved dwelling shall not be first occupied until the recommendations have been carried out and completed.

Reason: To mitigate against the potential traffic noise from the A6068 on the residential amenities of future occupiers of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Decisions taken under the Scheme of Delegation

The Committee received for information a list of decisions taken under delegation for the period 8th July 2020 to 24th July 2020.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

1st October 2020

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0630	Mrs Neelam Chisty	3 Salus Street Burnley Lancashire BB10 3EZ	Proposed 2 storey extension to side and rear of property to provide family room and toilet on ground floor and 2 additional bedrooms and en-suite on first floor (amended Location and Block Plan received 27 February 2020)	Refuse	9th September 2020
CEU/2019/0649	Lindsey Leng	The Kestrels Manchester Road Burnley Lancashire BB11 5NT	Change of use for the ground floor and first floor to be classed as one dwelling	Lawful Dev Cert issued	15th September 2020
FUL/2020/0068	Mr Adrian Ralph	20 Thanet Lee Close Cliviger Lancashire BB10 4UE	Proposed conversion of existing dwelling into three apartments including the demolition of the existing conservatory, the erection of a 1st floor extension to the front elevation, the erection of a single storey rear extension together with a porch to the side and an external staircase	Refuse	2nd September 2020
HOU/2020/0069	Mr & Mrs McKinley	46 Park Road Cliviger Lancashire BB10 4SL	Construction of a single and two storey extension forming a dining room, garage, utility and master bedroom suite	Approve with Conditions	28th August 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0627	Mr I Ilyas	30 Whalley Street Burnley Lancashire BB10 1BX	Proposed single storey extension (description amended 7 September 2020)	Approve with Conditions	9th September 2020
HOU/2020/0095	Mr & Mrs Martyn Eddy	33 Westbourne Avenue Burnley Lancashire BB11 4DG	Demolition of existing garage and the construction of a two storey extension to the side and a single story extension to the rear with additional car parking area to front (amended plan received 29 July 2020 showing widened front car parking area)	Approve with Conditions	27th August 2020
HOU/2020/0129	Mr Lee Riding	9 Norham Close Burnley Lancashire BB12 0TG	Proposed extension over former garage, two storey side extension and single storey rear extension (amended plan received 26 May 2020 showing window to side elevation)	Approve with Conditions	3rd September 2020
HOU/2020/0115	Mr Paul Wills	15 Chiltern Avenue Burnley Lancashire BB10 4NE	Proposed two storey and single storey extensions	Approve with Conditions	9th September 2020
VAR/2020/0159	Mr Singleton	Burnley Bridge Business Park Magnesium Way Burnley BB12 7BF	Variation of condition 14 (Travel Masterplan) of APP/2016/0401	Approve with Conditions	27th August 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0192	Mr And Mrs M Suleman	458 Padiham Road Burnley Lancashire BB12 6TD	Proposed single storey new build study, garage and workshop	Approve with Conditions	3rd September 2020
HOU/2020/0222	Mr Sean Cavanagh	42 Leamington Avenue Burnley Lancashire BB10 3HH	Removal of garage to make way for a single storey side extension with flat roof over (amended plan received 21 August 2020 reducing depth of extension)	Approve with Conditions	27th August 2020
PDEM/2020/0224	Lidl Great Britain Limited	Land Off Wyre Street Padiham BB12 8DQ	Prior Notification for Demolition of buildings	Prior Approval Granted	27th August 2020
CEAD/2020/0180	Mr A Ashworth	8 Colvin Way Burnley Lancashire BB12 6BP	Single storey rear extension	Lawful Dev Cert issued	3rd September 2020
HOU/2020/0236	Mr Smith	117 Wellfield Drive Burnley Lancashire BB12 0JD	Two storey side extension with adjoining garage (amended plans received 2 and 11 September 2020)	Approve with Conditions	11th September 2020
HOU/2020/0246	Mr Jamatul Khan	64 Leamington Avenue Burnley Lancashire BB10 3EY	Proposed bedroom, wet room and kitchen extension (re-submission of HOU/2019/0944)	Approve with Conditions	3rd September 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
VAR/2020/0203	Noel Anderson	Junction Hotel 63 Rosegrove Lane Burnley Lancashire BB12 6HB	Variation of Condition 2 (approved plans) of Planning Permission APP/2017/0378 to allow alterations to the external elevations, including window and door openings, and the internal layout; and the erection of a single storey rear extension to plots 63a and 63b.	Approve with Conditions	25th August 2020
HOU/2020/0287	Mr Mark Hammond	5 Brookford Close Burnley Lancashire BB12 0XH	Proposed front porch	Approve with Conditions	9th September 2020
HOU/2020/0302	Ms Michelle Woodworth	14 River Drive Padiham Lancashire BB12 8SE	Single storey extension to side (amended plans received 15 September 2020 reducing width of extension)	Approve with Conditions	17th September 2020
HOU/2020/0306	Mr Bashrat Khan	1 Cromer Avenue Burnley Lancashire BB10 3HA	First floor extension above existing single storey extension	Refuse	9th September 2020
FUL/2020/0308	Mr A Sharples	Yorke House 16 Ormerod Street Burnley Lancashire	Construction of an additional storey containing four self-contained flats.	Application Withdrawn	25th August 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0309	Ms Lindsay Rhodes	1 Stirling Court Briercliffe Lancashire BB10 3QT	First Floor extension, conversion of garage to form attached 'granny annex' space and widened front car parking area (amended description and plans received 3 September 2020)	Approve with Conditions	9th September 2020
HOU/2020/0313	Mr Barry Pope	6 Cambridge Drive Padiham Hapton Lancashire BB12 7DA	Proposed Step Lift Installation with Associated building works	Approve with Conditions	3rd September 2020
PAH/2020/0314	Miss Claire Plane	3 Coniston Street Burnley Lancashire BB12 6QX	Proposed single storey rear extension having a flat roof construction and K-render finish to external walls. The extension is to be 2.4m wide and project 4.31m from the back wall of the existing house, height to eaves 2.9m, maximum height 3.15m.	Prior Approval not required accept	3rd September 2020
HOU/2020/0320	Mr Carl Ormesher	50 Groveside Park Burnley Lancashire BB12 6HE	Construction of single storey extension to rear and side of property.	Approve with Conditions	17th September 2020
PAG/2020/0323	Mr Stephen Walmsley	36 Mill Hill Lane Hapton Lancashire BB11 5QU	Proposed agricultural building	Prior Approval Granted	18th September 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAOR/2020/0335	Mr Junaid Malik	Dunnockshaw Farm Burnley Road Dunnockshaw Lancashire BB11 5PP	Existing office building attached to existing dwelling reverted back to dwelling under permitted development	Prior Approval Granted	1st September 2020
PAH/2020/0293	Miss Janet Matthews	18 Burnsall Close Burnley Lancashire BB10 2EL	Single storey rear extension to extend 4.78m externally beyond the rear wall, height of the extension to eaves is 2.45m and maximum overall height 4.00m	Prior Approval Granted	27th August 2020
VAR/2020/0362	Barnfield Investment Properties	Sandygate Square, Sandygate Sandygate Burnley	Application to vary Conditions 2 (Approved Drawings), 12 (Archaeological Watching Brief), 13 (Student Car Park), 16 and 17 (Off Site Highway Works) and 19 (Travel Plan) from planning permission APP/2019/0001.	Approve with Conditions	10th September 2020

Housing & Development
Town Hall, Manchester Road

Ref.

APP/2018/0241

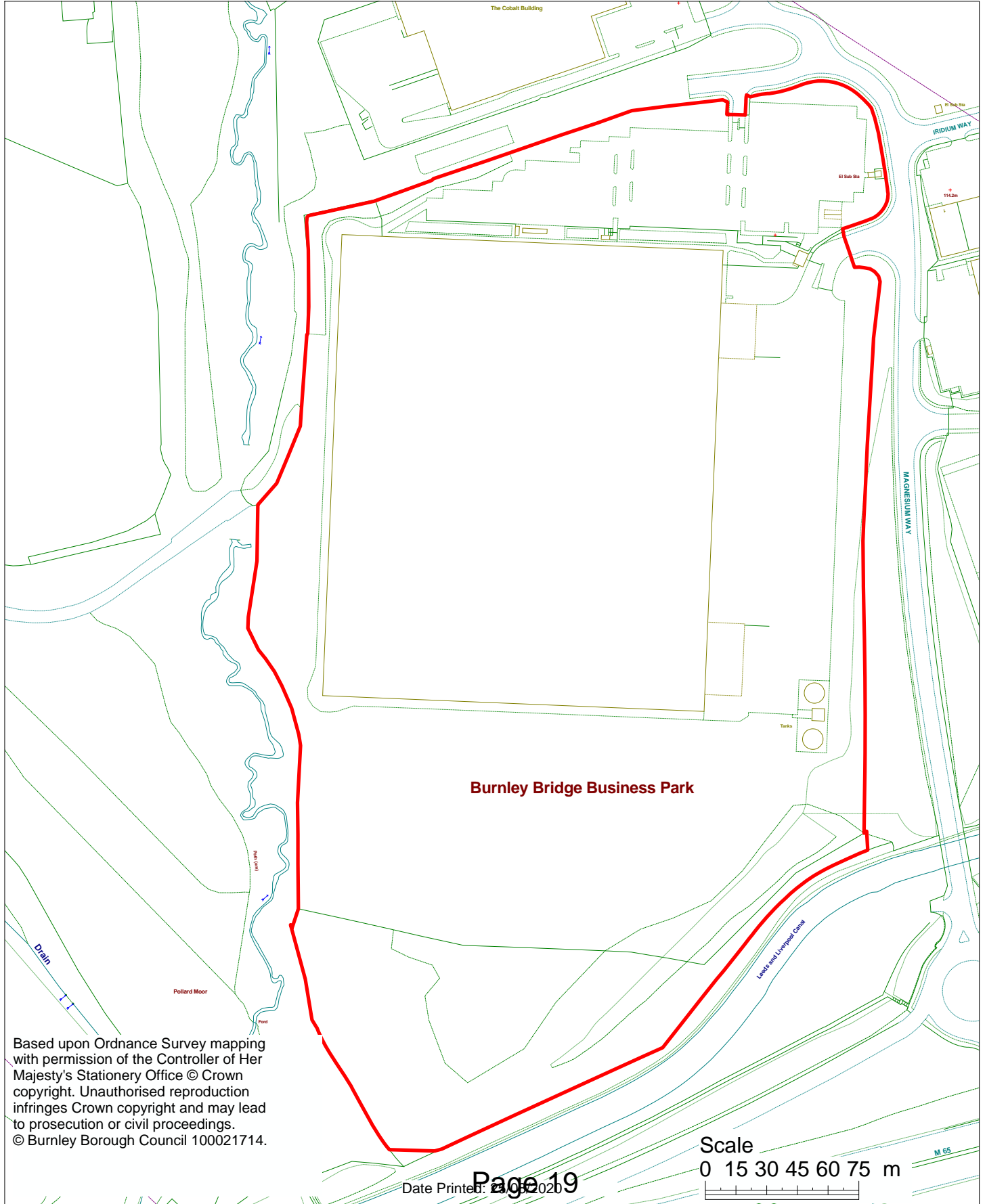
Paul Gattrell Head of Housing and Development

Location:

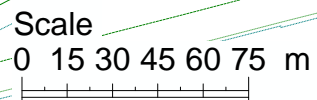


Technology House, Magnesium Way, Hapton

1:2500



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Proposed 19,741sq m extension to existing B8 distribution unit 18m high to underside of eaves including ancillary hub office, loading canopy and associated service yard, landscaping and civil works

Technology House Magnesium Way Hapton Lancashire

Site

Planning permission was granted in 2010 for the development of the 28.6ha, former Hepworth, site for employment and residential re-development. Over the years the site has developed out with a mix of B1, B2 and B8 businesses with the largest occupiers on the site being Exertis, Birchalls, Fagan and Whalley.

The site forms part of a wider protected employment site called Burnley Bridge, located to the west of the borough boundary in which policy EMP2/5 of the Burnley's adopted Local Plan applies. Over the years much of the site, aside from the remaining 'zone 4' has been largely built out.

The main vehicular access into the site is from a newly created bridge over the Leeds and Liverpool Canal from junction 9 of the M65. A pedestrian and cycle route also runs through the site from the Padiham Greenway through to Cambridge Drive.



Photo 1 – the application site on the southern elevation of the existing building



Photo 2 – showing the current area of land. Note the established tree boundary the site has with the canal to the south



Photo 3 – The photo helps to show the current levels of the site as the main road through the industrial estate falls sharply from south to north

Background

As part of the original outline application for the site in 2008 (APP/2008/0805) and a subsequent variation of condition application APP/2011/0362, a vehicle cap of 248 vehicles was established as the target for maximum traffic generations for the site, based on 24 multi modal data. This figure was based on all the trip rates for all the different uses within the original application APP/2008/0805. A condition was therefore placed on the respective applications referring to 248 detailed within the supporting master travel plans. The condition was required so as to ensure that M65 junction 9 as a whole can operate safely and effectively during the busy AM weekday peak periods. Furthermore to ensure compliance with the condition, an Automatic Traffic Counter (ATC) was installed at the site entrance to the business park which records the number of vehicle arrivals and departures.

As part of the initial assessment of this application in 2018, concerns were raised from LCC Highways and Highways England that the 248 cap was frequently being breached, revealed by the ATC. As a result of these findings, the owner of the whole Burnley Bridge site was asked to make a new assessment through an updated travel assessment and travel plan. This has been the main reason for the delay in the determination of this current application. Two applications were submitted earlier this year VAR/2020/0157 and VAR/2020/0158 which sought to vary two conditions which related to the cap of 248 and also the requirements for travel plans. The applications were supported by updated Travel Masterplan (July 2020) and Transport Assessment (December 2019), both these applications were approved in August 2020.

The findings of the 2020 Master Travel Plan and Transport Assessment concluded that an acceptable vehicular access can be provided in terms of safety and capacity and that the target figure of 248 arrivals in the approved Master Travel Plan for the Burnley Bridge Business Park is no longer relevant to the current situation and so is not required. The principles of this had been discussed with the owner of the site, Highways England and Lancashire County Council Highways.

Proposal

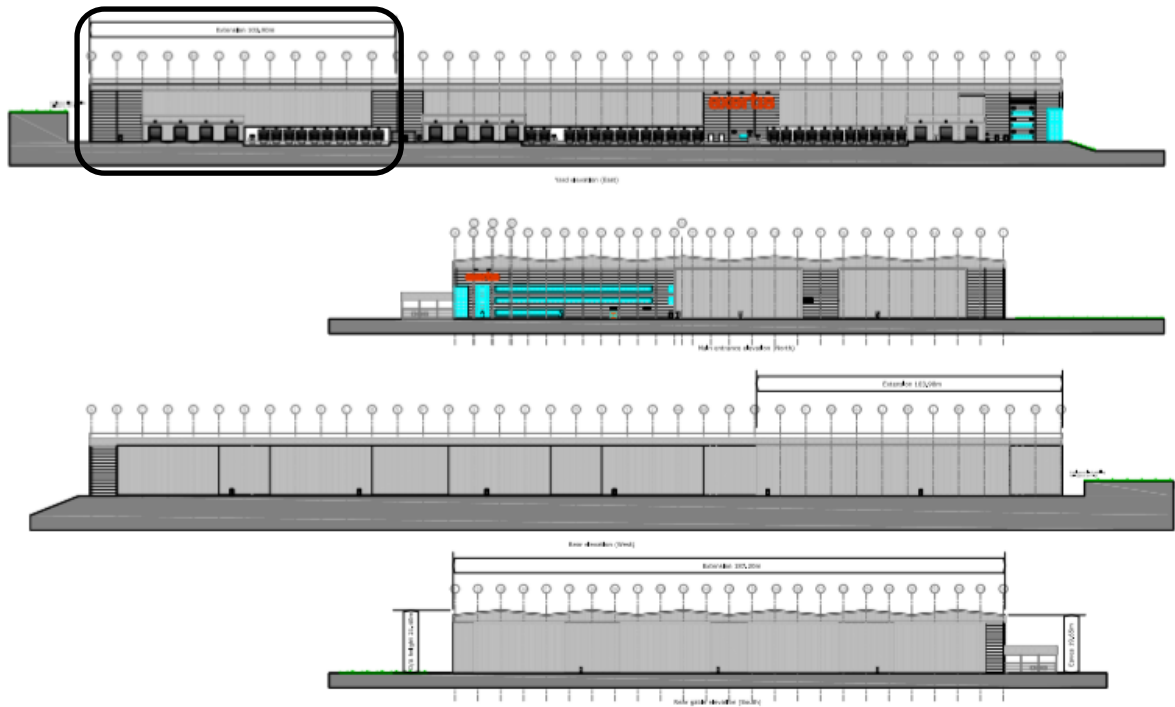
The application seeks consent for an extension to the southern elevation of the existing building creating an additional 19,741 sqm B8 space. Broken down the additional space will provide:

- 19,320 sqm – warehouse
- 121 sqm – hub office/staff facility block
- 4 level access loading doors
- 10 dock levellers
- Service yard

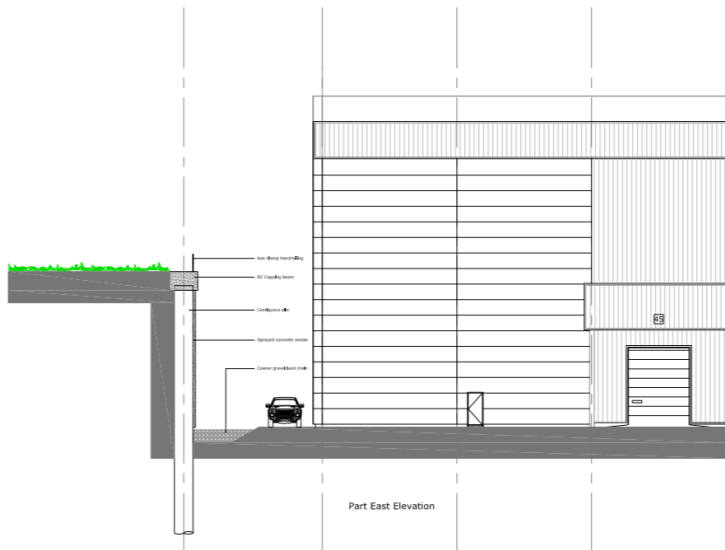
The extension will measure 186m in length, 104m in width and 18m in height. Proposed materials will match those of the existing building. A canopy will project approximately 18m from the front elevation into the service yard area.



Plan 1: Plan extract block plan showing the extent of the extension in relation to the existing building



Plan 2 extract: Proposed elevations (top extract with bold line showing the proposed front elevation)



Plan Extract 3: Cross section through the site showing that the building will site approximately 18m lower than the canal.

