

DEVELOPMENT CONTROL COMMITTEE

Thursday, 21st January, 2021
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

REMOTE MEETING - LIVESTREAM ON YOUTUBE

[HTTPS://YOUTU.BE/GOWUFJTKEB4](https://youtu.be/gowufjtkeb4)

Thursday, 21st January, 2021 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 - 20

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	21 - 22
To consider reports on planning applications for development permission:	
a) COU/2020/0208 - The Stackhouses, Bank Parade, Burnley	23 - 32
b) HOU/2020/0487 - 265 Rossendale Road Burnley	33 - 42
c) FUL/2020/0504 - Land at Sycamore Avenue, Burnley	43 - 68
7. Decisions taken under the Scheme of Delegation	69 - 80
To receive for information a list of delegated decisions taken since the last meeting.	

MEETING INSTRUCTIONS

8. Participants List	81 - 82
9. Protocol	83 - 84
10. Joining Instructions	85 - 90

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 Peter Gill | Councillor Lubna Khan |
| Councillor Sue Graham | Councillor Neil Mottershead |
| Councillor Sarah Hall | Councillor Jeff Sumner |

PUBLISHED

Wednesday, 13 January 2021

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 10th December, 2020 at 6.30 pm

This was a remote meeting held in accordance with the
Coronavirus Act 2020

PRESENT

MEMBERS

Councillors F Cant (Chairman), M Payne (Vice-Chair), A Anwar, G Birtwistle, P Gill, S Graham, S Hall, J Harbour, A Hosker, M Ishtiaq, M Johnstone, A Kelly, N Mottershead and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer
Paul Barlow	– Graphic Designer

68. Apologies

Apologies for absence were received from Councillor Saeed Chaudhary.

69. Minutes

The Minutes of the last meeting held on 5th November 2020 were approved as a correct record.

70. Additional Items of Business

There were no additional items of business.

71. Declaration of Interest

Councillors Peter Gill and John Harbour declared an interest (other) on application LBC/202/0360 Padiham Town Hall, Burnley Road, Padiham.

72. Exclusion of the Public

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

73. List of Deposited Plans and Applications

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

COU/2020/0208	The Stackhouses, Bank Parade, Burnley	Brian Sumner (for) Avalon Town Planning
FUL/2020/0186	Land to the North of Brownside Road, Worsthorne	Niall Mellan (for) Hourigan Connolly

74. HOU/2020/0422 - 5 Pennine Grove, Padiham, Lancashire

**Town and Country Planning Act 1990- New boundary wall, piers and entrance gates, with planting zone in front.
5 Pennine Grove, Padiham BB12 9AB**

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 shall be carried out in accordance with the approved plans listed on the notice.

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 approved drawings and shall not be varied with 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 Policy SP5 of Burnley's Local Plan (July 2018)

75. HOU/2020/0374 - 4 Christleton Close, Briercliffe, Lancashire

Town and Country Planning Act 1990

**Single Storey rear extension with 2 storey side extension over existing car port area
(amended plans received 27 October 2020)
4 Christleton Close, Briercliffe, Lancashire BB10 2JX**

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 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 approved drawings 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 Policy SP5 of Burnley`s Local Plan (July 2018)

76. LBC/2020/0360 - Padiham Town Hall, Burnley Road, Padiham

**Application for Listed Building Consent
Repairs to roof/coping/windows and refurbishment of internal officer and associated welfare facilities
PADIHAM TOWN HALL, BURNLEY ROAD, PADIHAM**

Decision: That Listed Building Consent be granted subject to the following conditions:

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. . The development hereby permitted shall not be carried out other than to the specifications as indicated on the approved drawings and Schedule of Works (V3 Appendix 7) except where modified by the conditions of this consent. The approved drawings are: Drawing No A19-07 01 V3 (Key Plan at 1:100 Scale); Drawing No A19-07 02 V3 (Proposed Gutter Lining and Roof Works at 1:5 and 1:100 Scale); Drawing No A19-07 03 V3 (Proposed Lighting Plan at 1:100 Scale); Drawing No A19-07 04 V3 (Proposed Electrical Plan at 1:100 Scale); Drawing No A19-07 05 V3 (Proposed Floor Finishes at 1:100 Scale) Dated 06.02.30 and Received 11.08.20.

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 approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with Policy HE2 of Burnley`s Local Plan (July 2018)

4. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley`s Local Plan (July 2018).

5. Notwithstanding the approved drawings, prior to the installation of the secondary double glazing system, full details of the system including fixings into the reveals and cills, materials (including colour) and framing shall be submitted to and agreed in writing by the Local Planning Authority. The work shall then be carried out in full accordance with the details so approved and retained as such thereafter.

Reason: As insufficient information has been submitted and in order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley`s Local Plan (July 2018).

6. All existing period architectural features including staircases, balustrades, windows and doors and their hardware, cast iron radiators, light switches, architraves, skirtings, dados, picture rails, panel work, light fittings, fireplaces, tiling, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley`s Local Plan (July 2018).

7. Any works of making good to the retained fabric, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile, except where indicated otherwise on the drawings hereby approved.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley`s Local Plan (July 2018).

8. . Fire and security alarms and detectors, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

77. COU/2020/0208 - The Stackhouses, Bank Parade, Burnley

**Retrospective Application for change of use from workshop (B2) to Bar (A4)
THE STACKHOUSES BANK PARADE BURNLEY**

Decision: That this application be deferred to allow public representations to be made.

78. FUL/2020/0204 - Hargher Clough Works, Hargher Street, Burnley

Town and Country Planning Act 1990

Retain use of open yard for Class B8 storage, construct new access at Hargher Street and erect 10 no. units for Class B1 (c) light industrial and Class B8 storage use (total 1015sqm)(partly retrospective application)

Hargher Clough Works Hargher Street Burnley :Lancashire

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 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.

3. No unit shall be first occupied or permitted use of the site take place until the footway has been reinstated to full kerb height , following the existing vehicle crossover being made redundant , in accordance with the approved plans and the Lancashire County Council Specification for the Construction of Estate Roads.

Reason: To maintain the proper construction of the highway, in the interests of pedestrian safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018)

4. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. No unit shall be first occupied until the approved scheme has been constructed and completed in accordance with the scheme details.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, 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 the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

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 avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

6. 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 1800 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.

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

7. No part of the approved premises (including the open storage on the site and the approved units) shall operate, no work shall be carried out and no deliveries shall be received or despatched other than between 08.00 hours and 19:00 Monday to Saturday and it shall not operate and no work take place at all and there shall be no deliveries received or despatched on Sundays or Bank/Public Holidays.

Reason: To ensure that the development can be satisfactorily carried out within reasonable working hours whilst respecting and safeguarding the residential amenities of nearby occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

8. Prior to the commencement of built development, a scheme for drainage of surface water, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to the completion of the development or the first occupation of any of the approved units, whichever is the sooner.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

9. Foul and surface water from the site shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4 and NE5 of Burnley's Local Plan (July 2018).

10. Prior to the commencement of development, an intrusive investigation shall be carried out by a suitably competent person(s) in accordance with the submitted Preliminary Risk Assessment Report ref BEK-20739-1 to further assess the extent of contamination likely to affect all receptors at end-use and a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, and shall be submitted to and approved in writing by the Local Planning Authority. Remediation work shall thereafter be carried out and completed in accordance with the approved scheme. In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before any of the approved units are first brought into use.

Reason: In order to deal appropriately and safely with the risks posed to the site and for future users from past industrial uses that may affect the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation, report and remediation scheme are required prior to the commencement of development to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

11. Noise Rating Levels from cumulative noise, to include noise from external plant and machinery and commercial vehicles, at the development hereby permitted shall not exceed the existing background noise level (LA90) by more than 5dB(A) at the external façade of the nearest noise-sensitive premises, as assessed in accordance with British Standard 4142 (2014), or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

Reason: To ensure there is no adverse effect on the health and quality of life of the occupiers of noise-sensitive premises and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

12. Outside storage on the site shall be confined to the area marked on the approved plans and shall not at any time exceed a height in excess of 10.0m above ground level.

Reason: To ensure a satisfactory appearance to the site and ensure satisfactory conditions for access and manoeuvring purposes, in accordance with Policies SP5 and IC1.

13. The improvements to the perimeter boundary wall as indicated on the approved plans shall be carried out in their entirety and completed prior to any of the approved units being first brought into use.

Reason: To ensure the implementation of improvements to the external boundaries of the site, in the interests of visual amenities, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

14. Prior to the commencement of built development, a scheme for external lighting that shall minimise light spillage outside of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To avoid external light spillage, glare or nuisance from sensor lights that would adversely affect residential amenities, in accordance with Policy SP5 of Burnley`s Local Plan (2018).

15. Prior to the commencement of built development, details of a Refuse Storage Enclosure to be constructed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved Refuse Storage Enclosure shall be constructed, completed and made available for use prior to any of the approved units being first occupied and shall thereafter be retained at all times.

Reason: To ensure a suitable area for refuse, in the interests of maintaining a tidy site, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

16. The materials of construction to be used on the external walls and roof of the development shall be in accordance with the approved plans and the specifications on the application forms unless any variation to this is otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

17. No unit shall be first occupied until the associated parking spaces for that unit, as indicated on the approved plans, has been constructed, surfaced, drained and is available for use.

Reason: To ensure adequate parking arrangements for the proposed development, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the approved open yard shall be used for Class B8 open storage purposes only and the approved units shall be used for either Class B1(c) light industrial and/or Class B8 (storage and distribution) uses only and shall not be used for any other purposes.