Access and parking

The proposed extension does not involve the creation of any additional parking for the site as this had been factored in with previous applications. The same means of access will be used.

Landscaping

Proposed plan 17007 – P 02 shows an area of soft landscaping to the eastern boundary with Magnesium Way this will be native shrub planting, to the southern and part of the eastern boundary of the site will be the retention of existing woodland mix.

There is a large area of large to the remaining southern elevation between the elevation of the proposed extension and the canal, which will measure approximately 108m at it's widest point which will be left open acting as a buffer between the development and the canal.

Relevant Planning History

VAR/2020/0158 – Variation of wording to conditions 11 (Master Travel Plan) and 13 (Master Travel Plan) of approval APP/2011/0362 Approved

VAR/2020/0157 - Variation of wording to conditions 11 (Master Travel Plan) and 13 (Master Travel Plan) of approval APP/2008/ Approved

2014/0395 - Application for approval of all reserved matters for the proposed industrial development (Use Class B8) incorporating mezzanines and ancillary offices (Use Class B1) to include future Use Class B8 expansion with associated external works including gate house, external plant alterations and extension to the existing estate road (pursuant to outline planning permission APP/2008/0805 as varied by planning permission APP/2011/0362) Approved 18/11/14

APP/2012/0140: (Compliance with conditions) Discharge of Conditions 7, 9, 29, 36 and 39 of Planning Application APP/2011/0362 (pursuant to Outline Application APP/2008/0805) – Partially Discharged.

APP/2012/0031: (Reserved Matters) Alignment of access road into site from bridge - Granted.

APP/2011/0587: (Submission under conditions) Details of bridge – Partially discharged

APP/2011/0362: Variation of conditions 5, 12, 15, 32, and 37 and pre-amble to conditions on 2008/0805 – Granted.

APP/2008/0805: (Outline) Proposal for employment and residential redevelopment - Granted.

7/7/3072: Change of use for industrial purposes

74/0201: Erection of extension for the manufacture of plastic pipes to the extrusion department of existing factory – Granted

78/0155: Erection of two 60 tonne silos approx 17m high for additional storage capacity for main raw material (PVC resin) – Granted

79/0314: Erection of new portal frame building for manufacture of PVC profiles plus car parking for 50 vehicles – Granted

79/487: Erection of 2 new 40 tonne silos for bulk storage of PVC powder – Granted

82/0627: Erection of 3 bulk storage silos for PVC powder – Granted

88/0481: Erection of 1 bulk storage silo for storage of PVC powder on an existing base – Granted

88/0711:Expansion of 2 PVC and PE pipe extrusion bays with 6 external storage silos – Granted
96/0240:Proposed creation of access road from M65 – Granted
98/0298:proposed erection of monitored filtered discharge stack – Granted
2002/0384:Extension to existing portal frame building – Granted
2003/1047:Installation of 3 aluminium silos for bulk material storage – Granted

Planning Policies

Burnley's adopted Local Plan 2018

SP1 – Achieving Sustainable development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
EMP3 – Supporting Employment Development
IC1 – Sustainable Travel
IC2 - Managing Transport and Travel Impacts
IC3 – Car parking standards
NE1 – Biodiversity and Ecological Networks
NE4 – Trees, Hedgerows and Woodland

NPPF 2019

Consultation Responses

LCC Highways – No formal comments received at the date of writing the report

Highways England – no objections

Local Lead Flood Authority (response 10th October 2018)

After reviewing the submitted planning application information and the recent correspondence the Lead Local Flood Authority wishes to withdraw its objection to the proposed development which will be acceptable subject to the inclusion of the following planning condition, in consultation with the Lead Local Flood Authority:

Appropriate surface water drainage scheme to be submitted. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum: a) Temporary storage facilities – confirmation of attenuation volume details. b) Flood water exceedance routes, both on and off site. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons 1. To ensure that the proposed development can be adequately drained. 2. To ensure that there is no flood risk on or off the site resulting from the proposed development

Coal Authority – no objection

Greater Manchester Ecology Unit -

The review and update of the ecological report has confirmed no additional ecological issues, the site largely un-vegetated. My previous response of the 14th June 2018 therefore still applies.

Environmental Health - no objection subject to conditions

The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and any mitigation measures required to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy NE5 of Burnley's adopted Local Plan 2018

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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

No development shall take place, including any works of demolition, 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 including decorative displays and facilities for public viewing where appropriate*
- v. wheel washing facilities*
- vi. measures to control the emission of dust and dirt during construction*
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.*

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

Notification Responses

Ward Councillor (s) – comment received Cllr Greenwood June 2018

The existing building already has a dramatic effect on the landscape. I am therefore worried that any expansion of this building will simply increase this and it is not considered visually pleasing as it is. I also have serious concerns about traffic to and from the business which is already causing problems which may increase given the change in size of business. The travel plan which has been set for the site as a whole is currently not working fully as many haulage lorries are still following old sat nav systems which see them travelling through the densely populated Kings Drive area. Lorries are getting stuck here on a daily basis and causing a real safety issue for residents who have already suffered damaged cars and knocked down garden walls. Increased signage to the site from the motorway is required but is not in place and I feel that this should be a requirement before any further extensions on the Burnley Bridge site to reduce the impact to residents.

Padiham Community Action Group - *We have concerns regarding the proposed extension of the Exertis building at Burnley Bridge. In particular we feel that the increased visual presence, could have a negative impact on the resident's quality of life. We note that the present building is not in keeping with the surrounding natural environment. This could only be exacerbated by structural extension. We are also concerned that, if planning is permissible, it could set a precedent for the further building of storage units that dominate an essentially rural landscape. Open spaces of greenfields are paramount, for the wellbeing of children and adults . Added to this we call into question whether the extension will encourage the skilled long term employment that is needed in our area, or if it will contribute to low- skilled, low paid ,and temporary logistics jobs. We are also concerned that as artificial intelligence develops it could lead to larger warehouses and a depleted workforce*

Burnley Wildlife Conservation Forum – the plot of land has been vacant for about 5 years which acts as a sanctuary for wildlife. The current Envirotech report dated Dec 2014 and is out of date.

Neighbours

There have been 2 rounds of public consultation on this application given the length of time in the determination:

5th June 2018 – 26th June 2018

20 individual neighbour letters were received during this period. Full details of the objections can be found on the file, due to the number of letters received for the purposes of this report I have summarised as follows:

- Site currently over traffic generation limits
- Impact on wildlife in Shawbrook
- Drainage and surface water issues around the site
- The building is already large enough and sets precedent in the area
- Impact of the building on the Leeds and Liverpool Canal
- Insufficient travel plan
- Noise from increased traffic
- Visual impact of the building, already a negative on the surrounding

29th June 2020 – 19th June 2020

5 individual neighbour letters were received during this period. Full details of the objections can be found on the file, for the purposes of this report I have summarised as follows:

- Increase in traffic
- Degradation of trees and landscape
- Increase in flood risk across the whole site
- Poor design and appearance of the building
- Noise disturbance
- Overlooking of nearby houses

Observations

Principle of development

The site forms part of a wider protected employment site in which policy EMP2/5 of the Burnley's adopted Local Plan applies. Outline permission for the development of this site as an industrial/business park was granted in 2010 as part of the initial application APP/2008/0805. Over the years much of the site, aside from the remaining 'zone 4' has been largely built out.

Policy EMP 2 lists employment sites within the borough which will be protected for B1 b and c, B2 and B8 uses. Furthermore, Policy EMP3 of the Local Plan supports the expansion and upgrading of businesses where they do not have an unacceptable negative impact on surrounding uses, residential amenity, or the environment, or have an unacceptable impact on the townscape.

Paragraph 80 of the NPPF states; *planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

Subject to meeting all other relevant planning policies, the proposed development is acceptable in principle.

The main considerations in the determination of this application are;

- Design including appearance, scale, massing, and materials
- Impact on highways
- Impact on residential amenity and amenity of other users
- Impact on ecology
- Drainage

Design and Appearance

Paragraph 124 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The design and general appearance of the proposed extension will match that of the existing building. The Exertis building is the largest on the site and whilst it can be viewed from distant views, the scale and mass is appropriate to its surrounding industrial context. By the very nature of the B8 use, the form and layout are typical of building for this use. I do not consider that there will have a detrimental impact on the character and appearance of the area. The development is considered to comply with policy SP5 of the adopted local plan.

Impact on highways

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The findings of the 2020 Master Travel Plan and Transport Assessment concluded that an acceptable vehicular access can be provided in terms of safety and capacity and that the target figure of 248 arrivals in the approved Master Travel Plan for the Burnley Bridge Business Park is no longer relevant to the current situation and is not required. The principles of this have been discussed with Highways England and Lancashire County Council Highways throughout the determination of two variation of condition applications VAR/2020/0157 and VAR/2020/0158 which were approved in August 2020.

This application does not put forward any new parking spaces as part of the development as the future expansion had already been factored in previous applications. A condition will be placed on the installation of electric vehicle charging points as the council now have a policy in the adopted local plan, IC3 car parking standards.

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

In terms of the impact on residential properties, it is important to set out the current distances from the proposed extension site to the nearest properties. To the west is the redevelopment of the former William Blythes site, now being build out by Gleeson Homes. Properties on this site sit approximately 380m to the west of the site. To the north is the edge of Balliol Close which sits approximately 377m away, the nearest units to Balliol Close and the wider Cambridge Drive estate is Cobolt (Birchalls Food).

Whilst the extension will be visible from various short and long distance views, I consider that there sufficient distance between any of the residential properties as to not have a detrimental impact on amenity. Appropriate conditions on hours of operation, the requirement of a full noise assessment and hours of construction will be attached to the consent.

Impact on ecology

Given the length of time from the original Ecology Report (Envirotech 2014), it was considered necessary for the report to updated in the assessment of this application. An updated report was submitted in June 2020 which has been reviewed by Great Manchester Ecology Unit whom have stated that they don't have any objections.

The report highlights the following;

8.1.2 Bats are known to occur in the local area, there was however no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed.

8.1.3 The site is almost entirely un-vegetated. What little vegetation is present has a low ecological significance in the local area. An area of scrubby woodland occurs to the South of the site, which is to be retained and protected.

8.1.4 The protection of trees on the site boundary and landscaping will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than already occurs.

There is an established back of trees which runs alongside the canal which will not be affected as part of this application. From the southern elevation of the proposed extension there will still be an approximate gap of 108m of open space to the bank of trees and the canal tow path.

The Council has ensured that the latest ecological update has been presented as part of the application and has received no objections from GMEU. An appropriate condition will be placed on the completion of the landscaping and it is considered that the development meets the requirements set out in policy NE1 (Biodiversity and Ecological Networks).

Drainage

The application has been supported with a drainage strategy statement (May 2018) which was consulted with Lancashire Lead Flood Authority. Initially concerns and an objection was raised with the peak run off rates for the site. Further information and discussions were made with applicant and the LLA and a later letter in October 2018 removed the objection from the application.

Appropriate conditions have been attached this report and in assessing all the drainage information as part of the application it is considered that the development meets policies CC4 (Development and Flood Risk) and CC5 (Surface water management and sustainable drainage systems Suds).

Conclusion

The proposed extension is on land which forms part of a protected employment site within the borough. Whilst this is a large extension, the design and appearance are appropriate to its context. Whilst the site does sit on the edge of wider site with designated Green Belt land to the east, the ecological impacts on the land have been considered through updated studies and the established bank of trees with alongside the canal will not be affected.

The extension will help secure the expansion of an existing business within the borough and meets the aims of relevant local plan policies and the NPPF. The application is therefore recommended for approval subject to the following conditions:

Recommendation

1.The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2.The development shall be carried out in accordance with the approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. All materials to be used in the approved scheme shall be as stated on the application form and amended drawings received 25/5/18 and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

4. No goods/materials shall be stored on the site other than in the building shown on the approved plans.

Reason: To ensure a satisfactory appearance of the site in the interests of local visual amenity and to comply with policy SP5 of Burnley's Local Plan 2018.

Highways

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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

6. Details of a scheme of electric vehicle charging to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the extension. The scheme shall be implemented in accordance with the approved details prior to first occupation.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

Drainage

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

8. Appropriate surface water drainage scheme to be submitted. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall

include, as a minimum: a) Temporary storage facilities – confirmation of attenuation volume details. b) Flood water exceedance routes, both on and off site.

The scheme shall be implemented in accordance with the approved details prior to the completion of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan.

Environmental Health

9. The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and any mitigation measures required to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with policy NE5 of Burnley's adopted Local Plan 2018

Landscaping

10. All hard and soft landscape works, as indicated on plan 17007 P - 02 , shall be carried out in accordance with the approved details. The planting as shown on plan 17007 P – 02 shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory in accordance with policy SP5 of Burnley's adopted Local Plan.

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Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6b

Ref.

FUL/2020/0290

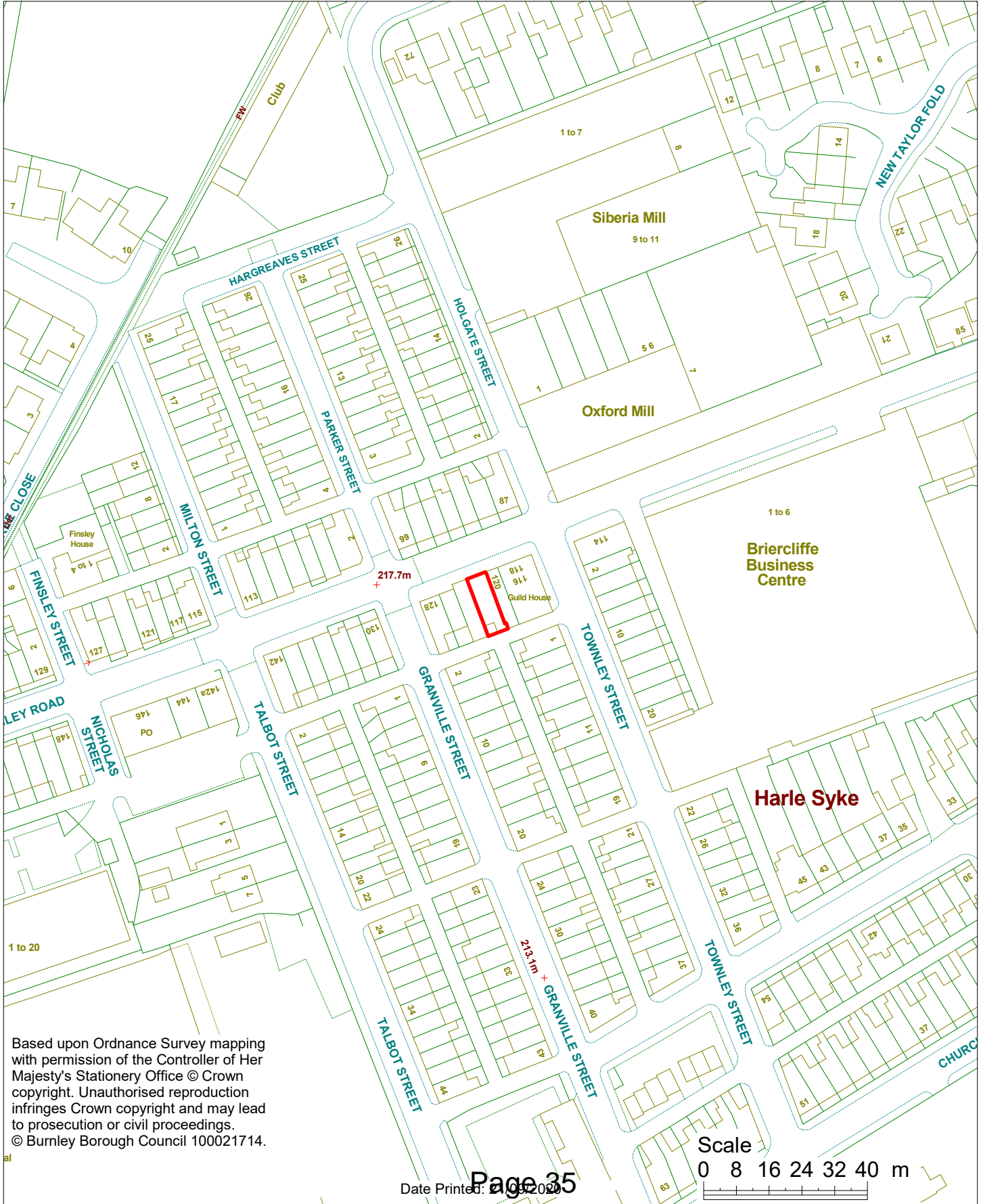
Paul Gatrell Head of Housing and Development

Location:

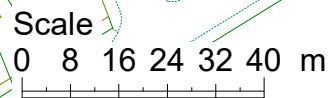


122 Burnley Road, Briercliffe

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Town and Country Planning Act 1990
Conversion of existing 2 storey house in to 2 apartments, 1 on each floor
122 Burnley Road, Briercliffe, Burnley

Background:

The proposal is to convert a two bedroomed terraced dwelling into two flats. The property is located within Harle Syke Conservation Area.

Objections have been received to the proposals.

Relevant Policies:

Burnley's Local Plan July 2018

HS5 – House Extensions and Alterations
SP1 – Achieving Sustainable Development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
IC3 – Car Parking Standards

National Planning Policy Framework Feb 2019

Site History:

12/91/0520 – Conversion of shop/dwelling to dwelling – approved
12/96/0616 – Extension to kitchen - approved

Consultation Responses:

Highway Authority – Original comments – Raise no objections but have concerns regarding the lack of street lighting to the rear of the property. In order to provide sufficient lighting for the safe access to the rear of the property a streetlight should be provided at the applicant's expense.

Following the receipt of amended plans with access to both flats at the front of the property further comments have been received as follows; Further plans have been presented that allow both dwellings to be accessed from Burnley Road, therefore, they do not now raise any objections to the development.

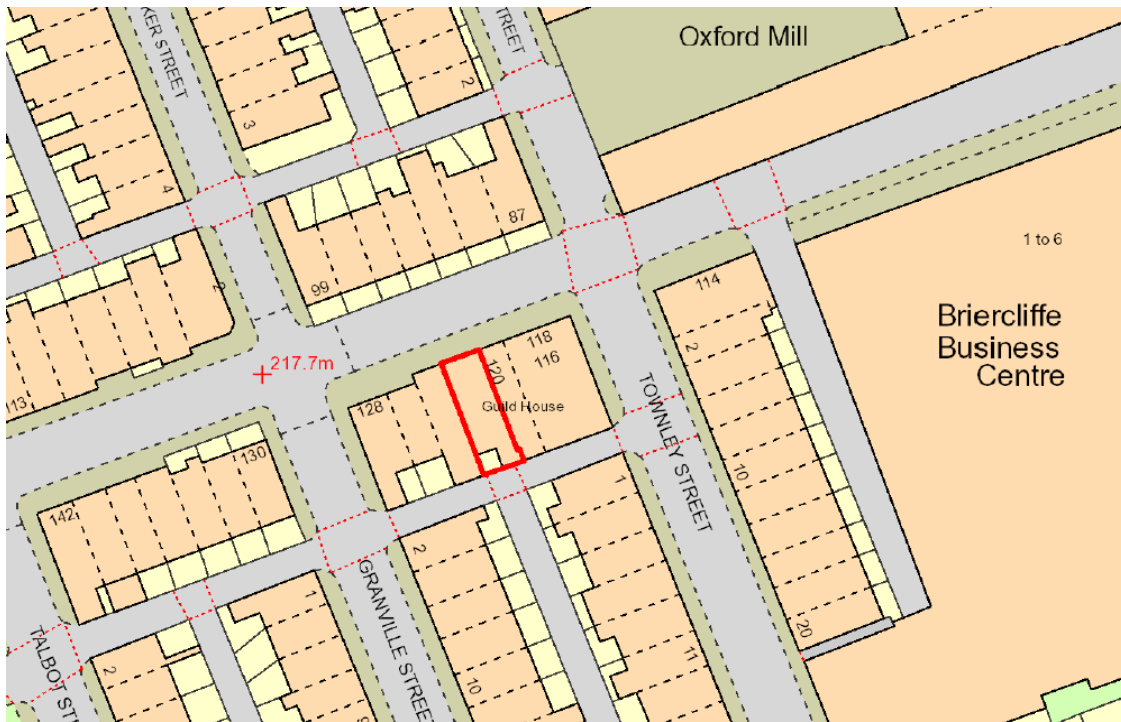
Environmental Health – no comments received.

Neighbouring residents – 2 objections received. One objector states that they request that contractors and tenants are required to respect their ability to access the rear of their property in a vehicle as required, for storage of fuel and maintenance purposes; and states that council vehicle access is also required for bin collections.

The second objector objects strongly for the following reasons;

- Living accommodation on the second floor would be opposite our bedrooms and would potentially cause noise problems in the evening and at night when my family are sleeping.

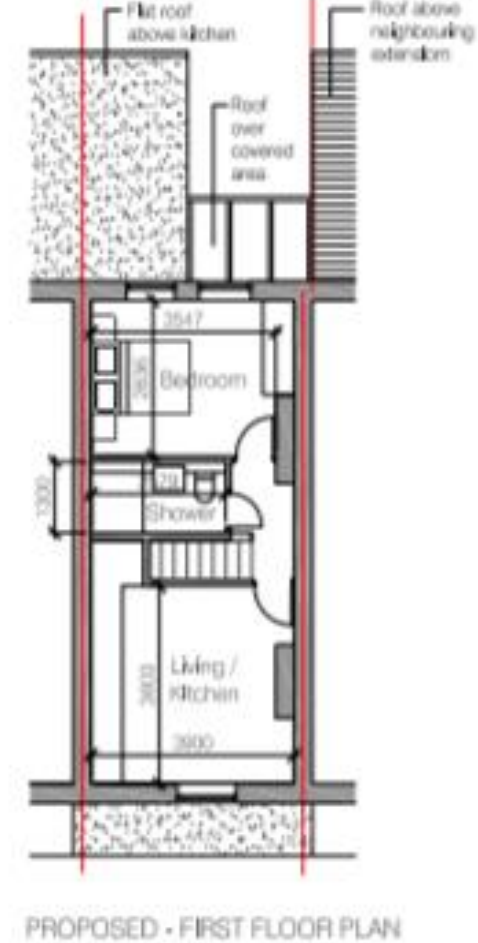
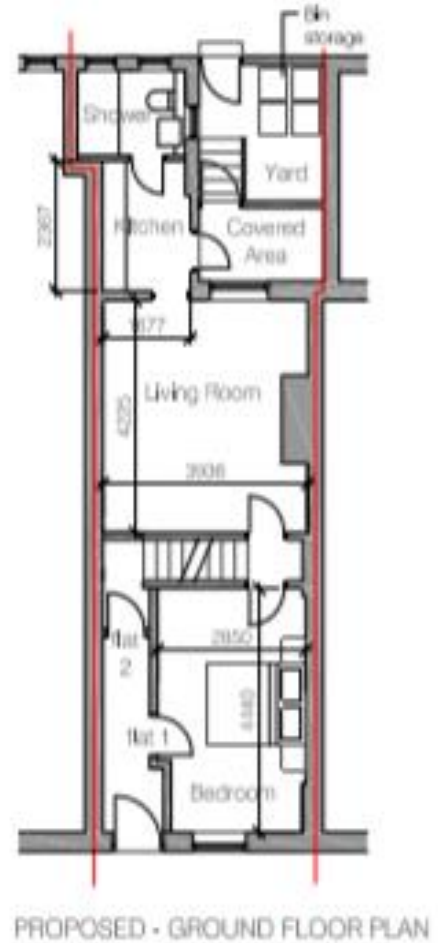
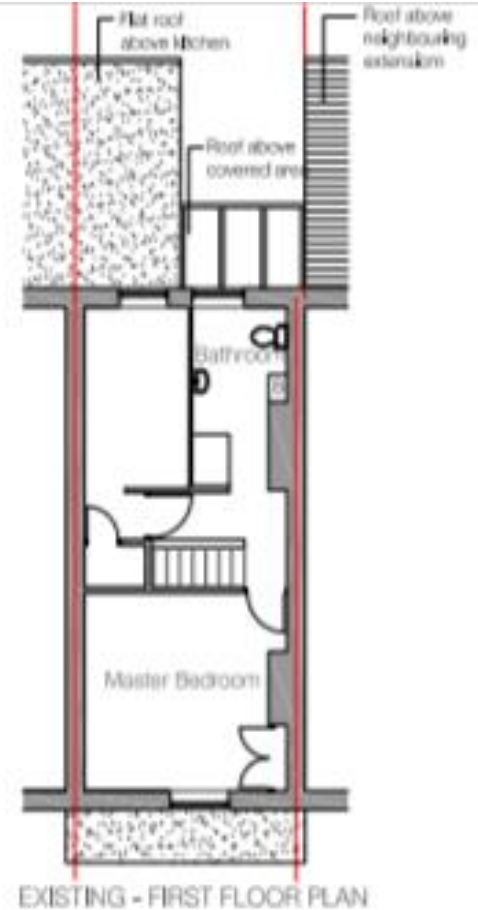
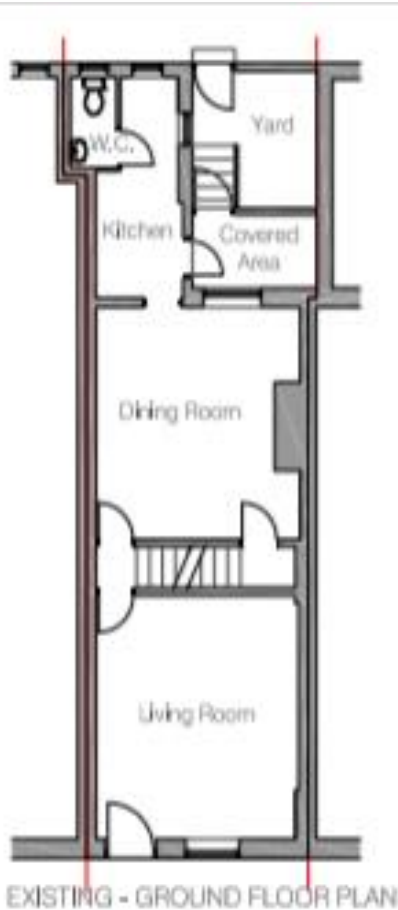
- As I run a business, I would be unable to load/unload in front of my shop if residents have a car; parking is already difficult in this area.
- Parking on the main road would also cause a great deal of congestion on this very busy road putting other motorists, cyclists and pedestrians at risk when crossing the road.
- Outside the shop there is a bus stop, this again poses safety concerns when vehicles are parked people have to step into the road to stop the bus.
- When was a traffic survey last done in this area?



location plan



122 Burnley Road, Briercliffe



Planning Considerations

The property is located within Harle Syke Conservation Area and is within a mixed use but mainly residential area. It is proposed to convert the existing dwelling into two flats. The original plans showed one flat as being accessed from the front and one from the rear; amended plans have now been received showing both flats being accessed from the front of the property (although there is still access from the rear to the ground floor flat as well). The ground floor flat would provide a bedroom, living room, kitchen, and shower room; the 1st floor flat would provide a bedroom, shower room and living room/kitchen.

The property is located within a row of mixed-use properties on Burnley Road which is the main route through Harle Syke. 116/118 Burnley Road is a double fronted beauty/tanning use, no.120 is a dog groomers, no.122(the application property) is an existing dwelling, nos 124/126 is a double fronted grocery store and no 128 is a dwelling. There are dwellings with garden forecourts on the opposite side of the road.

The main consideration is residential amenity.

No external alterations are proposed.

There are provisions with the building control regulations (approved document E) that require sound insulation between walls, upper and lower flats in converted properties.

Subject to the development being carried in accordance with the submitted detail the proposed development is not considered to give rise to any unacceptable impacts, with regards to noise, over and above the existing use of the property as a single dwelling. Should a noise complaint be received the complaint would be considered a statutory nuisance and be dealt with outside planning enforcement powers.

There is a need for all types and sizes of housing in Burnley including one bedroomed accessible (ground floor) apartments.

The Highway Authority have no objections on highway grounds; parking would be on-street.

Bins would be provided within the rear yard area for the storage of refuse.

It is considered that residential amenity will not be significantly affected.

Conclusion

The proposals are considered to be acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

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Housing & Development
Town Hall, Manchester Road

Ref.

COU/2020/0238

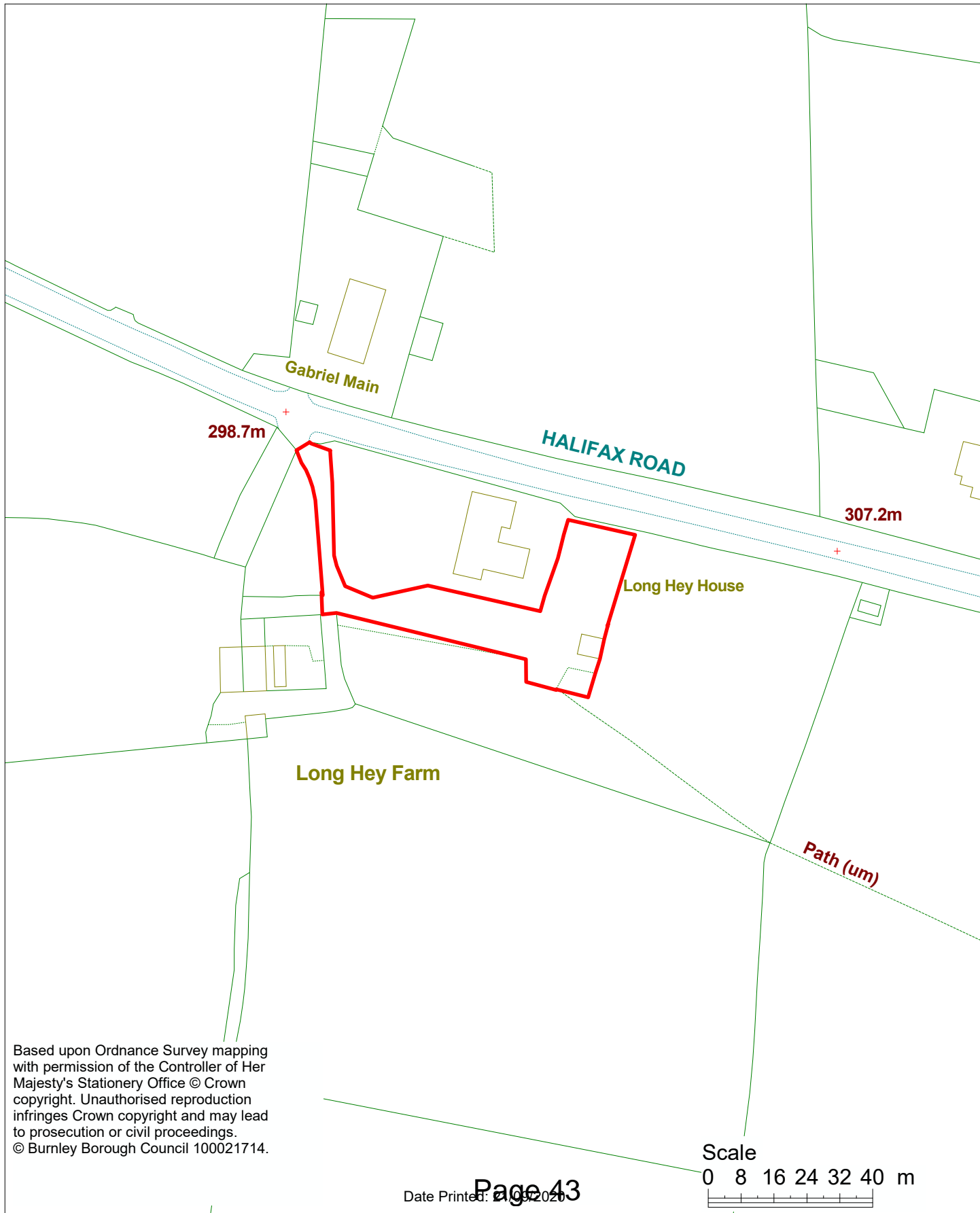
Paul Gatrell Head of Housing and Development

Location:

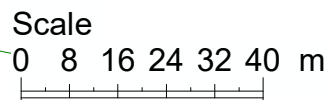


Long Hey House, Halifax Road, Briercliffe

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Town and Country Planning Act 1990
Proposed change of use from change of use of a garage and stable block to a wellness centre
Long Hey House, Halifax Road, Briercliffe

Background:

The proposal involves the change of use of a building which was erected for use as a garage/store/stables; the building is within the rural area within the area of Briercliffe. Some alterations/additions in respect of windows etc. would be required to the existing building.

An objection has been received.

Relevant Policies:

Burnley's Local Plan July 2018

SP1 – Achieving Sustainable Development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
EMP5 – Rural Business and Diversification
EMP6 - Conversion of Rural Buildings
IC3 – Car Parking Standards

National Planning Policy Framework Feb 2019

Site History:

12/1994/0111 – proposed extension – granted

APP/2012/0001 – proposed detached garage, stable block, and driveway – granted

APP/2016/0326 – erection of porches to S and W elevations, formation of new window opening to N elevation, alterations to roof etc. of previous approval – c/c

Consultation Responses:

Highway Authority – Do not raise any objections to the proposals.

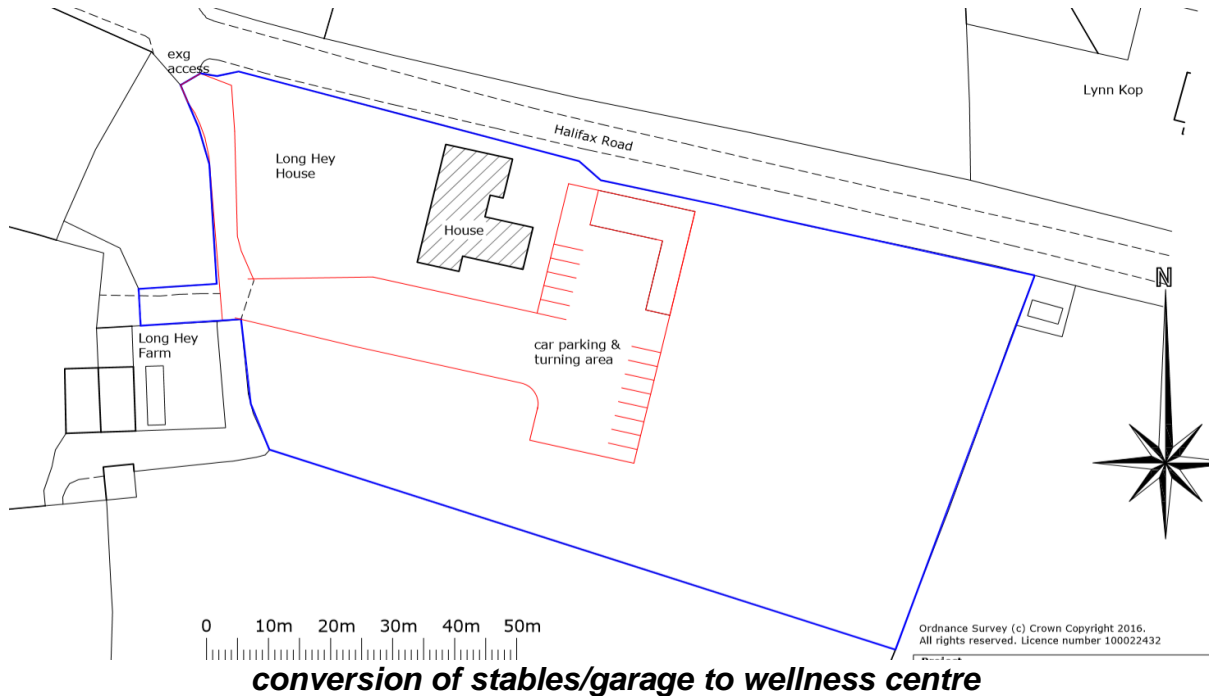
Burnley and Pendle Ramblers Group – Do not object to the proposals.

LCC Public Rights of Way Officer (there is a public footpath crossing the site) – he was involved in a footpath diversion at the property in 2009 (with previous owners of the site); however, despite the timescales the diversion has not yet been finalised as the works on the new routes were not completed and therefore not inspected and certified. Discussions are taking place with the current owners of the site.

Councillor Lishman – Objects to the proposals on the grounds of over-development of a small site; increased road traffic; business development in a rural area.