Reason. To ensure the satisfactory implementation of the proposal which has been assessed on the proposed use only, in the interests of safeguarding residential amenity and highway safety, in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018)

79. FUL/2020/0186 - Land to the North of Brownside Road, Worsthorne

Town and Country Planning Act 1990

**Residential development for the erection of 18 dwellings and associated works
Land to the north of Brownside Road Worsthorne BB10 3LR**

Decision: That delegation be given to the Head of Housing and Development Control to approve the application subject to a section 106 Contribution relating to Open Space improvements and Off-site affordable housing and 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 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.

3. Prior to the commencement of built development, representative samples and details of the external materials of construction to be used on the walls and roofs 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 a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. All planting, seeding or turfing comprised in the approved details of landscaping in the Landscape Layout (drawing number 446/01RevC) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its village and countryside surroundings and also provides for biodiversity gains, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

5. Prior to the commencement of built development, details of the management company, its responsibilities and its funding mechanisms for the management and maintenance of all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

6. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site, in accordance with BS 5837 (2012), including 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/hedges which should be retained in the interests of the visual amenities and biodiversity 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 stage of the development process.

7. No removal of or works to any trees, shrubs or grassland shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority prior to any works taking place.

Reason: To protect any potential nesting birds, in accordance with Section 1 of the Wildlife and Countryside Act 1981 (as amended) and Policy NE1 of Burnley's Local Plan (July 2018).

8. Prior to the commencement of development (including groundworks, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed present on site. The measures shall be carried out strictly in accordance with the approved scheme and shall be completed prior to any dwelling on the site being first occupied.

Reason: The spread of Japanese knotweed in the wild is prohibited under the terms of the Wildlife and Countryside Act 1981 (as amended). The protocol is required prior

to the commencement of development to avoid the spread of an invasive species which may otherwise occur.

9. Prior to the commencement of development including any vegetation clearance, earth moving or site enabling works, the whole site and 30m boundary should be resurveyed for the presence of badgers including the disused hole on the eastern boundary. A report shall be submitted to the Local Planning Authority detailing any new evidence and any changes to usage from that submitted in the Ecological Appraisal (Simply Ecology Limited, May 2020). Any changes should be accompanied by details of the need to modify the measures identified in the Ecological Appraisal. If no changes have occurred then the hole shall be closed using appropriate on-site ecological supervision as recommended at Annex D para 4.3.3 of the submitted Report.

Reason: To ensure that adequate measures are taken to avoid any potential to affect badgers which are a protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The measures are required prior to the commencement of development in order to satisfactorily protect badgers.

10. No development shall be commenced or any removal of bat boxes installed on the site take place until the boxes have been inspected by a suitably qualified person for the possible presence of bats. If bats are found to be present a method statement giving details of measures to be taken to avoid any possible harm to bats shall be prepared, submitted to and approved in writing by the Local Planning Authority prior to any development being commenced. Once approved this method statement shall be implemented in full. Whether any bats are present or not, a minimum of two bat boxes and two bird boxes shall be installed on the site post-construction prior to any dwelling being first occupied, in accordance with details to be previously submitted.

Reason: To ensure adequate precautionary measures to avoid harm to bats and to provide compensation for possible lost bat roosting potential and to encourage breeding birds to the site to enhance biodiversity on the site, in accordance with Policy NE1 of the Burnley's Local Plan(July 2018). The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.

11. 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;
 - viii) contact details for the site manager; and,
 - ix) routing of delivery vehicles to/from the site.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, 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.

12. The applicant or developer shall not permit any delivery vehicles to either arrive at or enter and shall not permit delivery vehicles to exit the site between 08:30 and 09:30 hours and between 15:00 and 16:00 hours on Mondays to Fridays inclusive.

Reason: To ensure safety for school children and those dropping off and collecting children at the start and end of the school day, due to the close proximity of the site to a local primary school, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

13. 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 avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. 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 1800 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 residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

15. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement to include new footways either side of an improved junction, the re-location of a bus stop outside 258/260 Brownside Road and improvements to the bus stop opposite the site, facilitating a Traffic Regulation Order to impose no waiting restrictions, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, 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 the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

16. No dwelling shall be first occupied until the approved scheme referred to in condition 16 above has been constructed and completed in accordance with the scheme details.

Reason: To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

17. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

Reason: To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

18. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended), the garages hereby approved (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.

Reason: To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

19. None of the approved detached dwellings shall be first occupied until it has been provided with an external electric car charging point in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

20. The development shall be constructed in accordance with the surfacing materials to be used on the estate roads, driveways and parking spaces as indicated on the approved plans.

Reason: To ensure a high quality appearance to the development, in accordance and access/parking facilities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

21. The approved access junction and estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

22. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads have been submitted

to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

23. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling, and the approved drainage scheme shall thereafter be retained at all times.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

24. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 24 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.

Reason: To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of Burnley's Local Plan (July 2018)

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

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

26. Details of boundary treatment to be used on the application site boundaries and within the development site shall be submitted to and approved in writing prior to the commencement of built development. The development shall thereafter be carried out and completed in accordance with the approved details prior to the completion of the development.

Reason: To ensure the details are appropriate and complement the approved landscaping scheme for the site, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

27. Prior to the commencement of development, a Remediation Strategy shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Site Investigation and Ground Assessment (Report reference BEK-19642-1, dated January 2020) submitted with this application. The approved Remediation Strategy shall thereafter be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In addition, a Validation and Verification report shall be submitted and accepted in writing by the Local Planning Authority prior to any dwelling being first occupied. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health, in accordance with Policy NE5 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that any remediation measures that may be necessary can be carried out at the appropriate stage in the development process.

28. Plots 2,3,4 and 5 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes.

Reason: To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley`s Local Plan (July 2018)

80. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation for the period from 26th October to 26th November 2020.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

21st January 2021

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

COU/2020/0208

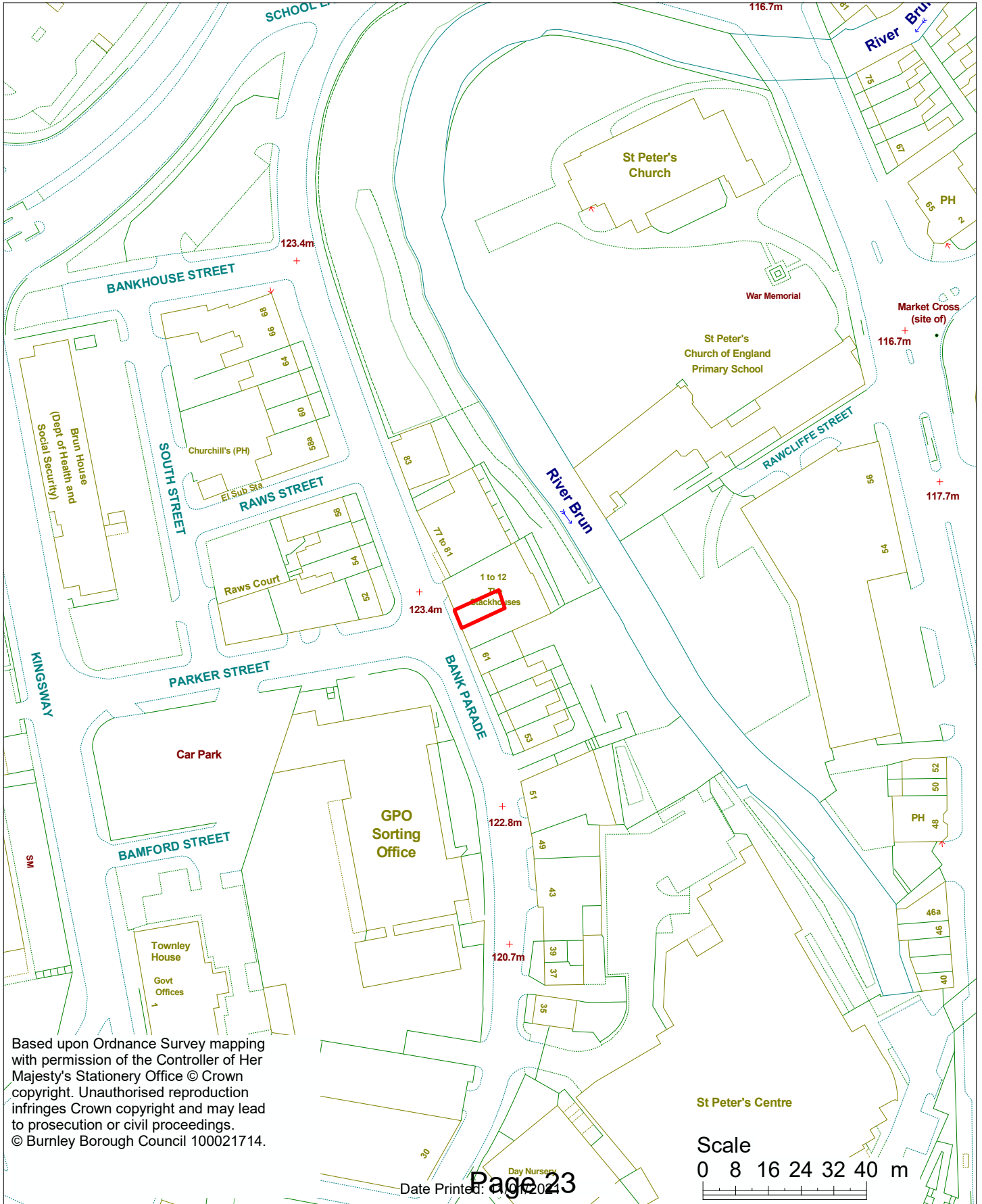
Paul Gatrell Head of Housing and Development

Location:



The Stackhouses, Bank Parade, Burnley

1:1250



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St Peter's Centre

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Full Planning Application
Retrospective Application for change of use from workshop (B2) to Bar (A4)
THE STACKHOUSES BANK PARADE BURNLEY

The application was reported to Committee on the 10th December 2020. The application was deferred to January's Committee at the request of Members to allow the objectors the right to speak.