Planning and Environmental Considerations:

The property consists of a residential dwelling together with newly erected outbuildings (garage, stables, and store). The property is located within the rural area on the outskirts of Burnley.



existing building

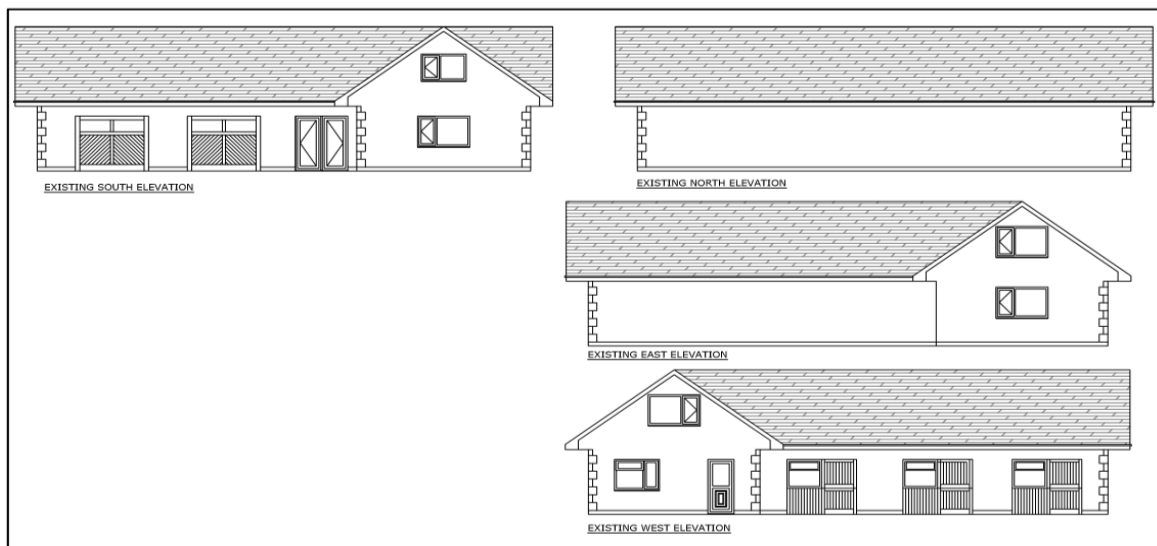
The proposed wellness centre would provide services for individuals living in the community, centred on the prevention and reduction of mental health issues. The centre would provide; counselling, massage, cooking and baking activities, allotment/ horticultural activities, workshops (art, craft, design, technology and mechanical), arts,

crafts and activity classes, and a training room would be provided to educate and promote all areas of wellbeing. The proposed opening hours are 9am until 5pm Monday to Saturday.

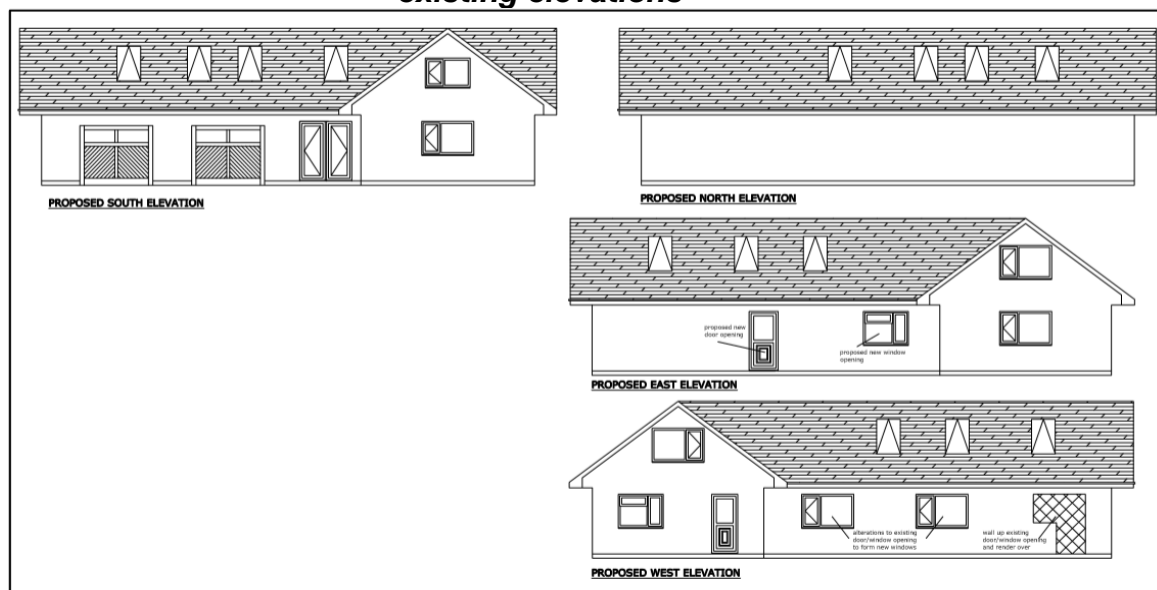
The applicant is exploring avenues with various providers to secure funding and resources. The centre would engage with both privately funded and commissioned individuals.

The applicant aims to provide a shuttle collection and drop off service for individuals or on-site parking for those who wish to drive there.

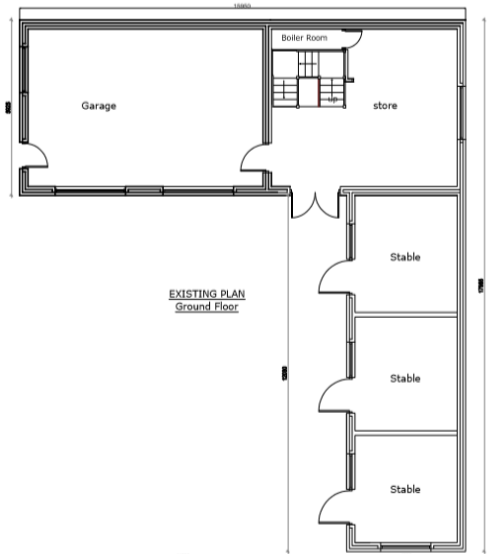
The main consideration is whether the use as a wellness centre is acceptable in this location. The most relevant Local Plan policies are EMP5 – Rural Business and Diversification, and EMP6 – Conversion of Rural Buildings. Paragraphs 83 and 84 of the National Planning Policy Framework in respect of supporting a prosperous rural economy are also relevant.



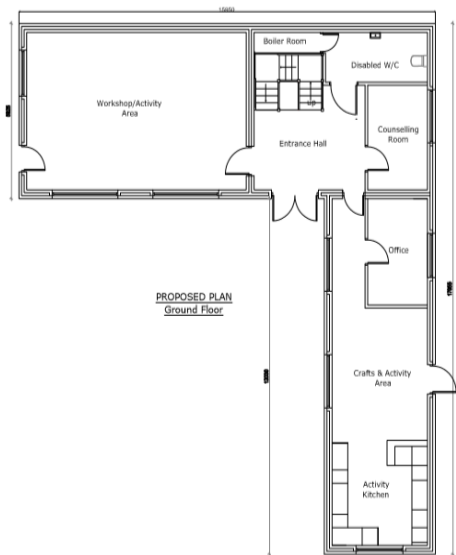
existing elevations



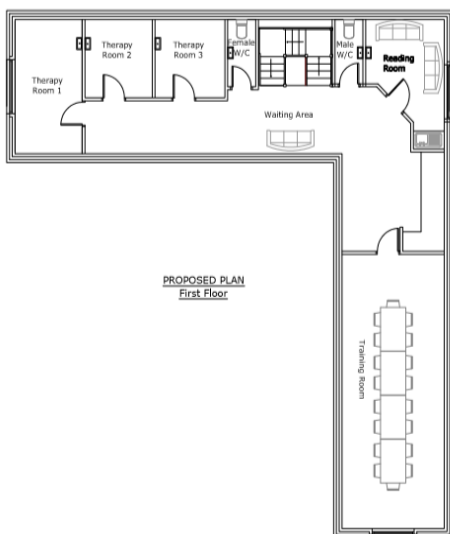
proposed elevations



existing layout - ground floor only



proposed layout – ground floor



proposed layout – 1st floor

NPPF - Supporting a prosperous rural economy

83. *Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.*

84. *Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

Policy EMP5: Rural Business & Diversification

1) *Proposals to expand existing or establish new businesses, including local retail uses and tourist facilities in the open countryside or within the main and small villages (Tier 3 and 4) will be supported where these meet the other relevant policy requirements of the Plan and where these:*

- a) *Support the retention or growth of an existing business or the establishment of a new enterprise and are at a scale that is appropriate to and in keeping with the area in which they are located;*
- b) *Comprise uses and services appropriate to a rural area;*
- c) *Represent appropriate home working enterprises at an existing dwelling;*
- d) *Are located within or immediately adjacent to the Development Boundaries or are well related to an existing group of buildings;*
- e) *In the design of any buildings, access and car parking arrangements are in keeping in terms of their scale and character with the surrounding landscape and would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and*
- f) *Do not have an unacceptably negative impact on residential amenity.*

2) *In addition to the above requirements, the Council may also consider favourably new tourist facilities in the wider open countryside where:*

- a) *The proposed facility by virtue of its specialist nature has a clear need to be located close to an existing tourism asset; or*
- b) *It can be demonstrated through a supporting statement that the facilities will add to the borough's tourism offer and there are no suitable sites within the Development Boundaries.*

3) *In appropriate cases, permitted development rights will be withdrawn in order that subsequent changes of use or alterations and extensions can be properly considered.*

Policy EMP6: Conversion of Rural Buildings

- 1) *The re-use and conversion of existing buildings outside of the Development Boundaries to new uses will be supported where they meet other relevant policy requirements and:*
- a) *The building is of a permanent and substantial construction, is structurally sound and capable of conversion and any important architectural and historical features are retained;*
 - b) *The conversion can be carried out without major extensions to the existing building or the construction of ancillary buildings;*
 - c) *The conversion does not adversely affect the character, rural setting, and appearance of the surrounding landscape;*
 - d) *Suitable services can be made available and vehicular access can be created without the need for substantial engineering works or works which would significantly adversely affect the character and landscape setting and/or the locality;*
 - e) *The proposal safeguards the roosting or nesting habitat of any Protected Species present; and*
 - f) *The type of use proposed is of a scale and type that is appropriate to a rural area and the specific location.*

2) *In appropriate cases, permitted development rights will be withdrawn to ensure future alterations, extensions and minor works which could have any significant adverse impact on the landscape can be properly considered.*

Planning Considerations

The applicant states that the rural location, with its quiet, tranquil space and views would be conducive to the overall aims of the business which is to provide a service which improves mental wellbeing.

The building which was erected as a garage and stables would require some minor alterations consisting of the insertion of a number of rooflights (on all elevations of the roof) in order to provide additional 1st floor rooms, the insertion of an additional door and window on the eastern elevation and changes to the stable doors (two to be changed to windows and the other to be blocked up). There are no properties close by that would be affected by the additional windows created.

Local Plan policy EMP5 in relation to rural businesses and diversification supports the establishment of new businesses within the open countryside subject to certain criteria.

- a) The building is already in-situ, it is small scale and in keeping with the area within which it is located.
- b) The use as a wellness centre would incorporate various activities, and it is considered that the use would benefit by being located within a rural area where there is peace and tranquillity. Although the use is not a traditional rural

use it is considered to be appropriate given the benefits provided. The proposed use would not have a detrimental effect on the rural area.

- c) The applicant already operates Pride and Self Care Ltd from Long Hey House and the proposals would consist of the next step in the expansion of the business (there would be 5 full time employees at the wellness centre).
- d) The property is not located within or immediately adjacent to the development Boundary, however, the proposal would utilise a building within the existing group of buildings.
- e) Existing buildings would be utilised and there are adequate parking facilities for persons attending the small-scale wellness centre. It is proposed to use a shuttle bus to pick up some clients and others will drive to the facility. The Highway Authority have no objections to the proposals.
- f) The applicant lives at the dwelling on site and the proposals would not have a negative effect on any other dwellings in the area.

Local Plan policy EMP6

- a) The building newly built and of a permanent construction and is capable of conversion with minor alterations.
- b) No extensions are required to the building.
- c) The small alterations in the form of additional windows would not adversely affect the character, rural setting, and appearance of the surrounding landscape.
- d) There are existing services and an existing vehicular access to the building.
- e) The building is newly constructed and would not affect protected species.
- f) The proposal is of a small scale and appropriate in this location given the beneficial elements of the peace and tranquillity of the countryside.

Public footpath

A public footpath is shown to cross the site on the definitive footpath map. However, the previous owners of the property sought to divert the footpath in 2009. The current owners state that the footpath users still access the footpath which now has a slightly different route; however, the LCC footpaths office says that the diversion of the footpath is still ongoing and the process has yet to be completed. This is an issue that is in the process of being resolved and should not affect the current proposals.

Parking

Adequate parking (12 spaces would be provided) is available on site for use by persons attending the centre. It is also proposed to provide a shuttle pick up facility. The Highway Authority have no objections to the proposals on highway grounds.

Conclusion

The proposed use which is of small scale is considered to be in accordance with the National Planning Policy Framework and the relevant policies of Burnley's Local Plan July 2018.

Recommendation

Grant subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2 The development permitted shall be carried out in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. The use hereby permitted shall only take place between the hours of 09.00 and 17.00 on Mondays to Saturdays.

Reason: To satisfactorily protect the residential amenities of nearby occupiers and in accordance with policy EMP5 of Burnley's Local Plan July 2018.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class D1 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location without an assessment as to the sustainability credentials of a different use and to enable the local planning authority to consider any future change having regard to policies EMP5 and EMP6 of Burnley's Local Plan July 2018 and the NPPF.

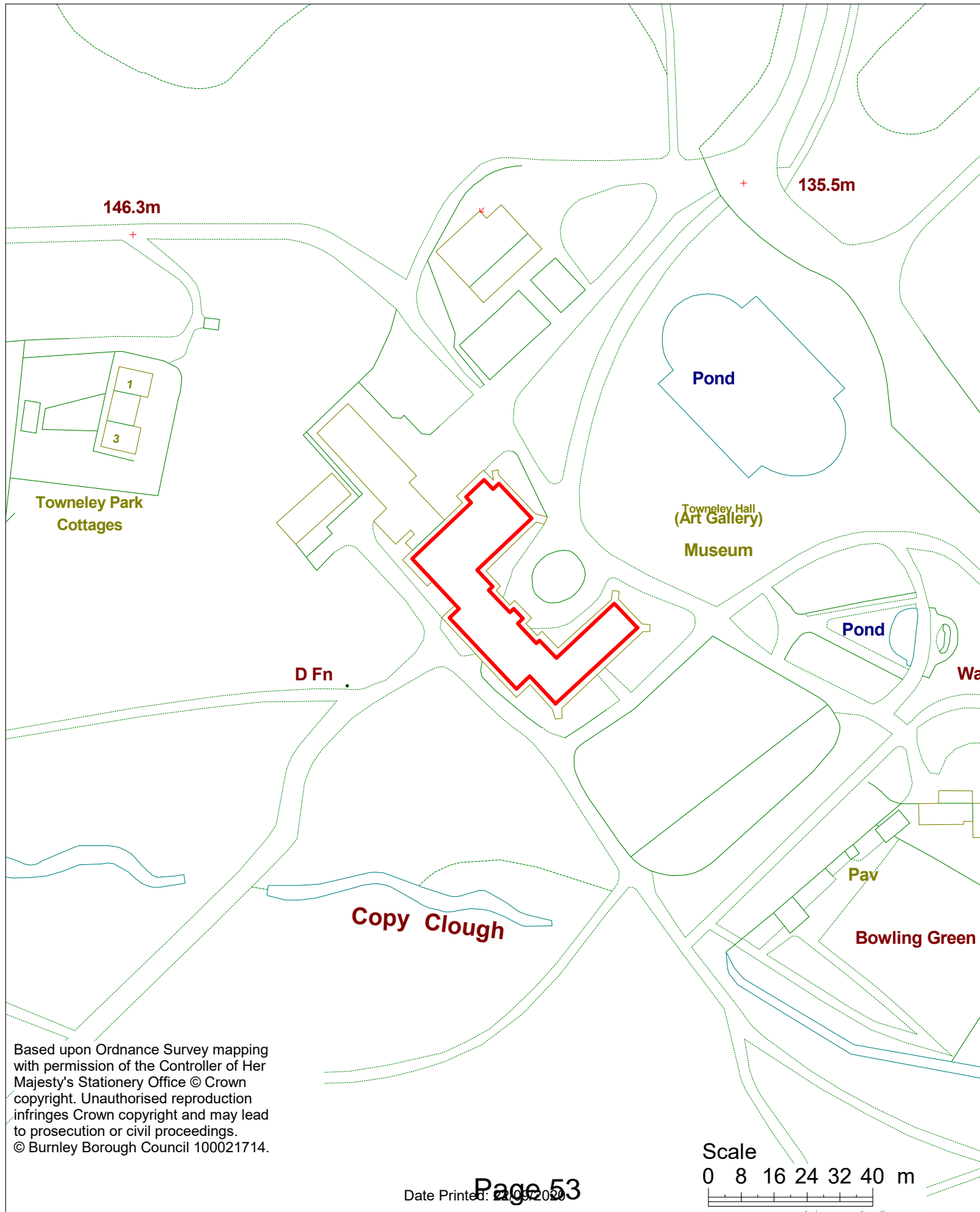
Paul Gatrell Head of Housing and Development

Location:

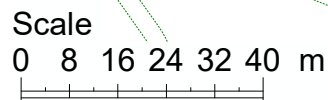


Towneley Hall, Towneley Park, Burnley

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Application for Listed Building Consent
Replacement of existing lath and plaster ceiling to the Jacobean stairwell
TOWNELEY HALL TOWNELEY PARK BURNLEY

The application property and summary of heritage significance:

This application relates to Towneley Hall, a heritage asset of exceptional significance which is reflected in its Grade I Listing. The Hall dates from c.1400 and has been subject to extensive phases of alteration in seventeenth to nineteenth centuries reflecting the changing architectural styles by successive generations particularly the baroque and gothic. The hall is built in large sandstone rubble brought to courses, with freestone dressings, and hipped slate roofs concealed by embattled parapets. The Hall was substantially remodelled by Jeffry Wyatt in the nineteenth century who enhanced the presence and grandeur of the building by elevating the South-East wing and adding battlements and turrets considered at the time as a display of architectural and social ostentation. The interior features equally impressive period rooms hung with original C19 paintings and is particularly noted for its fine 16th century (Jacobean) plasterwork, panelling and staircases. The Hall has been in civic use as a museum and gallery since 1903.

The significance of Towneley Hall derives from a number of factors, including the antiquity of parts of its fabric and from the architectural and visual grandeur of the building and its fine interiors. It also has important historic value, providing evidence of changing architectural forms and fashions, as well as allowing an understanding of the evolution of Burnley as a settlement.