Background

Site and Surrounding Area:

The application site is located to the east side of Bank Parade opposite its junction with Parker Street. It forms part of a two storey former industrial/warehouse building dating from the early-mid twentieth century that mainly comprises residential flats at ground and first floors with the exception of a former workshop (the application site). The building is notable for its distinctive red brick arched façade fronting Bank Parade and attached at the rear is a terrace of early C19 Stackhouses. The building is a Grade II Listed Building due to the architectural and historic interest derived from the Stackhouses to the rear. The later red brick warehouse addition does not make a significant contribution to special interest of the listed building. The site is also within the Top O' T h' Town Conservation Area.



Elevation to Bank Parade with those parts subject to the application highlighted in red for indication purposes.
(Image courtesy of Google Maps 2018)



September 2020

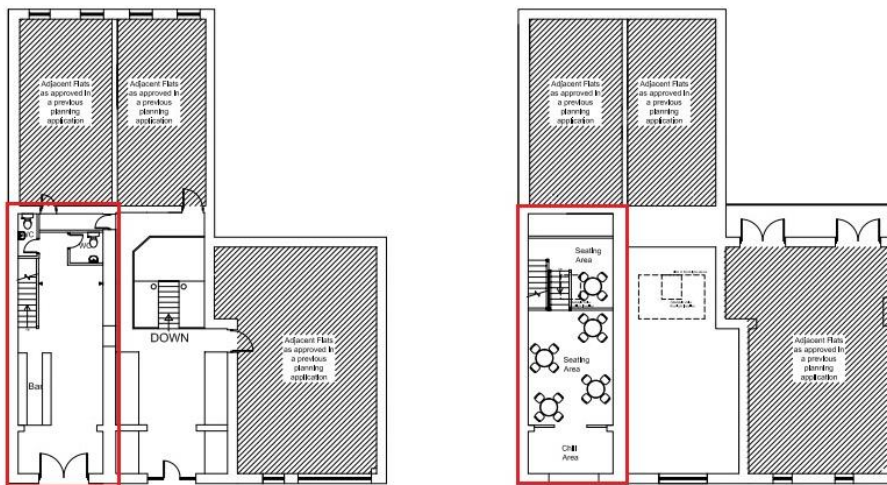
The site falls within the boundary of Burnley Town Centre as defined in the Local Plan. It occupies a peripheral location within the town centre and is characterised by a mix of residential and commercial uses including the Royal Mail Sorting Office and a Tyre Centre, health clinics, offices and light industry. Within 50m of the site is Aldo's Restaurant at (No. 58) and The Loom Makers Bistro at (No 49) which open into the late evening. The position of the site and the nature of the surrounding commercial businesses is such that this particular part of the town centre is subject to a significant amount of general noise and disturbance during daytime and evening hours.

The application site and adjoining flats benefit from an unimplemented planning permission for the remodelling, conversion and extension to form 10 self-contained flats under APP/2019/0056 and APP/2019/0057 granted in 2019.

Proposal

This application is seeking retrospective planning permission for a change of use of the ground and first floors of the premises from a workshop (Class B2) to a bar (Class A4). The conversion works were completed during the determination period and the bar has been operational since August 2020 as a live music/entertainment venue. The establishment is relatively small scale, covering an area of approximately 81sqm, with a ground floor bar area and WCs; and a first floor seating area for approximately 20 people.

The conversion works involved mainly cosmetic internal changes (re-decoration), the creation of a bar area; provision of WCs; and blocking up an internal doorway to the apartment foyer. It is to be noted that the works do not constitute alterations that affect the character of the listed building and accordingly there is no requirement for listed building consent.



Development as Implemented: Ground Floor Layout (left) and First Floor Layout (right)

No physical external alterations have been implemented or proposed and there is no requirement for ventilation/extraction system as hot food is not prepared on site. If subsequently required by the occupier, this would form the basis of separate applications.

The building is serviced from the Bank Parade for waste refuse and this will remain unchanged. The proposed opening hours are Monday to Sunday 09:00hrs to 23:00hrs daily. The proposal makes no off-road parking provision for customers or staff.

In response to the potential constraints to development, the application is supported by a Heritage Statement; Refuse and Recycling Statement; and Noise Impact Assessment.

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)

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Recent Planning History:

APP/2019/0056 and APP/2019/0057: Listed Building Consent and Planning Permission to erect four storey rear extension and conversion of existing building (comprising 3no. flats and workshop) into 10no. flats – Granted October 2019.

Consultation Responses:

LCC Highways: No objection to the principle of the development and advise the imposition of a condition to restrict deliveries to before 9.30am and after 3.00pm in order to avoid conflict with traffic (vehicular or pedestrian) in the interest of highway safety.

Environmental Health (Amenity and Air Quality): Raise no objection subject to the imposition of conditions to address the following concerns:

As the proposed use is located adjacent to residential property, noise generated internally and externally from its operation could potentially result in an adverse impact on health and quality of life. Although the submitted Noise Impact Assessment recognises that internally generated noise from the proposed use (affecting the flat currently occupied by a family member of the bar owner) could be mitigated against, giving details on how this might be achieved, it does not address concerns that evening and night-time noise from customers is something that could be adequately controlled.

Although the current alcohol licence permits the opening hours of 9am to 11pm during the premises licence consultation, Environmental Health clearly understood from the applicant that only *low-level* background music would be played, and that the premises was to be operated a 'tearoom and real ale bar'. There is a significant change to this understanding in that it is predicted (in the noise impact assessment) that levels of up to 82dB(A) from music could occur inside the bar. As such, it is reasonable to assume that the playing of music at this volume would make the main purpose of the bar more 'entertainment' with the consumption of alcohol, than that as previously understood, i.e. food and 'quiet' drinking. Assuming that the music levels could be regulated (e.g. using a broadband noise limiter) there remains concern that residents could be subjected to unreasonable levels of noise from patrons entering and leaving the premises and when smoking/talking outside the premises. Additionally, if there is 'loud' music of up to 82dB(A) being played inside the premises, this would naturally increase the volume of voices (including 'single event' LAMax noise caused by shouting/screaming). This additional noise source, which could increase the overall decibel level, is not something that the noise assessment has considered. I have concerns that this noise (in particular, the aforementioned 'single event' noise) could be heard inside habitable rooms of 54 Bank Parade, and potentially other nearby noise-sensitive receptors.

If the planning application should be approved, it is therefore recommended that:

- The operating hours are restricted to between 09:00hrs and 18:00hrs
- Only low-level background music may be played at any time. Low-level music is that played at a volume such that people (patrons and staff) do not have to raise their voices to hold a normal conversation
- No deliveries or collections (including waste and recycling) are made outside the hours of 9am to 6pm, Monday to Friday, and not on Sundays and Bank Holidays.

It has since been confirmed that Environmental Health would not object to the closing time being increased to 21.00hrs each day (consistent with the condition on APP/2014/0336 for the Loom Makers Bistro) if the agent can confirm that the applicant understands that the bar will only be permitted to have low-level background music at any time, which would prevent

a continuation of live music events. (*Officer Note: The agent has provided written confirmation that the agent understands and accepts the condition preventing live/amplified music and its implications on their operational needs*).

Streetscene: Raise an objection to the application on the basis the waste disposal arrangements set out in the Refuse and Recycling Strategy are illegal as the household waste centre does not take commercial waste. As there is no capacity inside the property for storage of waste and recycling containers, the applicant is advised to enter into a private commercial waste contract for daily collection. (*Officer Note: The applicant has agreed to enter into a commercial waste contract and the Refuse and Recycling Strategy has been revised to reflect this arrangement*).

Lancashire Constabulary Designing Out Crime Service: Recommend a number of detailed security measures to mitigate the risk of crime or anti-social behaviour affecting customers, staff and the local community.

Publicity: Six letters of objection have been received with the main material planning points as summarised:

- Noise disturbance
- No details of sound proofing and no acoustic survey to demonstrate that noise will not be generated to an unacceptable level or that it can be successfully mitigated (*Officer note: A Noise Impact Assessment has been subsequently submitted*).
- The constrained internal space will lead to overspill onto the highway/pavement (for example from smokers) and will lead to obstructions on the narrow pavement, blocking the access to the apartments, and the potential for unrestricted noise disturbance
- Use of highway for tables and chairs causing obstructions
- Addition of roof-lights (already fitted) would cause noise to travel to upstairs flats
- Potential for anti-social behaviour
- Security concerns

Planning and Environmental Considerations

The main issues relevant to the consideration of the application are:

- Principle of development
- Impact on designated heritage assets
- Impact on amenity (with particular regard to noise and disturbance)
- Highway safety and parking
- The adequacy of refuse and recycling provision

Principle of development:

The application site is located within the boundary of Burnley Town Centre, as defined in Burnley's Local Plan. Policy TC2 relates to development in Burnley town centre and states that main town centre uses (Classes A2, A3, A4 and A5) will be supported. Accordingly the proposed A4 use would, in principle, be a suitable use in this location and would comply with Policy TC2.

Impact on designated heritage assets:

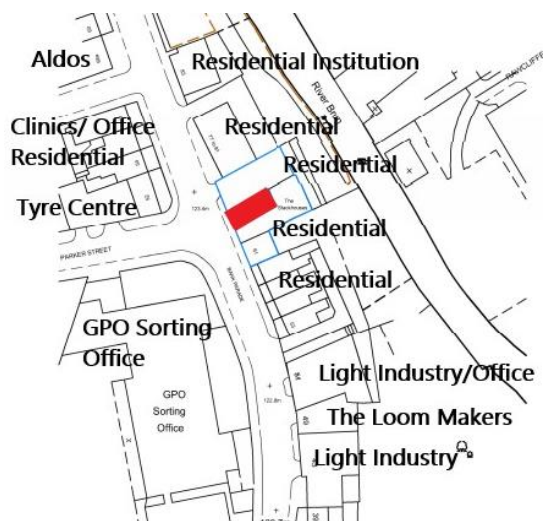
Policy HE2 seeks to protect the special interest of listed buildings and the special character of conservation areas. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confer upon local planning authorities a duty to have special regard to the desirability of 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.

No external alterations have been carried out or proposed and as such the development does not make any meaningful difference to the character or appearance of the Top O' Th' Town Conservation Area. With regards to the listed building, the application property is not considered to contribute to the special interest of the listed Stackhouses. Moreover, the conversion works have been limited to minor, mainly cosmetic internal changes (re-decoration) with minimal intervention to the already substantially altered interior. The proposal is therefore considered acceptable and would preserve the special interest of the listed building. Accordingly, the development satisfies Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Impact on Amenity

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, 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 and disturbance.

In this case the application property forms part of a larger building containing three residential flats, two of which adjoin the application property at ground and first floor and a ground floor flat separated from the application property by the entrance foyer (No 61 Bank Parade). The adjoining property to the north (Nos 1-12 Stackhouses) is also in residential use. The application site is primarily surrounded by residential uses (east side of Bank Parade) with some commercial uses to the west and to the south including the Royal Mail Sorting Office and a Tyre Centre, health clinics, offices and light industry. Within 50m of the site is Aldo's Restaurant at (No. 58) and The Loom Makers Bistro at (No 49) which open into the late evening.



General Nature of Surrounding Uses (application site highlighted in red)

The nature of the use and the opening hours (Monday to Sunday 09.00hrs to 23.00 hrs) have the potential to result in noise and disturbance stretching into the late evenings and night. Given that site is situated in a 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 uses that extend into the evening (Aldo's and The Loom Makers) and town centre traffic, some degree of noise and disturbance into the evening hours would not be unreasonable. However, a continuation into the late evenings and night would be unreasonable given that this is a time of day that neighbouring residents might reasonably expect to be quieter even in this town centre location.

Given the character, layout and proximity of attached buildings, suitable control of potential noise sources is likely to rely on the appropriate management of both amplified sound and noise from customers during the late evenings on or around the site. The Council's Environmental Health Officer (EHO) has reviewed the application and Noise Impact Assessment and considers the development would only be acceptable subject to conditions that will ensure the amenity of neighbouring residents and uses are protected from unacceptable levels of noise and disturbance.

Most notably, the EHO has objected to both the playing of amplified sound/music and the opening hours applied for. A condition limiting the playing of music to low level background music only is considered necessary to protect the amenity of nearby noise-sensitive receptors. A general opening hours condition is proposed to mitigate disturbance to nearby residents from customers leaving the venue, with the opening hours adjusted to ensure the premises close earlier (no later than 21:00hrs) which is consistent with the approach taken with the planning permission at No.49 (The Loom Makers). In addition, it is recognised that the collection of waste especially bottles is a noisy process and can cause sleep disturbance if carried out during night or early morning hours. Accordingly, the collection times will also need to be controlled by condition.

The imposition of these conditions are supported by officers and the applicant has confirmed their acceptance to the conditions (ie. in terms of meeting their operational needs) in the event that the application is approved.

The occupiers of an adjoining properties have raised objections on the basis of noise and disturbance from the playing of loud/live music; general comings and goings; and the congregation of customers on the pavement. However, the given no formal objection from the council's Environmental Health Team, and as conditions have been recommended to overcome any noise issues, it is considered that the proposal is acceptable in this regard.

The neighbour objections received in regard to this proposal have raised additional issues in regard to amenity including the potential for anti-social behaviour and security concerns. These matters could be dealt with under other legislation outside the planning process and would not justify the refusal of planning permission.

It is considered that the potential impacts of noise and disturbance experienced by the occupiers of nearby residential properties, including the flats above the premises, can be reduced to an acceptable level through imposition of planning conditions as set out above. Subject to the imposition of the recommended controls, it is considered the proposed use could take place without giving rise to an unacceptable detrimental impact on the amenities of neighbouring residential occupiers in this town centre setting and would therefore comply with Policy SP5. Moreover, if the proposed use were to result in unacceptable levels of noise and disturbance, separate legislation exists to control this.

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 in developments as appropriate to their nature and scale and taking into account the merits of the proposal, such as the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision or on-street parking nearby.

The site is unable to offer any off-street parking for customers or staff, however given this is a highly accessible and sustainable town centre location with good public transportation links and a number of opportunities available to park either on-street or in nearby public car parks, it is accepted that no off-street parking can be provided. The Highways Authority do not raise any objections to the proposal subject to a condition restricting deliveries before 09:30hrs

and after 15:00hrs for the reasons of highway safety. Subject to this control, the proposal is not considered to cause or exacerbate congestion, highway safety issues or on-street parking problems. It would therefore 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

Policy SP5 requires refuse and recycling provision to 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 waste generated from the bar is mainly recyclable waste such as glass bottles, cardboard, wrappings and smaller amounts of non-recyclable waste. The application site has no private outdoor space and as such refuse and recycling will be stored internally and collected on a daily basis by a private commercial waste contract. The proposed arrangement meets with the advice of Streetscene. It is recognised that the collection of waste, especially bottles, is a noisy process and can cause sleep disturbance if carried out in the night or early morning hours. Accordingly the collection times will also need to be controlled by condition. Subject to this control, the refuse and recycling provisions would comply with Policy SP5.

Other Matters

The issue of the use spilling out onto the pavement (tables, chairs and other paraphernalia) could be dealt with under other legislation outside the planning process and is not considered to be an issue that could justify the refusal of planning permission. As the pavement is outside the application site the grant of planning permission (should it occur) would not extend to this area and as such would not grant permission for its use or occupation by tables and chairs. In this instance it would therefore not be reasonable, appropriate or necessary to impose conditions restricting such a use (which in any event would be covered by the need for a highways licence).

Conclusion

Subject to suitable conditions, the development does not raise any significant concerns in terms of impact on amenity and is considered to be acceptable in relation to impact on designated heritage assets; highways and parking; and waste provision. Subject to conditions the development is considered to comply with the Local 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 set out below and maximum dB level to be specified in condition 3 by way of an update.

Conditions and Reasons:

1. The development hereby permitted shall not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are: HARRI/09A Dwg 03A (Proposed Site Plan at 1:100 Scale dated 15.05.20); and Drawing No. HARRI/09A Dwg 02B (Proposed Floor Plans and Elevations at 1:100 Scale dated 15.05.20) received on the 9th September 2020.

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

2. The A4 use hereby permitted shall not be open to customers except between the hours of 09:00 and 21.00 hours on any day.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

3. No amplified music/sound, over 75 dB shall be played at the premises at any time. This shall include, but is not limited to, live music/bands, speaker systems, microphones and karaoke. Only low-level background music may be played at any time. Low-level music is that played at a volume such that people (patrons and staff) do not have to raise their voices to hold a normal conversation.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018)

4. Provision shall be made for the storage and disposal of waste in full accordance with the approved Refuse and Recycling Statement and shall remain in place throughout the lifetime of the development. 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 in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

5. There shall be no deliveries to or collections from the premises (including waste and recycling) outside the hours of 09:30 and 15:00 on any day.

Reason: In the interests of highway safety and in order to safeguard the amenity of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

6. The roof-lights serving the A4 use as approved shall remain closed between the hours of 09:00 hours and 21:00 hours on any day.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Informatives

1. 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
2. The applicant is advised that this planning permission does not override the need to obtain a licence for the tables and chairs/a-boards etc on the highway under the Highways Act 1980. The applicant should contact Lancashire County Council Highways for further information.