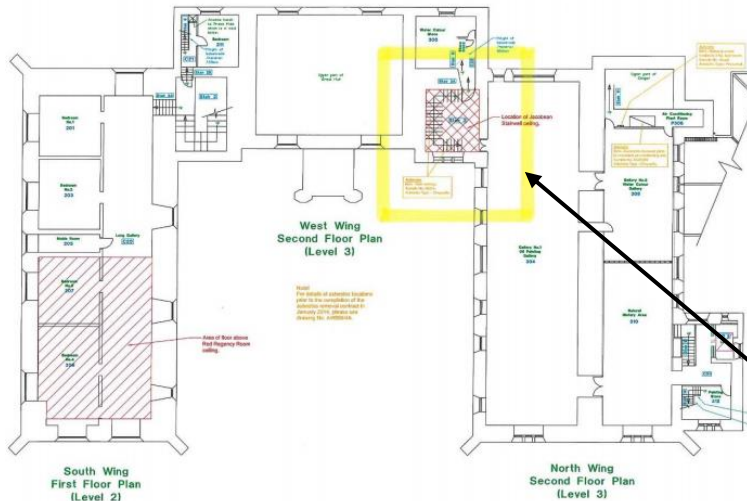
Visual grandeur of the building



Fine Jacobean interiors

Circumstances leading to this application:

This application relates to the ceiling above the Jacobean staircase located in north staircase tower constructed c1620. The ceiling over the staircase covers an area of around 23sqm and is constructed from lime plaster and laths with a decorative foliate ceiling rose in the centre and a deep cornice around the perimeter. It is understood that the ceiling is likely to date from around 1860 with repairs undertaken in the 1920s and most recently in the late 1990s following a leak in the roof space above the stairwell.

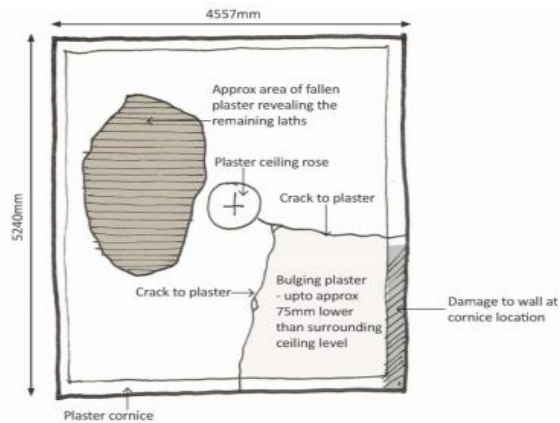


Location of Jacobean staircase

In April 2018 the section of the ceiling subject to the 1990s repair failed and collapsed and it became clear that a significant area of the remaining plaster was bowing due to detachment from the mortar holding it to the laths. In November 2019 new cracks and areas of detachment were identified extending from the original failed area. Subsequently a scaffold crash deck was erected to safeguard the users of the stairwell and the historic fabric from falling debris in the event of a further collapse.



Area of fallen plaster



Sketch of defects (March 2020)

The submitted mortar analysis report (prepared by Mark Womersley and dated June 2020) finds defects in the plaster and its application in that it was applied excessively deep and without sufficiently sized gaps in the laths for the plaster nibs to properly key into. Accordingly the most likely explanation for the fall of the plaster is that its weight was increased by water penetrating from above, at a point where the plaster nibs in the mortar could no longer support it. It was also observed that a number of the laths were bowing, fragile and appear to have suffered some decay, most likely due to leaks from above.

Accordingly, the overall condition of the ceiling has been found to be defective and the integrity of the remaining area of ceiling is therefore in doubt.

Proposal:

This application seeks consent to remove the remaining areas of ceiling plaster and defective laths to the ceiling above the Jacobean staircase and to reinstate with a chestnut lath and lime plaster ceiling using traditional materials and methods of construction as set out in the submitted Heritage Statement prepared by Knox-McConnell Architects Ltd. It is to be noted that the cornice and ceiling rose is generally sound and is proposed for retention with localised repairs as necessary.

This intervention has been informed by the findings and recommendations of expert heritage advisors, following detailed survey and research as set out above, and has been developed in consultation with the Council's heritage planner and Historic England.

The application is supported by the following documents received on the 21.08.20: Heritage Statement (including detailed method of repair) prepared by Knox-McConnell Architects Ltd; and Mortar Analysis Report prepared by Mark Womersley.

This application is presented to Committee as the applicant is Burnley Borough Council

Relevant Policies:

Burnley's Local Plan (July 2018)
HE2 – Designated Heritage Assets

The National Planning Policy Framework: Section 16 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular paragraph 192 advises that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building.

Relevant Recent Site History:

The site has an extensive planning history which mainly relates to internal and external works to maintain the upkeep and safeguard the viability of the building, the most relevant recent application being APP/2018/0044 for remedial works associated with a dry rot outbreak.

Consultation Responses:

Historic England: No outstanding concerns.

Historic England initially expressed concerns on the basis that the proposed intervention was not supported by sufficient information or justification, and was likely to be harmful to the significance of the listed building and accordingly would be contrary to the NPPF and Local Plan Policy HE2. It was advised that in order to advance the proposal, the applicant should fully assess the age and significance of the ceiling to allow an informed understanding of its significance and an approach to repair that is limited to the minimum intervention necessary.

The applicant followed the advice and engaged specialist heritage consultants, Knox-McConnell Architects Ltd, to undertake detailed survey and research and make the necessary recommendations in the form of a revised Heritage Statement.

Historic England were consulted on the revised Heritage Statement on the 11.09.20 and subsequently confirmed that it provides sufficient justification, and an acceptable proposed schedule of work therefore alleviating their previous concerns.

Publicity: No comments received

Assessment:

The main issue for consideration is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building. With regard to the NPPF and Local Plan Policy HE2 this can be defined as the impact of the proposal on the significance (special interest) of the Listed Building affected with 'preservation' in this context meaning doing no harm to the significance as opposed to keeping it utterly unchanged.

Impact on the significance of the Listed Building

The proposed intervention is informed by a sound understanding of the significance of the heritage asset, the buildings construction and the likely causes and extend of the defect. The options available have been fully considered and the proposed intervention is robustly justified and limited to the minimum loss of historic fabric. The proposed approach and methodology for undertaking the reinstatement works is considered appropriate and sympathetic to the historic fabric and significance of the building, only removing fabric where necessary and reinstating with materials and techniques that match and are appropriate to the existing. Historic England supports the proposed scheme for these reasons.

Having regard to the significance of the heritage asset it is considered the proposals are justified and proportionate and would facilitate the continued use of the building in support of its long-term conservation. Moreover, the proposed alterations will result in a relatively minor change to the appearance and fabric of the interior and when considered against the character, fabric and significance of the listed building as a whole and would not be considered to result in harm to the significance of the listed building.

The proposal would preserve the special interest of the heritage asset and therefore complies with the guidance relating to conservation of the historic environment in the NPPF (section 16) and Local Plan Policy HE2 which seeks to avoid harm to the significance (interest) of heritage assets.

Summary

In giving considerable importance and weight to the duties at Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in consideration to NPPF Section 16 and Policy HE2 of Burnley's Local Plan I would recommend that listed building consent be granted subject to conditions.

Recommendation: Approve with Conditions

Conditions

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

Reason: 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. The development hereby permitted shall be carried out strictly in accordance with the detailed method of repair as set out in the approved Heritage Assessment prepared by Knox-McConnell Architects Ltd received on the 11.09.20 unless approved otherwise in writing by the Local Planning Authority.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

Part One Plan

Agenda Item 6e

Housing & Development
Town Hall, Manchester Road

Ref.

COU/2020/0298

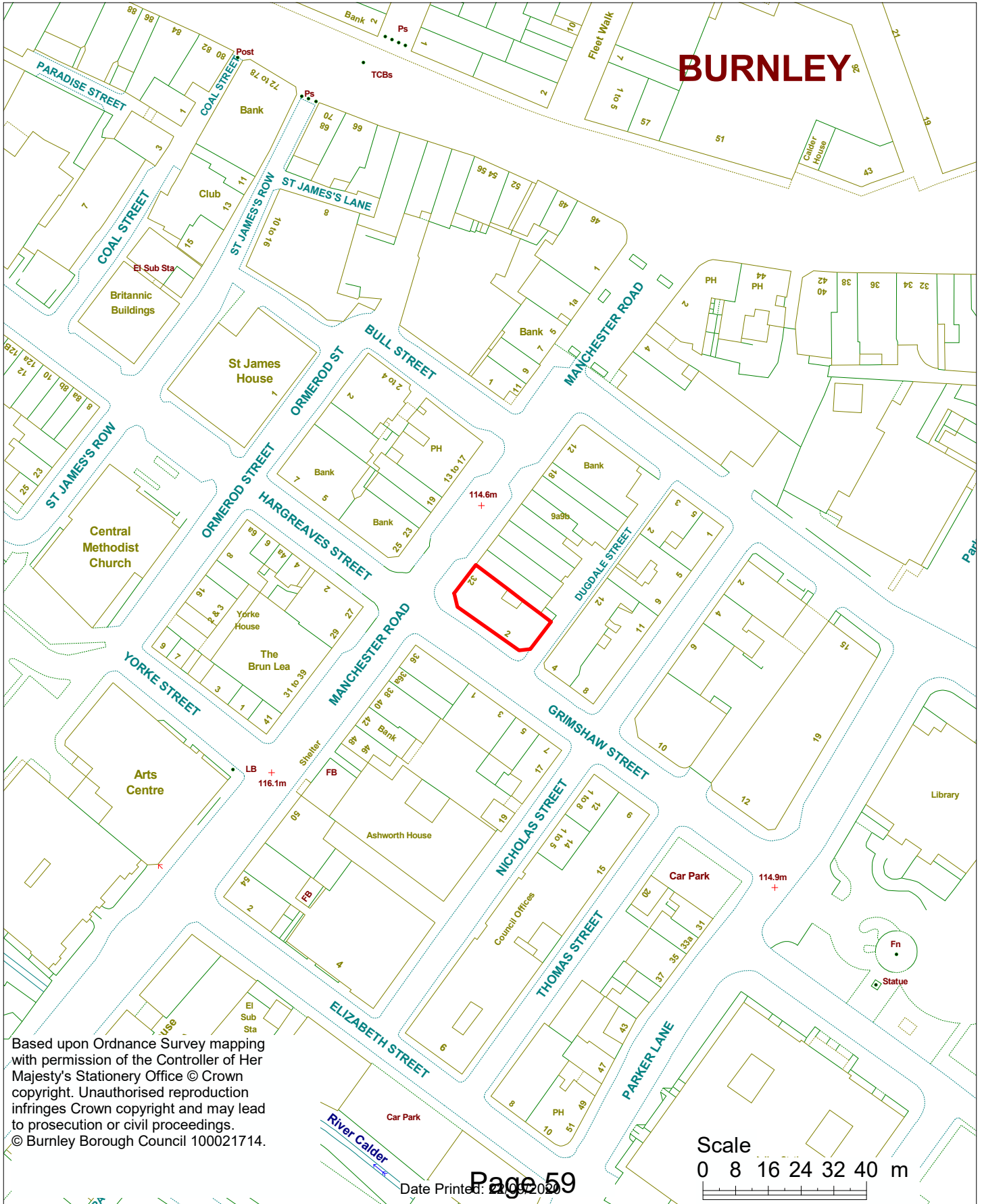
Paul Gatrell Head of Housing and Development

Location:

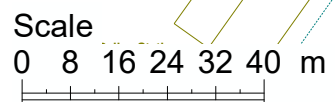


32 Manchester Road, Burnley

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Full Planning Application
Change of use of Ground Floor from hairdressers (Class A1) to coffee shop and bar (Class A4) and offices (Class A2)
32 MANCHESTER ROAD BURNLEY

Background

Site Description and Surrounding Area:

The application site is a Grade II listed building noted for its elaborate Jacobean style. It occupies a highly prominent site at the corner of Manchester Road and Grimshaw Street and contributes to a group of late Victorian and Edwardian commercial and public buildings within the Burnley Town Centre Conservation Area.

The application relates to the ground floor unit of the building, the upper floors being a separate planning unit in office use. The building, originally constructed as a bank c.1894, is significant for its architectural and historic interest, group value and setting. The listing description refers solely to the external features of the building and as one might expect, internally the fabric has been significantly altered at various phases during its occupation to the extent that no internal features of significance remain.

The unit has been vacant and on the market for over two years having last been in use as a hair and beauty salon falling within Use Class A1. Internally the accommodation, which amounts to approximately 168 sqm, is divided to form a large reception area (original banking hall) directly accessed from Manchester Road with a number of smaller treatment rooms, staff facilities and storage areas to the rear.

Under the provisions of the Local Plan the site falls within the boundary of Burnley Town Centre. The surrounding area is predominantly commercial in character and includes a mix of town centre uses.



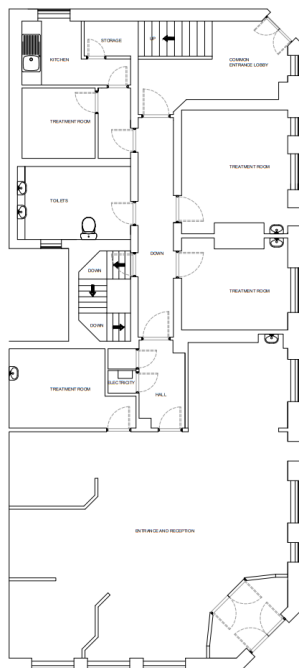
View from Manchester Road (right) and from Grimshaw Street (left) (Images courtesy of Trevor Dawson Property Sales Particulars)

The Proposal

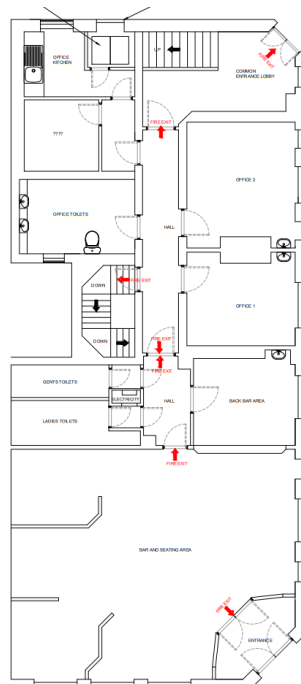
This application seeks planning permission for the change of use of a vacant beauty/hair salon to a licenced coffeeshop and bar with offices. The former salon reception area (notable as the former banking hall) will be refurbished to accommodate the coffee shop and bar with the former

treatment rooms to the rear utilised for associated facilities and for office space to meet the occupier's business needs.

The proposal has been designed to utilise the existing layout with limited, mainly cosmetic internal changes (re-decoration) and with minimal intervention to the historic fabric. The basic premise behind the proposals is to achieve a sustainable economic use which is appropriate to both the town centre location and to the quality and character of the listed building. It is to be noted that the proposed alterations would not affect its character as a building of special architectural or historic interest and accordingly there is no requirement for listed building consent.



Existing layout



Proposed Layout

No physical external alterations are proposed to the unit and no ventilation/extraction system is proposed as there is to be no preparation of hot food on-site. If subsequently required by the occupier, this would form the basis of separate applications.

The building is serviced from the rear for waste refuse and this will remain unchanged. The proposed opening hours are between 10:00 to 23:00hrs seven days a week including bank holidays. The proposal makes no off-road parking provision for customers or staff.

Objections have been received.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 Achieving Sustainable Development
- SP5 Development Quality and Sustainability
- TC2 Development within Burnley and Padiham Town Centres
- HE2 Designated Heritage Assets
- IC1 Sustainable Travel
- IC3 Car Parking Standards

National Planning Policy Framework (2019): With particular reference to paragraphs 85 to 90 which set out the government's policies to ensure the vitality and viability of town centres.

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Recent Planning History:

APP/2008/0158: Change of use from bank (A2) to a public house with food served (A4) – Granted

Consultation:

LCC Highways: Do not raise any objections to the proposal subject to the imposition of a condition requiring the provision of adequate off-street storage of reuse and recycling containers.

Environmental Health: No comments have been received at the time of writing this report.

Streetscene: No comments have been received at the time of writing this report.

Publicity: Two letters of objection have been received with the main points summarised as follows:

- Too many coffee shops in the town centre
- Noise and disturbance to staff and clients visiting the upper floor offices
- Live/amplified music would cause unacceptable noise disturbance to the offices above
- No means of providing an undercover smoking area
- Concern that smokers will congregate at the rear of the building obstructing access to the upper floor offices and a presenting a poor image of the business to their clients.
- Potential for anti-social behaviour
- No external storage for refuse
- Nuisance from cooking odours

Concerns were raised relating to the location of refuse storage on land outside of the applicant's ownership. This issue has been resolved by accommodating the refuse storage internally.

Planning and Environmental Considerations

Principle of development:

The application site is located within the boundary of Burnley Town Centre, as defined in Burnley's Local Plan, where there is a mix of town centre uses including retail, financial and professional services, bars and restaurants, and civic uses. The proposal is for a change of use to a coffee shop and bar (A4 Drinking Establishment). Policy TC2 relates to development in Burnley town centre and states that main town centre uses (Classes A2-A5) will be supported. Accordingly the proposed use would, in principle, be a suitable use in this location and would comply with Policy TC2. The main issues relate to the impact of the proposal on designated heritage assets; the amenity of neighbouring occupiers; highway safety and parking; refuse and recycling.

Impact on designated heritage assets:

Policy HE2 seeks to protect the character and historic interest of listed buildings and the special character of conservation areas. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confer upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area. Preservation in this context means not harming the special interest (significance) as opposed to keeping it utterly unchanged.

No external alterations are proposed and as such the proposal would not make any meaningful difference to the character or appearance of the conservation area. Moreover, the re-use of vacant floorspace within the building is likely to have a positive impact on the conservation area.

The building's interior has been modified over time to meet the operational needs of the varying uses with little or no consideration to the character and appearance of the building. At ground floor level little remains of interest internally with the exception of the ornate plaster ceiling and the open floorplan of the former banking hall. These elements are left unaltered by the proposals which are limited to minor, mainly cosmetic internal changes (re-decoration) with minimal intervention to the

historic fabric. The proposed alterations are therefore considered acceptable and would preserve the special interest of the listed building.

For the reasons set out above the proposal would comply with the guidance relating to conservation of the historic environment in the NPPF (section 16) and Local Plan Policy HE2.

Impact on neighbouring amenities

Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. The nature of the use is such that the impact on neighbouring amenity has been assessed by reason of noise, smells and disturbance. In this instance there are no residential properties within reasonable distance of the site and as such the proposed development would not cause any harm by reason of impact on residential amenity.

Due to the nature of the proposal, the development would result in an increase of noise and disturbance in the locality as expected, however the nearest neighbouring properties are predominantly commercial and situated in part of the town centre where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day including other drinking establishments and town centre traffic. Accordingly, some degree of noise and disturbance would not be unreasonable.

On balance, given its town centre location the proposed use would not result in levels of noise and disturbance over and above that already experienced which would warrant the refusal of the application. Conditions are recommended including a noise assessment which would mitigate against potential noise affecting neighbouring occupiers. Subject to these controls, the proposal would have an acceptable impact on levels of amenity in this town centre setting and would therefore comply with Policy SP5.

Highway Safety and Parking

Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards Appendix 9 allows for local circumstances to be taken into account which includes the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision or on-street parking nearby.