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2020/0487

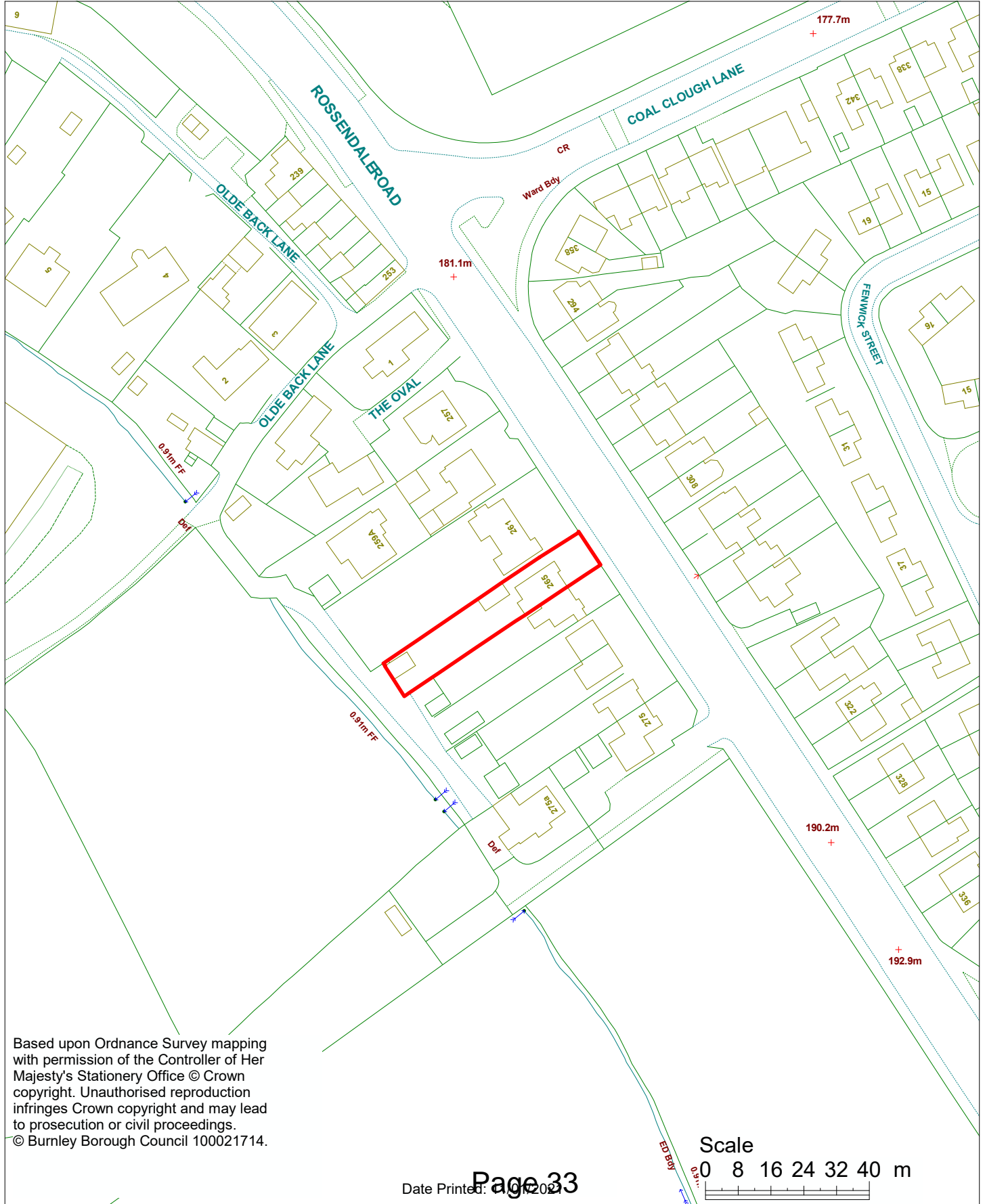
Paul Gatrell Head of Housing and Development

Location:

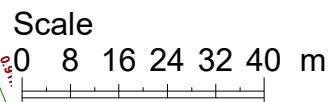


265 Rossendale Road, Burnley

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Application Recommended for Approval with Conditions

HOU/2020/0487

Town and Country Planning Act 1990

Proposed two storey side extension and single storey rear extension

265 Rossendale Road Burnley Habergham Eaves BB11 5BZ

Habergham Eaves

Background:

The application site is located within the defined development boundary as designated in Burnley's Local Plan. The site comprises a two-storey semi-detached house set back from the highway Rossendale Road, accessed from the rear.



Photo 1: Front of no. 267 (left) and no. 265 (right)



Photo 2: Side of no. 265 (left) and as seen from driveway of 261 (right)



Photo 3: Rear garden of 265 (left) and rear of 267 (right)



Photo 4: Rear of no. 265 (left) and Rear of no. 267 (right)



Photo 5: Rear of no. 265 detailing rear garden and available parking



Photo 6: Showing relationship with neighbouring property. Side elevation of no. 261 and side yard of no. 265.

Proposal:

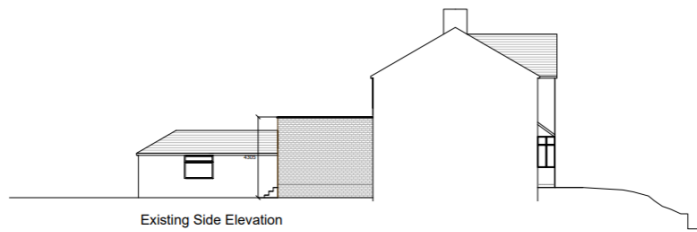
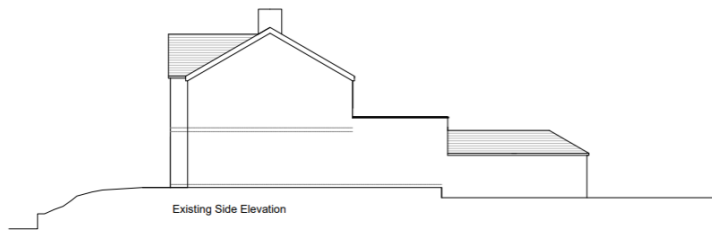
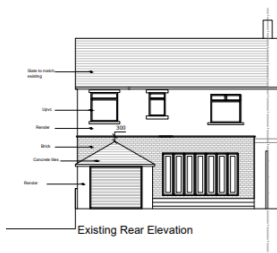
The application seeks consent for the erection of a two-storey side extension measuring approximately 2.5m by 8.2m with a ridge and eaves height of approximately 8m and 5.5m respectively. The proposal also includes the construction of a single storey rear extension measuring approximately 8.7m by 4.7m with a flat roof with a maximum height of approximately 4.3m.

Plans shows

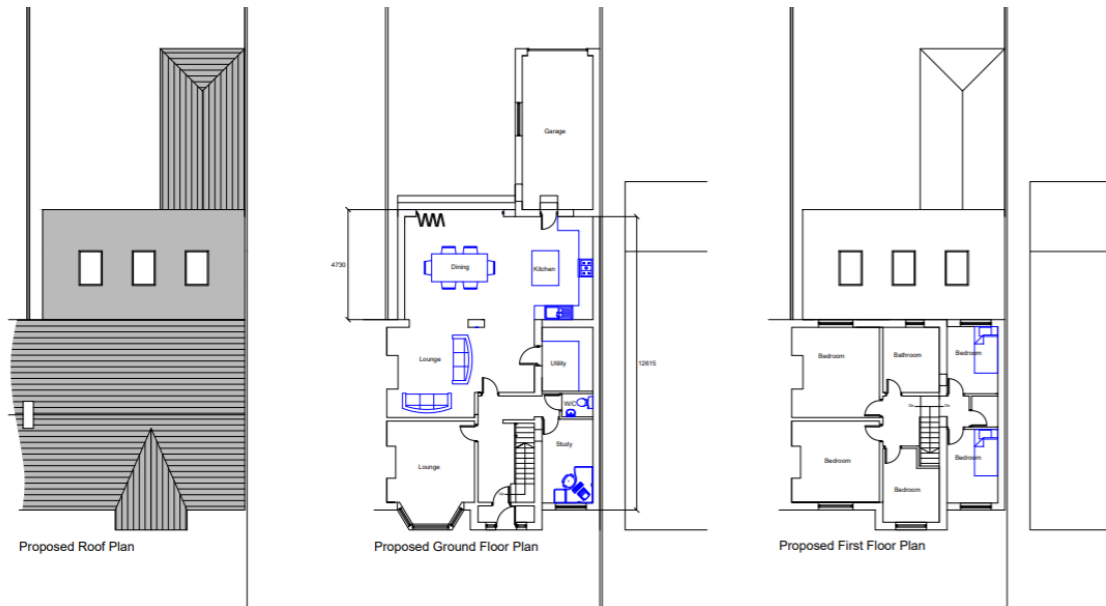




Existing plans and elevations



* Drawings should read as proposed elevations.



Proposed plan and elevations

Relevant Policies:

Burnley's Local Plan 2018

HS5 – House Extensions and Alterations
 SP5 – Development Quality and Sustainability

NPPF 2019

Site History: None

Consultation Responses:

Neighbours – two representations have been received with the following material comments:

- Highway safety
- Overshadowing
- Loss of light
- Loss of privacy

Planning and Environmental Considerations:

LCC Highways: Raised no objection to the proposal.

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.

Main issues

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

Impact on the character of the area

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out specific requirements for the design of house extensions and alterations.

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.

It is noted that within the immediate local area there are multiple different house types and designs, reflecting the times and periods they were constructed. The two storey element of the proposal has been designed to respond positively to the character and visual amenity of the host property and surrounding neighbouring dwellings, using corresponding materials and an in-keeping design. The proposed single storey rear extension will not be readily visible to the public realm by virtue of its location at the rear of the host dwelling. As such the proposal is not considered to result in any significant negative impact on the character of the area.

Impact on the amenity of neighbours

Policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reasoning of overlooking, lack of privacy or reduction of outlook or daylight.

Due to the existing dwelling benefitting from a conservatory, extension and detached garage, coupled with the fact that both neighbouring dwellings benefit from their own single storey rear extensions/conservatories, the proposed single storey flat roofed extension is not considered to result in any significant negative impact on the residential amenity of any neighbouring occupiers.

The proposed two storey extension will bring the built form of the dwelling to the shared boundary with no. 261 Rossendale Road. The proposal includes no proposed openings on this side elevation and due to the solar orientation of both the application property and aforementioned neighbour the proposed two storey element is not considered to result in any additional loss of light or overshadowing than would already be caused by the host dwelling. In terms of the concern with regards to loss of privacy, the addition of a first floor window in this location is not considered to result in any additional significant impact in terms of loss of privacy to the rear amenity space than the existing rear windows and while the proposal may result in a slight perceived overlooking, this is not considered significant enough to warrant a refusal of the planning application.

The proposed two storey element will not project beyond the front or rear elevation of the dwelling and as such is not considered to result in any significant impact on the residential amenity of the adjoined neighbour to the south, 267 Rossendale Road.

Highway Safety

The proposed extensions would be considered to result in the host dwelling requiring off street parking. Policy IC3 of Burnley's Local Plan (2018) would require a minimum of 3 off street parking spaces for the proposed 4 bedroom dwelling. As shown within the photographs above, the site benefits from vehicular access to the rear along with 2 garages and ample parking and manoeuvring space within the rear amenity space. As such the proposed development is considered to comply with the above-mentioned policy. Should consent be granted the retention of 3 off street parking spaces will be required to be provided and maintained in perpetuity.

Conclusion

The proposed development is acceptable in principle, will maintain the character of the dwelling and area and will not have an unacceptable impact upon neighbouring amenity.

Recommendation: Approve subject to 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 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 approved drawings 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 Policy SP5 of Burnley's Local Plan (July 2018).

4. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order parking for a minimum of three private motor vehicles shall be retained at all times for use by the dwelling 265 Rossendale Road.

Reason: To ensure that adequate parking provision is retained on site that limits the visual impact of the parked motor-vehicle upon the street scene/area and to comply with Policy IC3 of Burnley's Local Plan (July 2018)

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0504

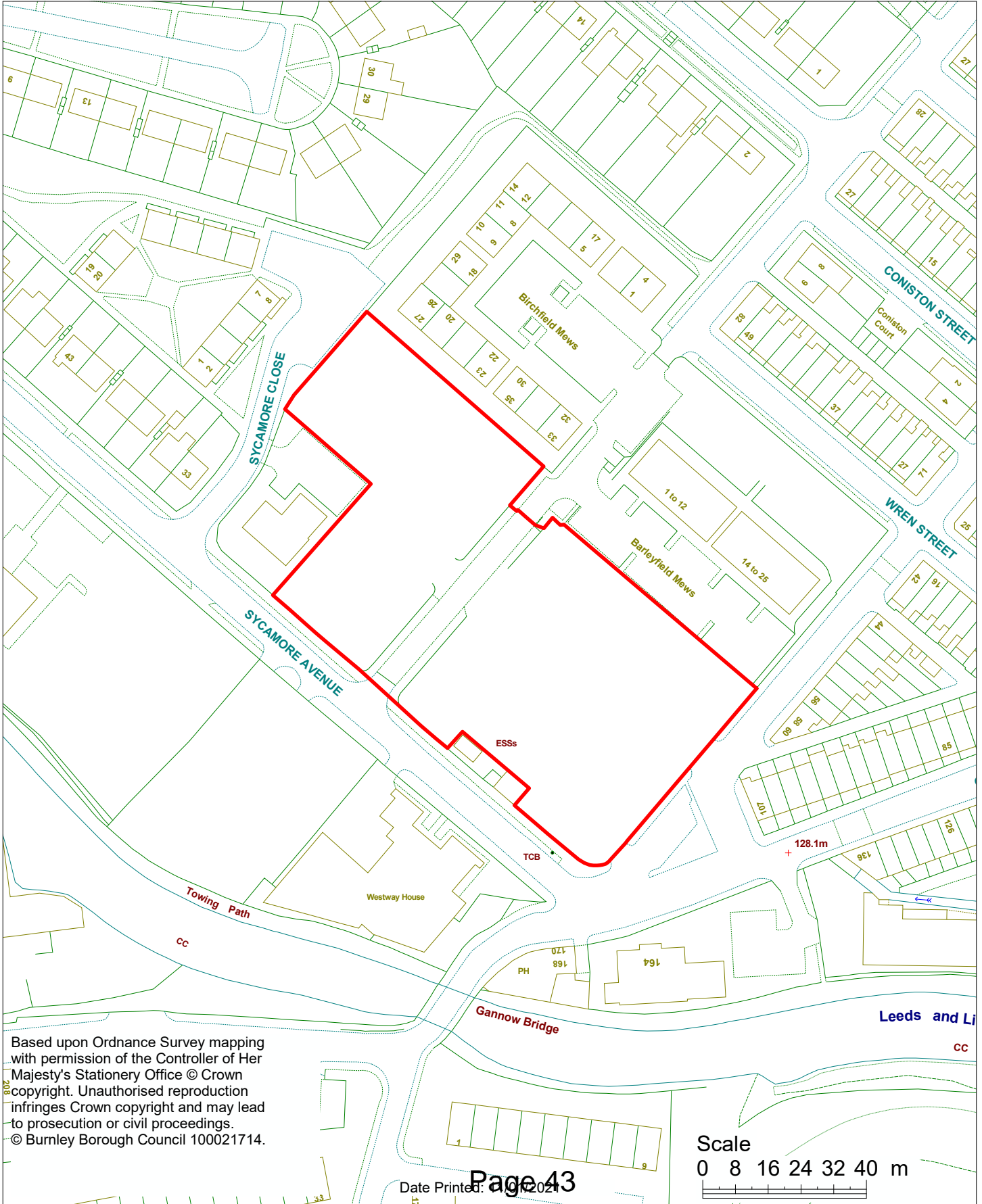
Paul Gatrell Head of Housing and Development

Location:



Land At Sycamore Avenue, Burnley

1:1250



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**Application Recommended for Delegation to
Approve subject to s106 Agreement**
Gannow Ward

FUL/2020/0504

Town and Country Planning Act 1990
Erection of 22 no. dwellings and 12 no. apartments (Class C3), with associated
infrastructure and landscaping works
Land At Sycamore Avenue Burnley BB12 6DH
Applicant: Calico Homes

Background:

The proposal is to develop approximately 0.73ha of previously cleared land (originally the site of Woodbine Mill) to the north east corner of Sycamore Avenue and Gannow Lane/Woodbine Road. The site bounds a modern development of flats at Birchfield and Barleyfield Mews on its north side, an office building to its west side, Woodbine Road to the east side and cleared land (former Gannow Baths), car park for the Life Church and business units to the south side of Sycamore Avenue. There is evidence on site from the start of a previously commenced development (boundary walls, foundations and low walls) which has been abandoned.

Proposed Site Layout



The current proposal has been amended since first submitted (originally 41 units) and now offers a development of 22 terraced and semi-detached dwellings (13 with two bedrooms and 9 with three bedrooms) and 12 flats (7 with one bedroom and 5 with two bedrooms). All the properties are proposed for Affordable Housing through Affordable Rent.

The proposed development utilises the existing singular point of vehicular access at Sycamore Avenue. The layout is designed with houses fronting Sycamore Avenue

and Woodbine Road with the remainder of the development, including an apartment block and a terrace of `cottage` flats, fronting new internal roads. A water main easement crosses the site and cannot be built upon. No access is provided through the locked gates which currently separate the site from the neighbouring development of flats off Oak Street (Birchfield and Barleyfield Mews).

All the development would be two storey in scale and constructed in Marshalls Cromwell reconstituted stone and Marley smooth grey tiles to the roofs.

Illustrative model of proposed development with existing development in background



The proposed units are designed to be energy efficient by adopting a fabric first approach that outperforms the requirements of the Building Regulations. The applicant is also considering the use of Photovoltaic (PV) panels and indicated that these would be installed to the roofslopes of all units but subject to further viability issues. In these circumstances only the fabric first measures, including water saving measures can be taken into consideration. Electric vehicle charging points would be provided for ten of the proposed houses where the parking spaces are suitably close to the dwellings. All of the proposed three bedroom units (nine in total) would principally comply with the optional Part M4(2) technical standards in respect of adaptable homes (with minor exceptions relating to internal dimensions).

Relevant Policies:

Burnley`s Local Plan 2012-32 was adopted on the 31st July 2018.

Burnley`s Local Plan

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

HS1 (HS1/19) – Housing allocations (Land NE of Sycamore Avenue)

HS2 – Affordable housing provision

HS3 – Housing density and mix

HS4 – Housing developments

NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards
- IC4 – Infrastructure and planning contributions

Developer Contributions Supplementary Planning Document (SPD) (Adopted December 2020)

Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD) (Adopted December 2020)

Material Considerations

The National Planning Policy Framework (2019)

Site History:

APP/2004/0693 – Proposed erection of houses and apartments (details of landscaping reserved). Approved May 2005 subject to s106 Agreement.

APP/2006/0380 – Reserved Matters (Phase 1) – details of landscaping for 34 apartments. Approved July 2006.

APP/2007/0258 – Proposed 56 apartments (Phases 2 and 3). Approved June 2007.

APP/2007/1094 – Proposed 26 apartments (Phase 4). Refused February 2008 due to lack of mix of housing types and sizes.

APP/2011/0176 – Proposed erection of 34no. units. Approved August 2012 (commenced).

Consultation Responses:

LCC Highways

No objections. Off-site highway works comprising the re-instatement of footway at former access points, tactile paving at lowered crossing points, the relaying of a section of footway beneath trees at the corner of Sycamore Avenue and Woodbine Road and the improvement of two adjacent bus stops including raised kerbs and bus shelters. These works will require a s278 Agreement with Lancashire County Council. Conditions are recommended to require a highways condition survey prior to the start of development in order that any damage to adopted roads can be made good following the completion of the development; a Construction Management Statement, street maintenance details; and, wheel washing facilities during construction. LCC Highways has been re-consulted on amended plans which alter the internal layout and on a submitted Construction Management Plan. Any comments that are received will be conveyed in Late Correspondence prior to the meeting.