The proposal does not make provision for off street customer or staff car parking however given that the site is in the town centre, close to shops and services and is a sustainable location for public transport with public parking nearby, it is accepted that no off-street parking can be provided.

The site is located adjacent to a signalised junction with a loading prohibition along the gable and front, effectively restricting options for loading and unloading operations. This is a recognised problem in this area of the town centre and it would prove difficult to defend a refusal of consent given that there are other commercial premises in close proximity with similar delivery problems. There are no objections from the Highway Authority.

Taking into account the scale and nature of the proposal and highly sustainable location it is considered that the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Refuse and Recycling

Provision for refuse and recycling should be appropriate to the scale and type of premises and be adequate to ensure that no refuse or recycling material is stored or placed for collection on the adopted highway (including the footway), except on the day of collection. The proposal makes provision for internal storage of trade waste containers with direct and convenient access to the

rear of the building for on-street collection. The proposed arrangement appears to be unworkable though there is adequate scope to enlarge the storage area to allow for adequate space to access and manoeuvre the storage containers.

At the time of writing this report Street Scene have not provided any comments or objections to the proposed refuse and recycling arrangements. The Highway Authority has raised no objection on the basis of a suitably worded planning condition requiring the submission of a detailed scheme for the storage of waste and refuse to be submitted to and approved in writing by the local planning authority. Subject to this control, the proposal would comply with Policy SP5.

Other Matters

In relation to concerns raised over the potential for anti-social behaviour as a result of the proposed use, measures to deal with such offences are covered under separate legislation.

Conclusion

The proposal will introduce an appropriate and beneficial use for the listed building which will ensure the preservation of its significance and its continued positive impact within Burnley Town Centre and the Conservation Area. Though the proposal would result in the loss of a retail unit, overall the proposed use is not considered to have a negative impact on the retail character of the area and as the use could operate during evening hours it has the potential to make a positive impact on the night-time economy and thus would enhance the vitality of the area in this regard.

Subject to suitable conditions, the proposed development does not raise any significant concerns in terms of impact on amenity and is considered to be acceptable in relation to highways and parking and waste provision. Subject to conditions the development is considered to comply with the development plan and it represents a sustainable form of development and there are no material considerations which would outweigh this finding.

Recommendation: Approve subject to conditions

Conditions and Reasons:

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

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. MJ02 (Floor Plans at 1:30 dated 30.07.20) received on the 20th August 2020.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity

3. Prior to the commencement of the development hereby approved, an assessment of the noise from the Class A4 use on the neighbouring occupiers, shall be submitted to and approved in writing by the Local Planning Authority. The submitted noise assessment shall include recommendations for addressing and mitigating against any identified potential noise including the impact of amplified/live music on the occupiers of the upper floors of the building. The approved noise assessment and recommendations shall thereafter be carried out during the conversion of the premises and shall be completed prior to any part of the development being first brought into use or occupied. The approved noise mitigation measures shall thereafter be retained at all times.

Reason: To ensure adequate mitigation against potential noise to neighbouring occupiers and to ensure that the use hereby permitted does not lead to any significant increase in town centre noise and disturbance, in order to satisfactorily safeguard the amenities of residents in the town

centre neighbouring occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The noise assessment is required to be submitted prior to the commencement of development in order to ensure that any insulation or other mitigation can be carried out at the appropriate stage in the course of the development.

4. Notwithstanding the plans hereby approved, prior to the development being brought into use a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse store and area/facilities allocated for storing of recyclable materials shall be completed in accordance with the approved plans and thereafter be retained for use at all times. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To ensure the provision of adequate facilities for the storage of refuse and recycling; safeguard the amenity of the occupiers of adjoining premises; prevent any obstruction on the highway and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

5. Prior to the preparation and cooking of any hot food on the premises in association with the use hereby permitted, equipment for the collection and dispersal of cooking fumes shall be installed and available for use in accordance with a scheme which shall be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be maintained in good working order in accordance with the manufacturer's instructions and available for use at all times

Reason: As insufficient information has been submitted and to protect the surrounding environment, including occupiers of nearby premises from nuisance from cooking odours in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

6. 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 of 07:00hrs to 19:00hrs hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the local amenity of the site within the town centre in accordance with Policies SP5 and TC5 of Burnley's Local Plan (July 2018).

Informative

This permission does not give consent to any advertisement intended to be displayed on the site for which separate express consent may be necessary under the Town and Country Planning (Control of Advertisements) Regulations 2007

EEP 18.09.20

Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6f

Ref.

COU/2020/0316

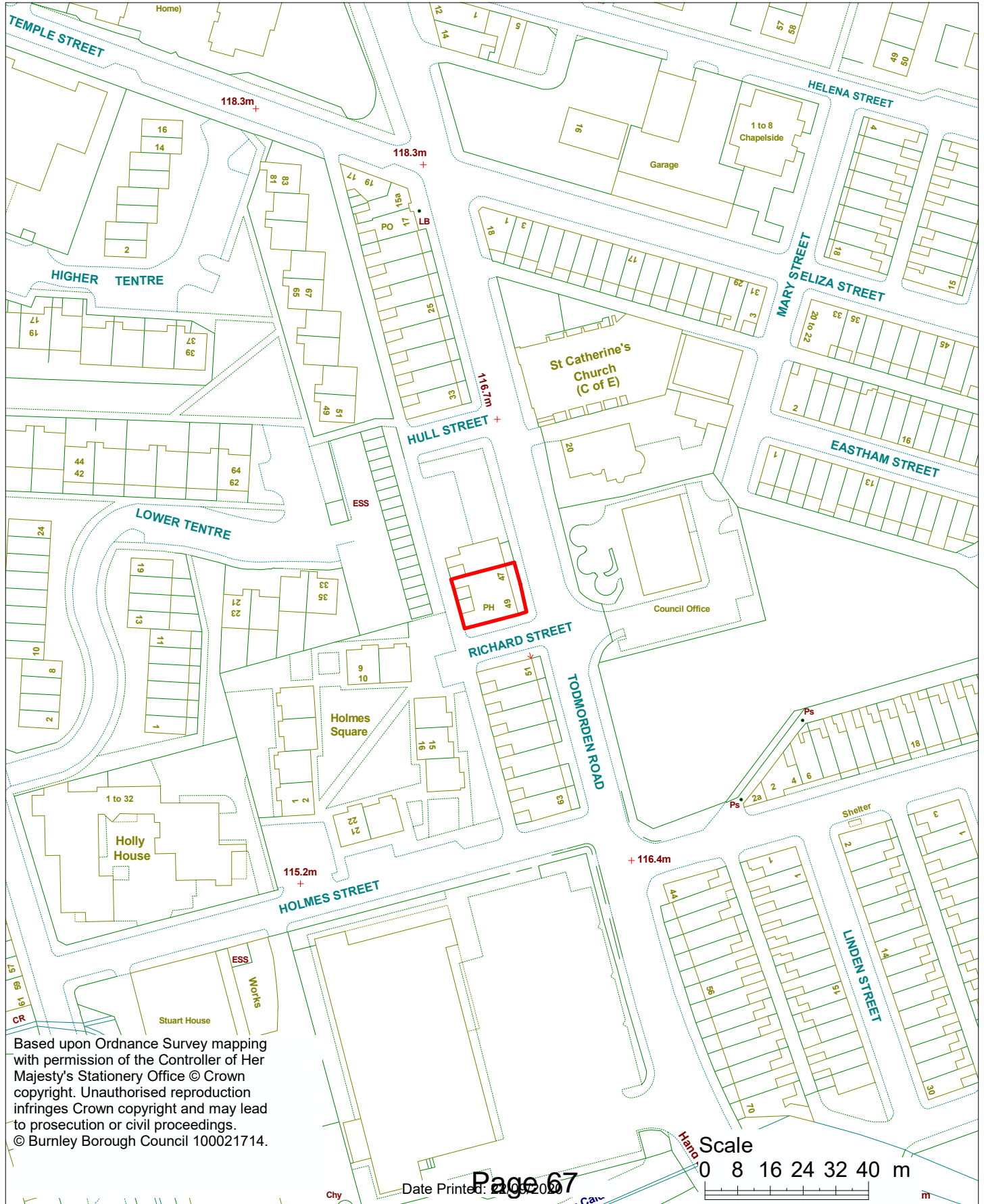
Paul Gatrell Head of Housing and Development

Location:



47 Todmorden Road, Burnley

1:1250



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Scale

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**Application Recommended for Approve with
Conditions**
Bank Hall

COU/2019/0316

Town and Country Planning Act 1990
Change of use from public house to house in multiple occupation with 14 no.
bedrooms
49 Todmorden Road Burnley Lancashire BB10 4AB

Background

The site is located within the defined development boundary as designated in Burnley's Local Plan.

This former PH is located on Todmorden Road adjacent to the Registry office. Attached is No. 45 Todmorden Road which would appear to be occupied. To the rear of the site is a back street with mature trees which back onto domestic garages which serve properties on Lower Tentre.

The property is made up of Numbers 47 and 49 Todmorden Road which have a clear frontage onto Todmorden Road with visible side elevation onto Richard Street.



Image taken from google street view



Image taken from google street view (side elevation on Richard Street)

Proposal

The application seeks consent for the change of use of the former PH into a 14 bed HMO with associated shared facilities: kitchen, lounge, bathrooms. The application follows on from a recent approval at the same property COU/2019/0332 which was approved on the 9/10/19. The application being considered seeks to remove a single storey rear extension to allow greater outdoor space and some minor internal alterations.

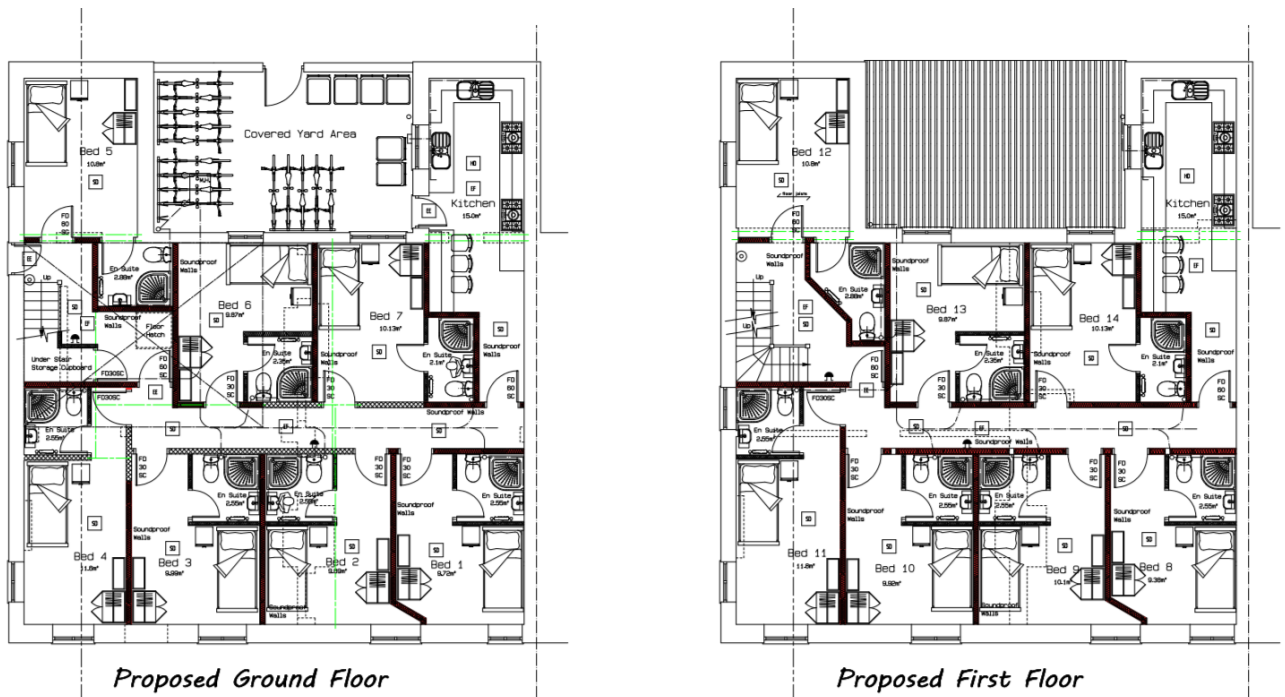
Accommodation will be set out as follows:

Ground floor – 7 bedrooms each with a shower and wc with a kitchen area to the rear of the property. The rear yard area will also provide a dedicated bin store area and internal bike storage area.

1st floor – 7 bedrooms with a shared kitchen

2nd floor – lounge/amenity space

There are no proposals to change the external appearance of the property.



Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Relevant Policies:

Burnley's Local Plan 2018

SP1 – Achieving Sustainable Development
SP5 – Development Quality and Sustainability
HS4 – Housing Developments
IC3 – Car Parking Standards
NE5 – Environmental Protection
IC5 – Protection and Provision of Social and Community Infrastructure
CC4 – Development and Flood Risk

NPPF 2019

The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 59, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.

Burnley Council standards for houses in multiple occupation October 2018

From the 1st of October 2018, it is a legal requirement for all HMO's to be licenced if the property is occupied by five or more persons, from two or more separate households. The standards set out amongst other things the space standards which are required for HMO's, waste disposal, management and fire assessment. The standards will be used to assess all application for HMO's within the borough.

Site History:

COU/2019/0332 - Change of use from public house to house in multiple occupation with 14 no. bedrooms Approved 9/10/19

Consultation Responses:

Highways – *The application form makes reference to 2 car parking spaces, however no plan showing these spaces has been provided.*

Prior to any further comment a plan showing these spaces should be provided.

Housing Needs – *no objection, submission satisfactory.*

Environmental Health – no objection subject to conditions as commented on previous application.

Lancs Constab Crime Designing out Crime - The above scheme falls outside our Crime Impact Statement report threshold i.e. 14 bedrooms; therefore, please could you forward the attached Secured by Design 'Homes 2019' design guide to the Applicant, so that they are able to incorporate relevant physical security measures across the scheme to keep the new residents safe and feeling safe.

Publicity – one letter of objection received summarised as follows:

We already have a problem with parking and fly tipping and rubbish collection which blocks off access to the houses using a public access road. We already have a problem with crime, antisocial behaviour and noise pollution without the extra Noise from an extra 14 people that will be living here according to the proposed application. The drainage in this area is also a problem the grates we have struggle with the rain. I have emailed the planning department directly with my concerns.

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

The application site is classed as social and community infrastructure in line with policy IC5 of the adopted Local Plan by virtue of its previous use as a PH. Whilst there is a presumption to safeguard community infrastructure, the site has been vacant for over 2 years and there are other alternative venues within close proximity.

The application has been supported with a marketing statement which confirms that the property has been marketed since July 2017. The report also details the type of marketing which has taken place.

It is considered that the applicant has demonstrated sufficient information to show that the property has been actively marketed. The scale of the change of use is not detrimental to the wider area and will not conflict with the surrounding uses. The previous planning approval establishes that the principle of development is acceptable.

Main issues

- Impact on the character of the area including design and appearance
- Impact on housing provision
- Impact on amenity of neighbours

- Impact on highway network
- Other issues such as bin storage and cycle storage

Design: Impact on the character of the area

Policy SP5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials.

The change of use does not involve any major alterations to the external appearance of the property and as such there will be little impact on the existing street scene. The character of the area is a mix of commercial, civic and residential. The development is considered to be acceptable in accordance with Policies HS5 and SP5.

Impact on the amenity of residents

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

The scheme does not alter any existing windows openings. The attached property is residential. The only room which could present increased noise would be the kitchen on the 1st floor level but as this is to be located in the existing 2 storey outrigger it is not considered there would be a detrimental impact on noise. This scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policies HS4 part 3, HS5 and SP5.

Impact on the Housing Provision

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

The approach is also a focus in Burnley's adopted Local Plan, with the second of the 11 key objectives listed on 'population and housing'. Policy SP2 of the Local Plan sets out the housing requirement from 2012-2032 including the re-use of empty homes and buildings. Furthermore policy SP4 sets out the development strategy for the borough directing development to be focused within the development boundary.

Impact on the Highway Network

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

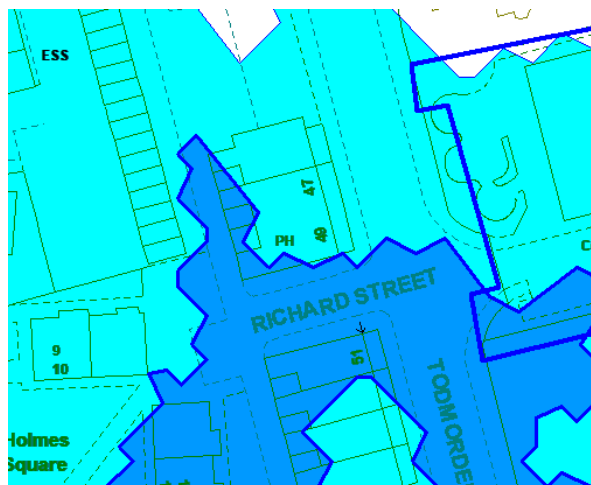
Burnley's adopted car parking standards state that a 1 bedroom HMO should provide 1 space per dwelling, so this would equate to 14 parking spaces to serve the development, if indeed all the occupiers had a car. There are no parking restrictions on surrounding streets so on-street parking is possible, although not possible directly in front of the property on Todmorden Rd. The site is considered to be within a sustainable location within a short distance to the town centre, local shops and services, and main road which has a number of bus services operating.

Highways have assessed the application and do not object to the principle of the change of use but have requested a plan showing parking spaces. There are no parking restrictions on the surrounding streets and therefore no allocated spaces are necessary to serve the development.

Impact on flood risk

Paragraph 155 of the NPPF states, '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*'

The application site is located within flood zones 2 and on the boundary of flood zone 3. The change of use to residential would be classified as 'more vulnerable' development as set out in the EA flood risk classification and within zone 2, development is considered to be appropriate.



The darker blue denotes flood zone 3, the lighter blue flood zone 2

The development does not require to carry out a 'sequential test' as a change of use is one of the exceptions which the EA set out.

Other issues; including bin storage

Bin storage will be located within the yard area to the rear of the property. This will then be wheeled onto the side street for collection.

Recommendation: Approve subject to conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings; 03 Rev A, 02 Rev E, 08

3. 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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy NE5 of the adopted Local Plan.

4. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

5. No part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans 02 Rev E. The approved refuse and recycling storage provision shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

6. No part of the approved scheme shall be first occupied until secure cycle storage provision is indicated on plan number has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.

Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6g

Ref.

FUL/2020/0326

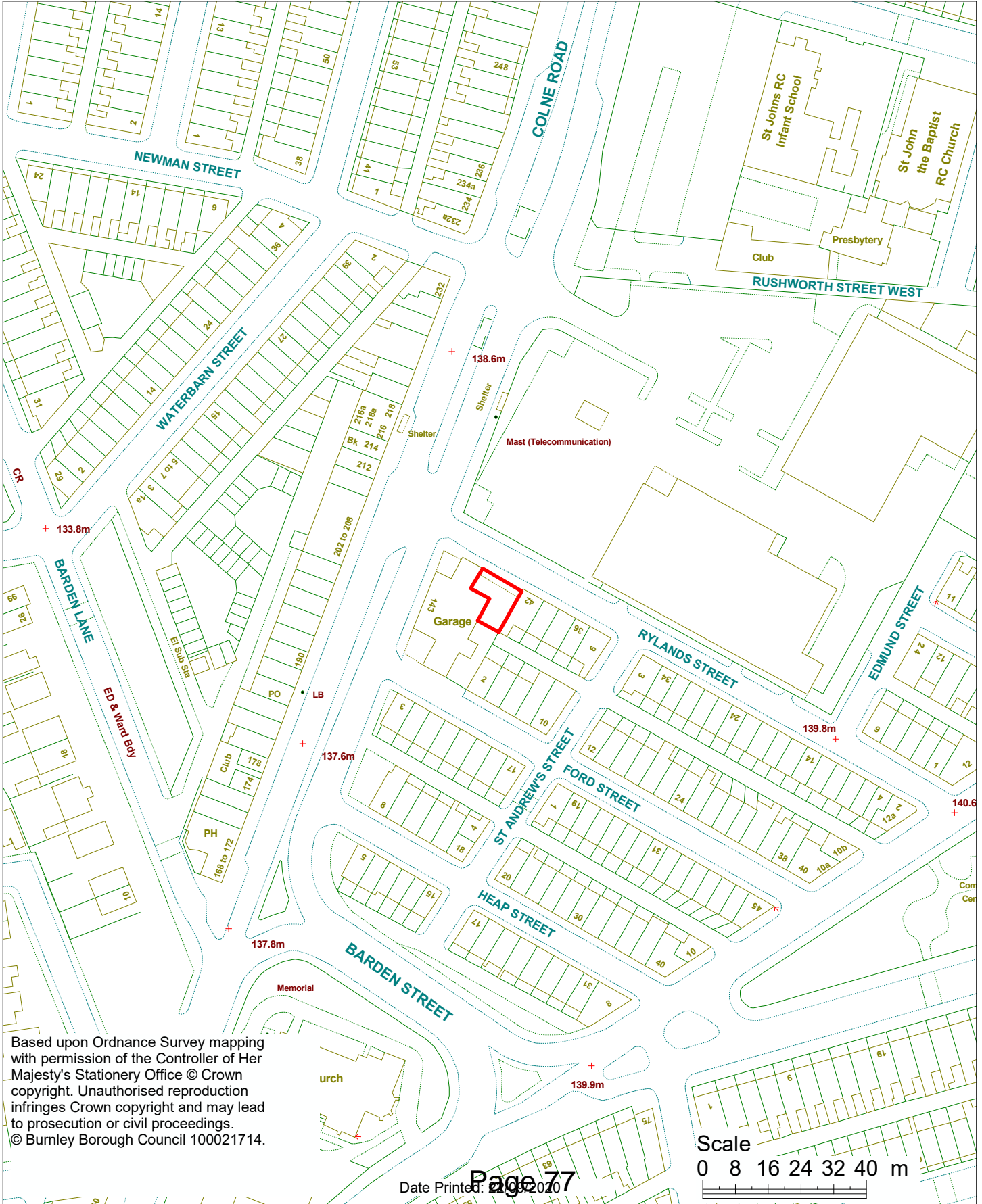
Paul Gatrell Head of Housing and Development

Location:



Land at Rylands Street, Burnley

1:1250



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**Application Recommended for Refuse
Queensgate**

FUL/2020/0326

Town and Country Planning Act 1990

Proposed mobile catering unit in the shape of a bus with takeaway and eat-in facility
Land At Rylands Street Burnley

Background:

The site is located on Colne Road within the defined development boundary as designated in Burnley's Local Plan, in which policy SP4 applies. The site is also adjacent to but not included in the defined Briercliffe Road district centre.

The area is mixed in nature with residential properties on Rylands Street, to the north of the site is Lidl and adjacent a wide range of commercial shops and other businesses.

The site has recently had retrospective approval for the use of the former garage to a carpet shop.



Ryland Street frontage



Colne Road frontage

the site

The Proposal

The application seeks consent for the siting of a double decker bus which will be modified to be used as a catering unit for takeaway and eat in. It is considered that the proposed use would be sui generis, being a mixture of sit in and takeaway food.

The bus would be positioned approximately 1.3m away from the gable elevation of No. 42 Rylands Street and approximately 1.6m from the existing carpet shop. The red edge of the proposal does not include the wider site, including the MOT service and A1 carpet shop. There will be an approximate set back from Rylands Street of 1.6m in which the plans show a covered canopy area, 2 waste bins and the main eat in entrance of the bus.

The bus will be 4.4m in height, meeting the 1st floor window at No. 42 Rylands Street and 9.5m in length. An extraction flue is shown to located on the front of the bus, the flue will be 3.2m in height and a total height from the ground floor level to above the bus is 5.7m. The only detail on the flue is that specialist details would be provided in accordance with the Council's EH team.

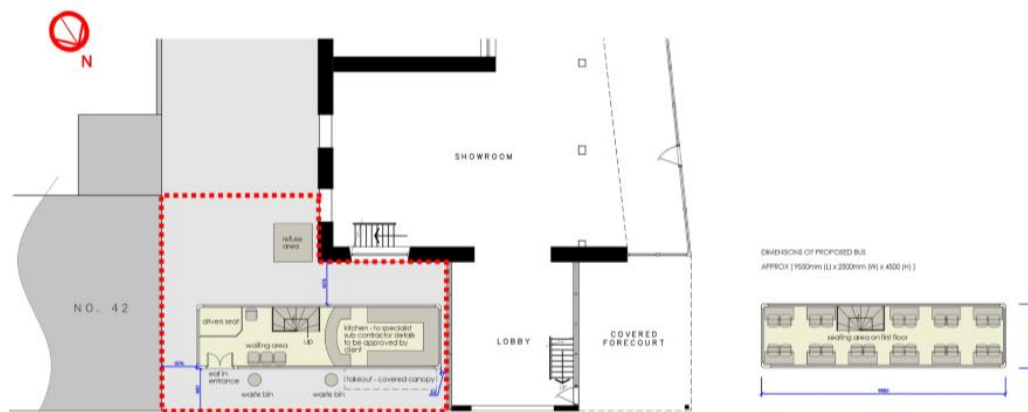
Opening hours would be:

Eat in: 13:00 – 23:00 Mon – Sat and 13:00 -22:00 on Sunday
Takeaway : 12:00 00:00 Mon – Fri and 12:00 – 23:00 Sunday

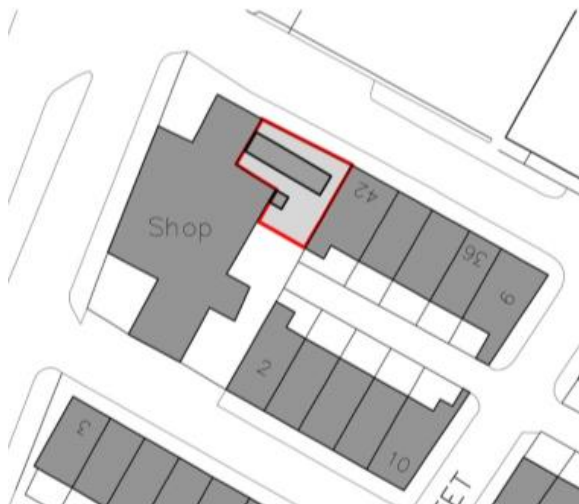
The business would employ 4 full time members of staff and 2 part time. The eat in area would sit upto 22 people. No details have been submitted for the provision of any parking for the application.



Plan 1 - extract showing the relationship of the bus with the existing carpet shop No. 42 Ryland Street



Plan 2 - extract showing the proposed layout plan of the bus in relation to the wider site



Plan 3 – extract site location plan showing the bus will be located within the existing forecourt to the rear of the current carpet shop.

Relevant Policies:

Burnley Local Plan

- SP4 – Development Strategy
- SP5 - Development Quality and Sustainability
- EMP3 – Supporting Employment Development
- TC7 – Hot Food Takeaways
- NE5 – Environmental Protection

Site History: various most relevant

COU/2019/0280 - Retrospective change of use of car sales room (sui generis) to A1 and creation of single storey extension to provide additional A1 Use Approved 27/2/20

As part of this recent application approval was granted for a new extension created on the northern elevation of the building, which will abut upto 42 Ryland Street. The extension will fill a gap in the current frontage by 11m and will be 5.2m in height.

APP/2019/0314 – retention and part change of use (A1, A2,A3) single storey side and rear extension with new roof Withdrawn

Consultation Responses:

Highways - Objection the proposed development would have an unacceptable impact upon highway safety.

The mobile catering unit as proposed is to be sited on the existing car park to the neighbouring furniture shop and would therefore remove existing car parking in this area as proposed and the footway is already frequently being used for the parking of cars thus causing an obstruction for pedestrians.

The mobile catering unit is also proposed to be sited within proximity of the road junction, between Ryland's Street and Colne Road where due to the nature of the proposal, customers arriving by car will park their vehicles near to the road junction and along Ryland Street causing congestion to the detriment of other road users. Furthermore the proposal also seeks to offer a fast food delivery service, which in turn will result in vehicles frequently traveling to and from the application site, which when combined with the other customers arriving by car, this will aid further congestion at the junction.

Environmental Health – concerns at follows:

Specific concerns in relation to this application would relate to the following areas.

1) Ventilation/Extraction of Odour;

The use hereby permitted shall not be commenced until details of the extract ventilation system and odour control equipment, including details of any external ducting and measures to control noise and vibration, have been submitted to and approved in writing by the Local Planning Authority and the equipment so approved has been installed. Such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when the authorised use of the premises for the sale of hot food ceases.

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours

2). Provision of Toilets.

Burnley Council adopted a policy under the Local Government (Miscellaneous) Act 1976 for the provision of toilets in food premises that provide seats for customers to eat takeaway food on the premises.

The standards required is as follows;

<i>1-25 customer seats</i>	<i>1 WC (shared)</i>	<i>1 wash basin</i>
<i>25 – 50 customer seats</i>	<i>male 1 wc</i>	<i>1 wash basin</i>
	<i>Female 1wc</i>	<i>1 wash basin</i>

51 + customers seats use British Standards Guidance for toilets required in restaurants and canteens

Planning and Environmental Considerations:

Main issues

- The principle
- Impact on the amenity of neighbouring uses
- Impact on the character of the area
- Highways

The principle

Policy TC7 of Burnley's adopted local plan sets out the location of where hot food takeaway premises could be located. Whilst the site is located within the defined development boundary, the site does not meet any of the criteria under part 1 of the policy. Part 2 of the policy requires that proposals outside the main areas defined in part 1, should not physically adjoin residential properties. The proposal does not attached onto anything, although is within very close proximity to properties along Rylands Street.

Regardless of meeting part 2, the proposal still needs to meet all other relevant parts of the policy as set out below:

Policy TC7: Hot Food Takeaways

Location

- 1) Proposals for hot food takeaways will only be permitted in the following areas:
 - a) Within the areas of Secondary Frontage of Burnley Primary Shopping Area;
 - b) Within Padiham Town Centre; or
 - c) Within in a defined District Centre.
- 2) Outside of these areas hot food takeaways will normally only be permitted where the property does not physically adjoin residential properties or other sensitive uses outside of the applicant's control.
- 3) Proposals for hot food takeaways will only be permitted in the locations set out above where they satisfy other relevant policies of the Plan and the following criteria:

Clustering

- a) The proposal will not create an unacceptable concentration of similar uses in Burnley Secondary Frontage or Padiham Town Centre;

Amenity

- b) The proposal will not cause detriment to the free flow of traffic or residential amenity;

Accessibility and Parking

- c) The location of the proposal is accessible by walking, cycling and public transport;
- d) They provide or are served by adequate parking spaces;

Extraction of Odours

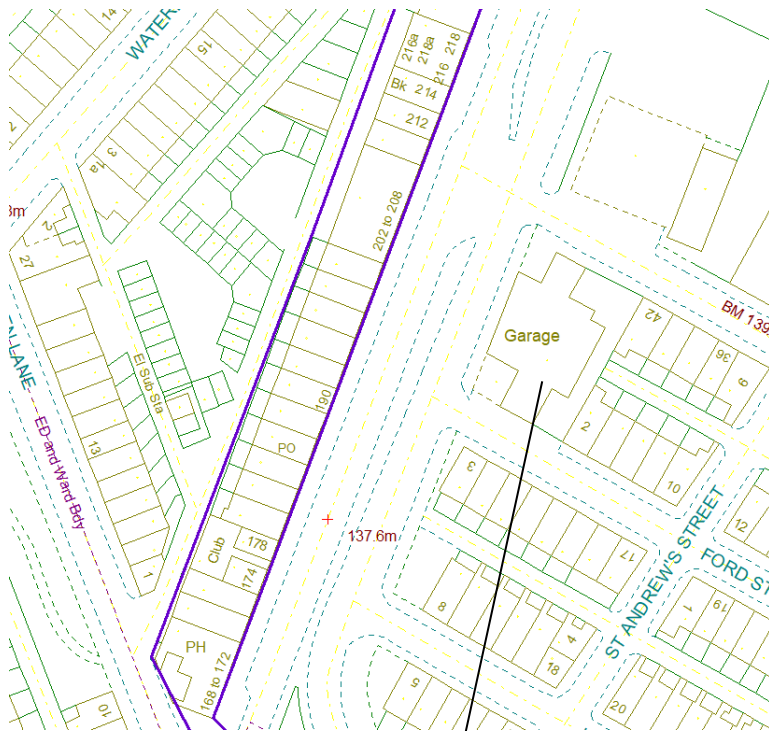
- e) They provide for appropriate extraction systems to effectively disperse odours.⁶⁸ Such systems must:
 - i) have minimal impact on visual amenity, including location and external finish;
 - ii) be acoustically attenuated; and
 - iii) not have an unacceptable impact on the amenity of neighbouring occupiers;

Waste

- f) Their waste provision is appropriate to the scale and type of premises; and
- g) They provide appropriately sited bins for customers to use.

Part 3a is not relevant given the site is not located within a town centre location. Highways is covered as part of b) and c) and as discussed below, the site is constrained by virtue of there being no dedicated parking area, together with the removal of parking provided for the A1 carpet shop which would be lost should this application be approved.

Part e) is discussed below. Waste issues covered under parts f) and g) would appear to have been satisfied.



Plan 4 – extract showing the extent of the Colne Road defined district centre (Policy TC6) and the application site

Whilst close to the defined district centre, the site does not fall within it and therefore in applying the policy, the proposed use is not in accordance with the adopted local plan.

Impact on residential amenity

Hot food takeaways have the potential to harm the living conditions of nearby residents by reason of the noise and odour caused by cooking inside, but also the noise and general disturbance caused by the comings and goings of customers. It is recognised there are several hot food takeaways on the western side of Colne Road, but there is a distinct change from the uses on the eastern side of Colne Road which aside from the Lidl store is predominantly residential.

The site shares common boundary with No. 42 Rylands Street, and the rest of the terraced properties which runs all the way upto Briercliffe Road. The bus would be positioned approximately 1.3m away from the gable elevation of No. 42 Rylands Street.

Whilst the plans show the bus will be set back from Rylands Street, the main entrance of the bus and the takeaway facility will have a very close relationship to the existing street and the front elevations of properties along Rylands Street. There is the potential for the area in front of the bus to form a natural space for people to congregate. Furthermore a large extraction flue is proposed on the front of the bus, and whilst details may be able to be conditioned, the close relationship of the bus and the properties means there are major concerns that odours from the bus would have a harmful effect on the amenity of properties along Rylands Street.

As the proposed operating times are upto 22:00 for takeaway and 23:00 hours for eating in, there are concerns that the use would have a detrimental impact by virtue of noise and odour that would have a harmful effect on the amenity of nearby residents contrary policies SPF5 and NE5 of Burnley's adopted local plan.

Impact on the character of the area

Policy SP5 of Burnley's adopted Local Plan seeks amongst other things that proposals will be expected to address minimum requirements appropriate to their nature and scale. Of relevance to this site is part 2) of the policy including;

- a). respect existing or locally characteristic street layouts, scale and massing*
- b). contribute positively to the public realm and avoiding unnecessary street clutter*

The area is mix use in nature and whilst other hot food takeaways are located on Colne Road, there is nothing of this nature. Whilst this is not a reason in itself to refuse, it is the increase in activity that a use like this would bring forward and the resultant impacts on the character and appearance of the area.

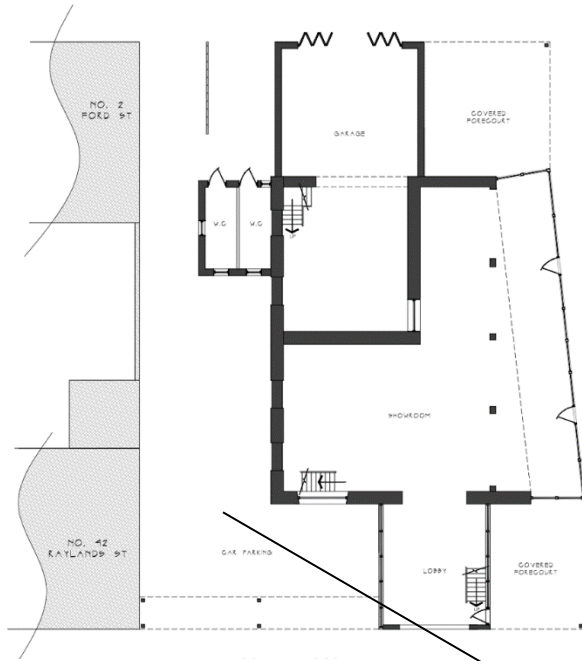
The immediate context to the site is the terraced row along Ryland Street (numbers 36 – 42), the side elevation of Lidl supermarket and the existing use of the A1 carpet shop. When travelling south along Colne Road, the site (including the carpet shop) is more visible given the open aspect of Lidl car park. Rylands Street is also very typical of terraced properties within the area, stone with slate roof. The traditional materials are also echoed in the carpet shop building and elements of Lidl. It is considered that the introduction of a stationary bus with its associated fittings; extraction flue, takeaway covered canopy area (3.5m in length), bins will have a negative impact on the existing character of the area contrary to policy SP5 of Burnley's adopted Local Plan.

Highways issues

The site is located within a sustainable location, close to existing bus routes. Parking on street within the area is pressured and there are parking restrictions along the one way Ryland Street.