Lead Local Flood Authority – LCC

No comments have been received.

United Utilities

Comments awaited.

Coal Authority

No objection. The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining

features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that a thick coal outcrop crosses the application site and that the northern half of the application site falls in area of probable unrecorded coal mine workings at shallow depth.

The applicant has submitted a Coal Mining Risk Assessment Report that presents the findings of intrusive site investigations. The investigations comprised of four boreholes sunk within the application site. The report author notes that these four boreholes showed no coal seams or workings. In addition, we note the report author's assessment that there is a significant amount of competent rock cover beneath the application site and that when considering all the information "risks from future mining subsidence are considered to be very low and no further action is proposed".

On the basis of the information submitted and the professional opinion of the report author, the Coal Authority has no objection to this planning application. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Greater Manchester Ecology Unit (GMEU)

A Preliminary Ecological Appraisal of the site was undertaken in September 2020, (E3P, October 2020, Reference 80-372-R1-1). The surveys appear to have followed best practice guidelines and been undertaken by suitably qualified ecologists.

The site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site. It does lie within the Impact Risk Zone, identified by Natural England for the South Pennine Moors (SSSI) and West Pennine Moor (SSSI), however it does not meet the description of activities which are likely in impact on the protected sites.

Two electricity substations, which are outside of the site edged red were judged for their potential to support roosting bats, and have low and moderate potential. As the buildings are shown as retained on the proposed site plan no further survey work for bats is required. Two trees are indicated for removal, however no trees with potential bat roost features were identified in the ecology survey.

The trees and vegetation/scrub on the site could support potentially support breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).

No other protected species were discovered on the site, although the site is potential suitable for species such as hedgehog and badger.

Himalayan balsam was recorded on the western corner of the site. This species is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, as amended, making it an offence to plant or spread this species in the wild.

The remainder of the habitat on the site is predominantly hard standing, grassland which has colonised the disturbed ground, scrub/bramble and tall ruderal vegetation.

The following recommendations are made:

The survey results are valid for 1 year. If development has not commenced by September 2021 an updated ecology report and recommendation for the site will be required.

Any proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines and the advice provided in section 4.4.3 of the ecology report.

A condition should be used so that any site clearance, vegetation or tree removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present (4.4.2 of the ecology report).

Any loss of trees on the site should be compensated for by adequate compensatory planting (see 4.3.1 of the ecology report for recommended species). All retained trees must be adequately protected from any adverse impacts of the development, in line with BS 5837:2012.

A method statement for clearing the site should be secured in line with recommendations made in the ecology report with reference to hedgehogs (4.4.5) and amphibians (4.4.1), and I would also advise that the measures to maintain connectivity through the site are adopted in the landscaping for the scheme (such as having hedgerow features or suitable gaps between fences).

Under the NPPF (section 170d and 175d) development should be aiming to deliver enhancements for biodiversity. Given the scale of the proposals, I would expect a development such as this to demonstrate it is achieving this objective, and in line with the upcoming Environment Bill, I would recommend that a 10% net gain for biodiversity delivered. In addition to this enhancement measures such as the provision of integrated bat and bird boxes should also be explored.

A Method Statement to prevent the spread of Himalayan balsam during the works should be secured through a pre-commencement condition.

An informative should be attached to any planning permission which is granted, to make the applicant aware of the potential for bats and other protected species to be present within the site.

Environmental Health

Raises concern that the potential impact of noise from nearby industrial and/or church activities (from Life Church) has not been assessed and construction details do not indicate any mitigation measures. Recommend a condition to require a noise assessment to be carried out prior to the commencement of any development.

Contaminated Land Officer

Due to a risk to future end users of the site, recommend the full Contaminated Land condition.

LCC Schools Planning Team

Estimate that the development will give rise to three primary school places which can be accommodated within local schools (within a two mile radius) and one secondary school place for which a contribution of £23,061.75 is requested.

East Lancashire Hospitals NHS Trust

A request has been made for a financial contribution towards an increase in healthcare demand based on an impact on non-recurrent (capital) and recurrent (service provision) infrastructure costs to address the direct impact of the development on the Trust. The Trust states that it will not be able to secure funding for additional population resulting from the development for approximately three years and requests a contribution of £49,711 (based on the original figure of 41 units).

Head of Greenspaces and Amenities

With regard to the landscape proposals, there are opportunities to plant more trees [the amended plans have addressed this]. Maintenance of landscaped areas should be considered. With regard to public open space, a contribution in lieu of provision is required, based on a rate of £350 per bedspace. The contribution would be used for improvements to the nearby Sycamore Park, specifically improvements to provision of seating, bins and entrances and/or to improve the sports pitches which are used by local junior teams.

Publicity

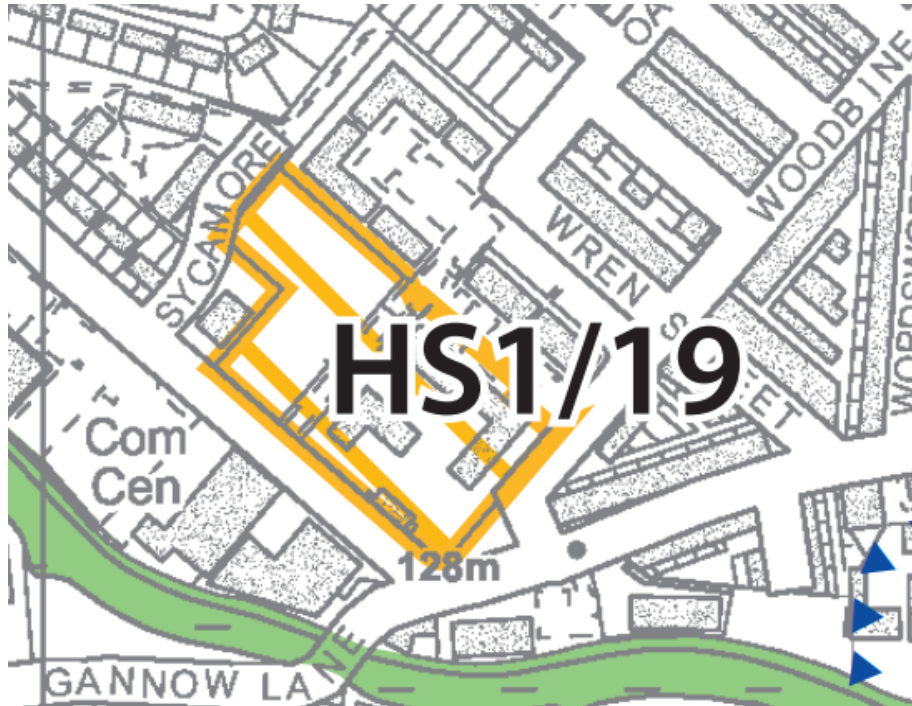
One letter of objection has been received from a neighbour to the application as first submitted. The objection referred to noise from the close proximity of a proposed scooter shed and the loss of daylight that would be caused by the proposed three storey apartment block. Amended plans which have removed both the scooter shed and three storey apartment block have been received and neighbours re-consulted. No further comments have been received.

Planning and Environmental Considerations:

Principle of Proposal

Policy SP2 identifies a housing requirement between 2012 and 2032 of 3,880 dwellings and a residual requirement of 1,798 dwellings which will be met by site allocations in line with the Council's overall development strategy which is set out at Policy SP4. Policy SP4 identifies Burnley the principal town which will be suitable for large scale, major and a variety of smaller housing sites to deliver a comprehensive range of choice of types and tenures of housing. Policy HS1 identifies a total of 32 sites within the borough that will provide the housing requirement to be found from new allocated sites. Policy HS1/19 relates to approximately 0.77ha of brownfield land to the north east of Sycamore Avenue.

Extract from Policies Map of Burnley's Local Plan



The whole of the application site is included within the site allocation. Surrounding land to the north and west of the site which also formed part of the former mill site has been developed and the application site which benefits from an extant planning permission (APP/2011/0176) for 34 dwellings is the remaining area to be completed. There is no objection in principle therefore to a residential development subject to assessing the proposal against the site specific criteria listed in Policy HS1/19 and taking into account other plan policies. The proposal should be considered in respect of the suitability of its design and layout, its impact on trees, ecology, highway and parking considerations, residential amenity, open space, ground conditions, drainage and its impact on school places and provision for Affordable Housing.

Housing allocation – Policy HS1/19

Policy HS1/19 states that the site is acceptable for around 34 dwellings. The proposal as amended now proposes a 34 units which is consistent with this figure. The proposals should be considered against the site specific requirements that are listed below:

- 1) A mix of dwelling types will be expected;
- 2) A bat survey will be required as recommended by the Council's Protected Species Survey 2017.

The above requirements and other material considerations relating to plan policy requirements, including the issues raised by the response from neighbours, are considered below.

Design and Layout of the development

The NPPF states that good design is a key aspect of sustainable development and that plans should set out a clear vision and expectations. Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale

and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers.

The proposed layout of the development is designed to provide a formal front view of terraces and semi-detached houses onto Sycamore Avenue and Woodbine Road.
Proposed Street View to Sycamore Avenue (existing buildings shaded in grey)



Proposed Street View to Woodbine Road (existing buildings shaded in grey)



The full development would be two storey in scale which is lower than the existing flats to the north of the site but is consistent with the wider local area, including the approved frontage of houses on the opposite side of Sycamore Avenue (former Gannow Baths site – APP/2018/0020). The layout within the site has been amended by replacing a three storey block of flats with two pairs of semi-detached houses and increasing the spacing between building blocks where necessary to ensure adequate separation distances. The design of the scheme adopts traditional building forms with gable roofs with the exception of the proposed apartment block which is a larger building mass where a hipped roof is appropriate. The design creates symmetry and some variety in minor detailing. The use of reconstituted stone and a flat grey tile would be appropriate.