The application site forms part of a wider site, and consideration needs to be taken of the conflicting uses and the number of parking spaces which are already accounted for on the site. The existing use of the carpet shop relies upon the use of the application site for parking as demonstrated by the following plan submitted as part of the recent planning application COU/2019/0280. If we were to just look at the parking requirement for the recently approved carpet shop alone (170sqm) then the required amount of parking is 4 spaces.

This proposed application would remove the ability for parking to be made available for customers of the carpet shop, putting further pressure for on street parking.



Plan Extract 5 – showing the existing site plan of the carpet shop and the use of the application site which is dedicated for parking to serve the shop

Other issues

Bin storage has been

A bin storage area has been shown to the rear of the bus and a series of bins have been shown on the area directly in front of the bus.

Recommendation:

1. The introduction of a stationary bus with its associated fittings; extraction flue, takeaway covered canopy area (3.5m in length), bins will have a negative impact on the existing character of the area contrary to policy SP5 of Burnley's adopted Local Plan.
2. The proposed use and opening hours would lead to conditions detrimental to residential amenity due to noise disturbance and cooking odours. This would be contrary to Policies TC7, SP5 and NE5 of Burnley's adopted Local Plan.
3. The proposal, by virtue of its potential detriment to highway safety arising from the lack of parking and conflict of existing users to the site and nearby residential is contrary to Policies TC7 and SP5 of the Burnley's adopted Local Plan 2018.

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0193

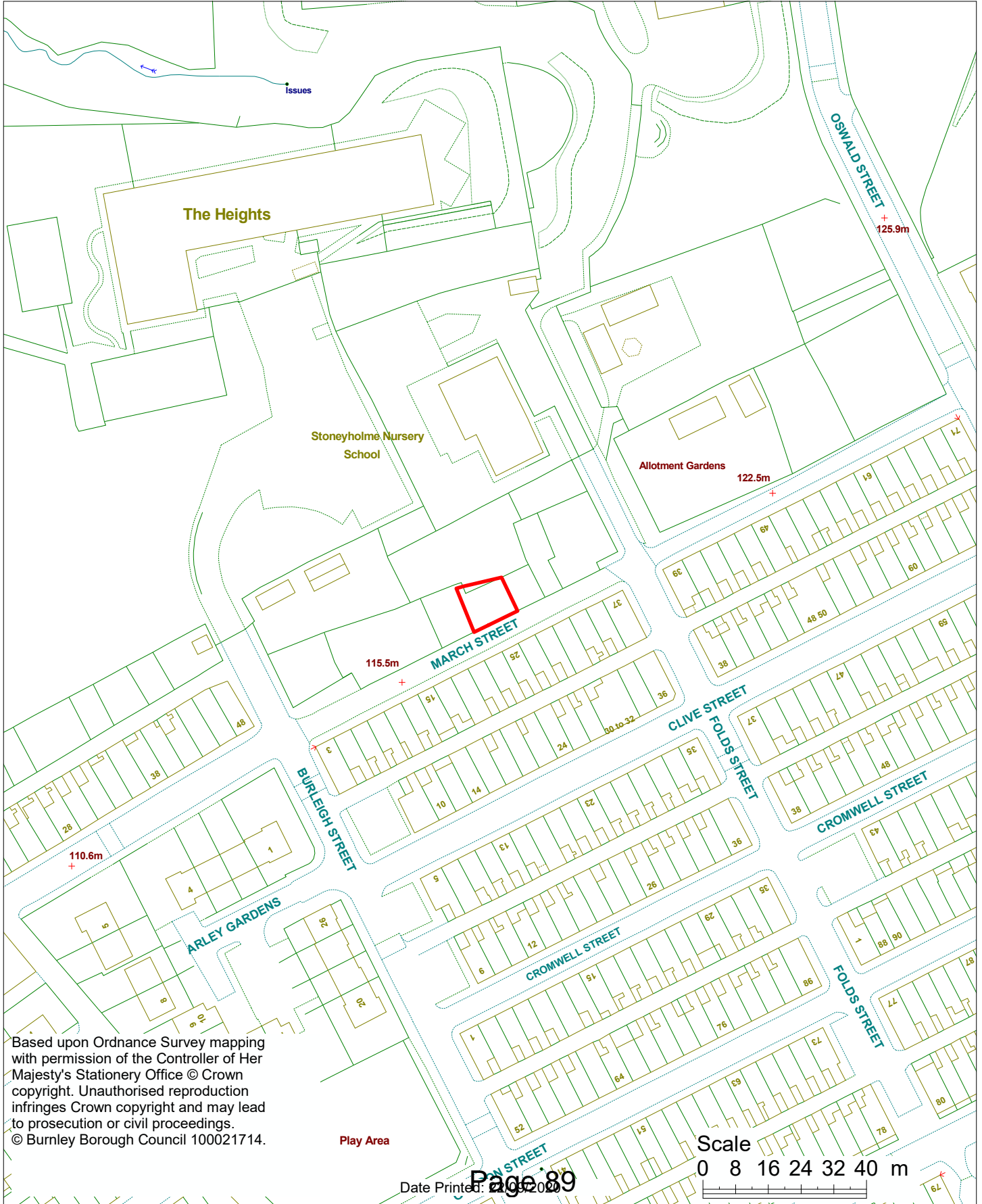
Paul Gatrell Head of Housing and Development

Location:



Land Opposite 23 March Street, Burnley

1:1250



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Play Area



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Application Recommended for Approve with Conditions

FUL/2020/0193

Daneshouse With Stoneyholme

Town and Country Planning Act 1990

Retrospective application for shed, greenhouse and timber fencing (re-submission of FUL/2019/0328)

Land Opposite 23 March Street, Burnley, Lancashire

Background:

The application site is located on land opposite No.23 March Street. This application is a re-submission of a previously refused application for the site which included the siting of a caravan, a large metal shed and decking along with a boundary fence. The re-submission is now for a smaller detached timber-clad shed, a timber/glass greenhouse and a small artificially grassed area at the entrance to the site along with a number of timber vegetation planters set in wooden bark. A 1.7m to 1.9m high timber fence defines the south eastern boundary.

The caravan and decking have been removed following engagement with the council's Enforcement Officer.

The application site falls within the development boundary for Burnley and is adjacent other allotments of which some are used for growing a range of food and some are currently un-used. The area is a predominately residential with two-storey terraced dwellings and is within close proximity to Stoneyholme Nursery School.

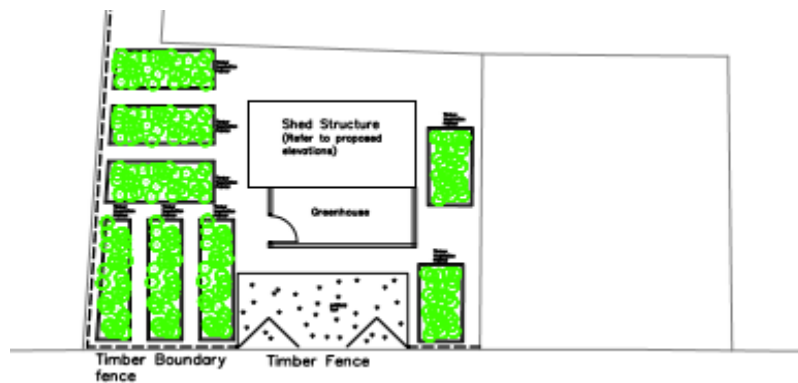
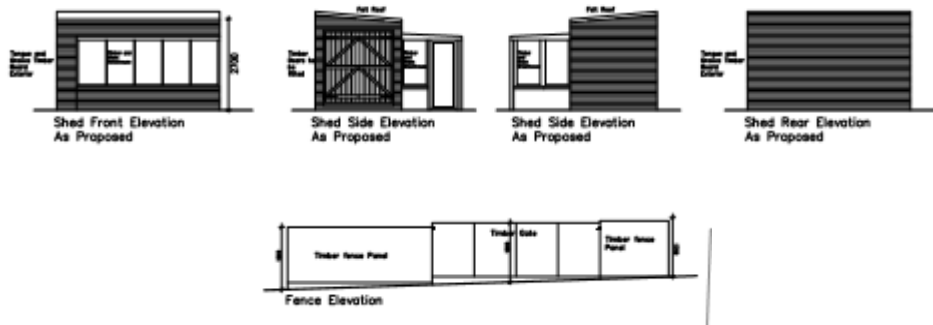


Proposal:

The application seeks retrospective permission for a smaller timber-clad shed, a greenhouse, timber vegetation planters and boundary fence. The shed has a width of 2.6m and a length of 4.9m. The maximum height is 2.9m dropping to 2.7m. The shed has a timber exterior of tongue and groove board with a felt roof.

The greenhouse is constructed in timber and glass and has a width of 1.8m and is 4.3m in length and the height is 2.2m.

A timber fence is also erected on the south eastern boundary with a maximum height of 1.9m dropping to 1.7m.



Proposed Site Layout



Site as it currently stands

Relevant Policies:

Burnley Local Plan

- SP1 - Achieving Sustainable Development
- SP4 - Development Strategy
- SP5 - Development Quality and Sustainability

NPPF2019

Site History:

FUL/2019/0328 - Retrospective application for shed, siting of caravan, hardstanding, fencing, gates and decking on site – Refused 16th August, 2019

APP/2010/0098 - Proposed creation of community garden site and erection of portacabins, meeting rooms and polytunnels – Approved 29th April, 2010
Land adjacent March Street, Burnley (land near to the application site)

Consultation Responses:

Highways LCC – No comment received

(They did not raise any objections to the previous proposed development – FUL/2019/0328)

Publicity:

Ward Councillor – Councillor Shah Hussain has objected for the following reason:

- Is this the allotment that has been tarmac and has a caravan parked in it?

(The site used to have a small concrete base area at the entrance to the plot but this is no longer visible and has been covered in artificial grass. A caravan also used to stored on the plot, but this was removed some time ago)

Neighbour objections –

- Increase noise and disturbance (use of machinery)
- Smells and fumes (barbecues)
- Design, layout and appearance (concrete base)

(Having discussed these issues with the applicant, the use of machinery was in connection with the construction of the timber cladding and the reduction in size of the shed and also the building of the greenhouse and this was complete some time ago. Barbecues are happening at other plots within the vicinity and the concrete base is no longer visible and has been covered with artificial grass)

Planning and Environmental Considerations:

The principle of the development

National Planning Policy Framework and National Planning Practice Guidance.

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

Burnley's Local Plan (2018)

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate nature and scale.

As the application site is located within the development limit for Burnley, the proposal is acceptable in principle subject the design, siting and impact.

Main issues

- Impact on the character of the area including design and appearance

Impact on the character of the area including design and appearance

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials.

Policy SP5: Development Quality and Sustainability

The Council will seek high standards of design, construction and sustainability in all types of development. Proposals will be expected to address the following minimum requirements, as appropriate to their nature and scale:

- *Energy efficiency* - Not applicable
- *Design and Layout* –

The changes made by the applicant to the previously refused application for the site are now considered to be acceptable. The reduction in size and height of the shed and the materials now used in its construction, along with the attached greenhouse, now resemble the normal structures on an allotment plot. The creation of timber vegetation planters now set in bark chippings over the site are normal characteristics of allotment plots and are considered acceptable.

- *Key gateways* – Not applicable

- *Materials* –

The materials used in the construction of the shed and greenhouse, the use of timber and glass are acceptable, along with timber vegetation planters and bark chippings

- *Accessibility* – Not applicable

- *Security* – A timber fence/gates at the front of the plot are considered appropriate and acceptable.

In summary, the development is now in keeping with the existing characteristics of the area and is more akin to an allotment use rather than a private garden use. The use of the plot can be conditioned to ensure that the site is used for allotment purposes only and not as a private residential garden plot.

Recommendation: Approve with conditions

Conditions:

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

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

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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

1st October 2020

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0630	Mrs Neelam Chisty	3 Salus Street Burnley Lancashire BB10 3EZ	Proposed 2 storey extension to side and rear of property to provide family room and toilet on ground floor and 2 additional bedrooms and en-suite on first floor (amended Location and Block Plan received 27 February 2020)	Refuse	9th September 2020
CEU/2019/0649	Lindsey Leng	The Kestrels Manchester Road Burnley Lancashire BB11 5NT	Change of use for the ground floor and first floor to be classed as one dwelling	Lawful Dev Cert issued	15th September 2020
FUL/2020/0068	Mr Adrian Ralph	20 Thanet Lee Close Cliviger Lancashire BB10 4UE	Proposed conversion of existing dwelling into three apartments including the demolition of the existing conservatory, the erection of a 1st floor extension to the front elevation, the erection of a single storey rear extension together with a porch to the side and an external staircase	Refuse	2nd September 2020
HOU/2020/0069	Mr & Mrs McKinley	46 Park Road Cliviger Lancashire BB10 4SL	Construction of a single and two storey extension forming a dining room, garage, utility and master bedroom suite	Approve with Conditions	28th August 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2019/0627	Mr I Ilyas	30 Whalley Street Burnley Lancashire BB10 1BX	Proposed single storey extension (description amended 7 September 2020)	Approve with Conditions	9th September 2020
HOU/2020/0095	Mr & Mrs Martyn Eddy	33 Westbourne Avenue Burnley Lancashire BB11 4DG	Demolition of existing garage and the construction of a two storey extension to the side and a single story extension to the rear with additional car parking area to front (amended plan received 29 July 2020 showing widened front car parking area)	Approve with Conditions	27th August 2020
HOU/2020/0129	Mr Lee Riding	9 Norham Close Burnley Lancashire BB12 0TG	Proposed extension over former garage, two storey side extension and single storey rear extension (amended plan received 26 May 2020 showing window to side elevation)	Approve with Conditions	3rd September 2020
HOU/2020/0115	Mr Paul Wills	15 Chiltern Avenue Burnley Lancashire BB10 4NE	Proposed two storey and single storey extensions	Approve with Conditions	9th September 2020
VAR/2020/0159	Mr Singleton	Burnley Bridge Business Park Magnesium Way Burnley BB12 7BF	Variation of condition 14 (Travel Masterplan) of APP/2016/0401	Approve with Conditions	27th August 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0192	Mr And Mrs M Suleman	458 Padiham Road Burnley Lancashire BB12 6TD	Proposed single storey new build study, garage and workshop	Approve with Conditions	3rd September 2020
HOU/2020/0222	Mr Sean Cavanagh	42 Leamington Avenue Burnley Lancashire BB10 3HH	Removal of garage to make way for a single storey side extension with flat roof over (amended plan received 21 August 2020 reducing depth of extension)	Approve with Conditions	27th August 2020
PDEM/2020/0224	Lidl Great Britain Limited	Land Off Wyre Street Padiham BB12 8DQ	Prior Notification for Demolition of buildings	Prior Approval Granted	27th August 2020
CEAD/2020/0180	Mr A Ashworth	8 Colvin Way Burnley Lancashire BB12 6BP	Single storey rear extension	Lawful Dev Cert issued	3rd September 2020
HOU/2020/0236	Mr Smith	117 Wellfield Drive Burnley Lancashire BB12 0JD	Two storey side extension with adjoining garage (amended plans received 2 and 11 September 2020)	Approve with Conditions	11th September 2020
HOU/2020/0246	Mr Jamatul Khan	64 Leamington Avenue Burnley Lancashire BB10 3EY	Proposed bedroom, wet room and kitchen extension (re-submission of HOU/2019/0944)	Approve with Conditions	3rd September 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
VAR/2020/0203	Noel Anderson	Junction Hotel 63 Rosegrove Lane Burnley Lancashire BB12 6HB	Variation of Condition 2 (approved plans) of Planning Permission APP/2017/0378 to allow alterations to the external elevations, including window and door openings, and the internal layout; and the erection of a single storey rear extension to plots 63a and 63b.	Approve with Conditions	25th August 2020
HOU/2020/0287	Mr Mark Hammond	5 Brookford Close Burnley Lancashire BB12 0XH	Proposed front porch	Approve with Conditions	9th September 2020
HOU/2020/0302	Ms Michelle Woodworth	14 River Drive Padiham Lancashire BB12 8SE	Single storey extension to side (amended plans received 15 September 2020 reducing width of extension)	Approve with Conditions	17th September 2020
HOU/2020/0306	Mr Bashrat Khan	1 Cromer Avenue Burnley Lancashire BB10 3HA	First floor extension above existing single storey extension	Refuse	9th September 2020
FUL/2020/0308	Mr A Sharples	Yorke House 16 Ormerod Street Burnley Lancashire	Construction of an additional storey containing four self-contained flats.	Application Withdrawn	25th August 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0309	Ms Lindsay Rhodes	1 Stirling Court Briercliffe Lancashire BB10 3QT	First Floor extension, conversion of garage to form attached 'granny annex' space and widened front car parking area (amended description and plans received 3 September 2020)	Approve with Conditions	9th September 2020
HOU/2020/0313	Mr Barry Pope	6 Cambridge Drive Padiham Hapton Lancashire BB12 7DA	Proposed Step Lift Installation with Associated building works	Approve with Conditions	3rd September 2020
PAH/2020/0314	Miss Claire Plane	3 Coniston Street Burnley Lancashire BB12 6QX	Proposed single storey rear extension having a flat roof construction and K-render finish to external walls. The extension is to be 2.4m wide and project 4.31m from the back wall of the existing house, height to eaves 2.9m, maximum height 3.15m.	Prior Approval not required accept	3rd September 2020
HOU/2020/0320	Mr Carl Ormesher	50 Groveside Park Burnley Lancashire BB12 6HE	Construction of single storey extension to rear and side of property.	Approve with Conditions	17th September 2020
PAG/2020/0323	Mr Stephen Walmsley	36 Mill Hill Lane Hapton Lancashire BB11 5QU	Proposed agricultural building	Prior Approval Granted	18th September 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAOR/2020/0335	Mr Junaid Malik	Dunnockshaw Farm Burnley Road Dunnockshaw Lancashire BB11 5PP	Existing office building attached to existing dwelling reverted back to dwelling under permitted development	Prior Approval Granted	1st September 2020
PAH/2020/0293	Miss Janet Matthews	18 Burnsall Close Burnley Lancashire BB10 2EL	Single storey rear extension to extend 4.78m externally beyond the rear wall, height of the extension to eaves is 2.45m and maximum overall height 4.00m	Prior Approval Granted	27th August 2020
VAR/2020/0362	Barnfield Investment Properties	Sandygate Square, Sandygate Sandygate Burnley	Application to vary Conditions 2 (Approved Drawings), 12 (Archaeological Watching Brief), 13 (Student Car Park), 16 and 17 (Off Site Highway Works) and 19 (Travel Plan) from planning permission APP/2019/0001.	Approve with Conditions	10th September 2020

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