Policy HS3 states that as a minimum developments should seek to achieve 25 dph (gross) but that higher densities of at least 40 dph (gross) will be expected within or close to the town and district centres. This proposal would produce a housing density of approximately 46 dph (gross) which, taking account of its urban location, is consistent with this policy. The proposed mix of one and two bedroom apartments and two and three bedroom dwellings would provide a good variety of accommodation suitable for families and older people. The proposed houses have private rear gardens and the apartments have shared open space to provide adequate outdoor space for sitting out, gardening, drying washing and for refuse/recycling bin storage.

The proposed design and layout of the scheme would provide a suitable layout with a coherent design theme that respects the local area. This would provide a satisfactory appearance to the development which would satisfy Policy SP5.

Open space

Policy HS4 requires open space to be provided at a rate of 0.3ha per 50 dwellings which where not practical for schemes less than 50 houses can be catered for by a commuted sum to be used to improve open space nearby.

In this case, this would lead to a need for 0.2ha of open space. Some public areas of open space are provided within the layout, at the site entrance, corners and access roads but these are incidental areas of open space that are more suitable for landscaping to enhance the immediate residential environs of the site. In order to provide adequate formal open space and play equipment for future occupiers of the development, the Council's Head of Green Spaces and Amenities considers that a contribution is required which should be calculated in accordance with the Developer Contributions SPD which is based on bedroom numbers. In this case, the applicant has agreed to pay a contribution of £21,266 which would be used to improve existing open space and play facilities at the nearby Sycamore Park. This would fulfil the open space requirements at Policy HS4.

Adaptable Homes

Policy HS4 requires schemes over 10 dwellings to design 20% of the proposed dwellings to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities, complying with the optional technical standards of part M4(2) of the Building Regulations 2010. The applicant has provided a report to demonstrate the level of compliance that is achieved by the 3 bedroom unit which accounts for 26% of the total number of proposed dwellings. This demonstrates that whilst not all the criteria are met to reach the part M4(2) standard, it would comply with the majority of the requirements. The minor discrepancies in this case are not possible to remedy without a change in house designs and layout which the applicant states would adversely affect the viability of the scheme. Given the long planning history of this site and the opportunity for a scheme for affordable housing, it is acknowledged that in this instance, the viability of the scheme should not be jeopardised, as well as the applicant's timetable for implementation in the current year. It is accepted therefore that in these circumstances that the achievement of a minimum of 26% of the plots with dwellings that meet the majority of the Part M4(2) standard is satisfactory and would be beneficial to occupiers of the development.

Energy efficiency

Policy SP5 requires energy efficient developments. In respect of energy and water consumption, the submitted Design and Access Statement states that the construction design has followed a 'fabric first' approach that outperforms the requirements of the current Building Regulations to ensure that dwellings address fuel poverty and have a long lifespan of low maintenance requirements. The dwellings would achieve a water usage of 102.6 litres per person per day which outperforms the current Building Regulation requirements of 125 litres per person per day. The applicant has considered renewable sources of energy, including the installation of Photovoltaic Panels (PV) panels on each of the dwellings, cottage flats and apartment block. This is still being pursued by the applicant to ensure viability and so cannot be relied upon. However, it demonstrates that the applicant is seeking opportunities to harness renewable energies whilst at the same time the fabric first approach to building energy efficient dwellings would provide energy efficient affordable homes for future occupiers. The applicant has therefore satisfied the requirements of Policy SP5.

The layout and design of the scheme has taken into account the site specific requirements in Policy HS1/19 and the requirements of Policies SP5 and HS4. Issues relating to bats which are referred to in Policy HS1/19 will be discussed later in the report. The amount of new dwellings can be satisfactorily accommodated on the site, it respects the character of the surrounding area and provides a sensitive regeneration

of the site. The proposal also adequately provides for open space improvement. The applicant has satisfactorily addressed requirements for adaptable homes and energy efficient dwellings and there is no conflict with Policies SP5 and HS4.

Impact on residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. Policy HS4 sets out the minimum interface distances between properties, requiring 20m between habitable rooms or 15m between a blank gable and habitable room windows

Following changes to the layout and removal of a three storey apartment block, the interface distances of Policy HS4 are achieved between the development and the flats at Birchfield Mews and Barleyfield Mews. These are also achieved within the development with some minor exceptions. The easement for a water main crossing the site presents a constraint on development and should be taken into account. The separation distance between the fronts at Plots 28-31 and the fronts of opposing terraced properties on the opposite side of Woodbine Road would be less than the standard but would be greater than the typical distance between terraced rows on the same street. In this instance, the opportunity to have formal fronts to Woodbine Road rather than enclosed rear gardens would be an advantage whilst would still provide adequate separation to protect daylight and privacy.

The Environmental Health Officer has recommended a condition to require a noise assessment based on noise from nearby business units on Sycamore Avenue and the Life Church. The business units are however well set back from the road and have not previously raised any concerns in relation to adjoining residential development at the former Gannow Baths site. The Life Church is also well set back from the proposed residential development and operates comfortably in a residential area. In these circumstances, adequate levels of amenity in relation to background noise can be secured through normal building regulation requirements.

As such, the proposal would provide a satisfactory level of amenity to protect existing occupiers and also for new occupiers of the development which would comply with Policy SP5.

Impact on highway safety and parking

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays. Policy IC3 requires adequate parking in line with Appendix 9. Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Transport Statement is submitted with this application and an Addendum report has been produced following changes to the scheme. The site is within an accessible urban area with nearby bus stops. The proposed junction with Sycamore Avenue is similar to previous schemes and would provide adequate access and visibility. LCC Highways is satisfied with the proposed access arrangements. Further comments following amended plans will be reported in Late Correspondence prior to the meeting.

The Council's Car Parking Standards at Appendix 9 requires one space for single bedroom units and two spaces for both 2 and 3 bedroom houses. In this instance,

one space is provided for each flat (including two bedroom flats), one space for each two bedroom house and two spaces for each three bedroom house. Whilst this falls short of the standard in respect of the two bedroom flats and two bedroom houses, all of these properties will be affordable homes where there is a less likely demand for two spaces per dwelling. In addition, there is scope for on-street parking for visitors. LCC Highways has no objections to the level of parking provision within the development.

LCC Highways has requested a number of conditions, including an adopted road conditions survey before commencing work, and for off-site works of highway improvement to tidy up redundant access points and re-instate kerbs. Bus stop improvements are also requested to provide level access and new bus shelters at the two nearest stops either side of Sycamore Avenue. These are required to promote the use of bus services and sustainable transport which is particularly important for a site of affordable housing where there is likely to be a higher reliance on public transport. These improvements can be considered as part of a s278 Agreement with LCC and a condition is required to secure them.

The proposal would therefore provide an accessible development and safe conditions for all road and pedestrian users with adequate parking to cater for the needs of occupier which would comply with Policies IC1 and IC3 as well as the NPPF.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible.

The site has no nature conservation designation and does not provide effective habitat for wildlife. However, Policy HS1/19 refers to the need for a bat survey. An Ecological Appraisal has been submitted and assessed by GMEU on behalf of the Council. GMEU affirm that there is no need for further surveys at this stage due to the electricity sub-station which is suitable for bats not being disturbed and trees to be removed not having bat roost potential. GMEU state however that a further survey should be carried out if the development has not commenced by September 2021 and a condition is therefore necessary to secure this. GMEU also state that there is potential for hedgehog and badgers to visit the site and recommend that a Method Statement for clearing the site be required to implement precautionary measures to avoid any harm to wildlife. Other measures as outlined in the Ecological Appraisal are also recommended (removal of Himalayan balsam, avoidance of excessive lighting, no clearance within bird breeding season, tree protection measures and measures for maintaining connectivity through the site for hedgehogs).

Policy NE1 also encourages net gain for biodiversity in new developments. Whilst the Government has produced an Environment Bill which may in the future make this a requirement, at this stage it is something which is encouraged. The applicant has produced a Biodiversity Enhancement statement which details the addition of bat and bird boxes and hedgehog houses in the development. This together with suitable planting would encourage wildlife and biodiversity which would comply with the requirements of Policy NE1. Further comments from GMEU to these measures will be reported in Late Correspondence.

It is accepted that these measures would be beneficial to the biodiversity of the site.

Subject to conditions to secure the measures outlined above, the proposal would adequately protect and enhance biodiversity at the site which would comply with Policy NE1. Subject to these further comments and the recommended conditions, the proposed development would adequately protect wildlife and make some significant steps to enhancing biodiversity.

Impact on trees and Landscaping proposals

Policy NE4 states that development proposals should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value.

A tree survey and arboricultural impact assessment have been submitted with the application and amended since the original submission to reflect changes in the site layout. There are 15 individual trees, 7 groups of trees and 2 hedges within or adjacent to the site. In terms of individual trees, the majority of these are just outside the site with the site itself having minimal tree cover and characterised by numerous patches of small self-set trees, young birch regeneration and dense undergrowth across the site. Himalayan balsam which is an invasive species also is present amongst some of the trees. The most significant trees are the street trees on Sycamore Avenue and a smaller number of trees adjacent to Sycamore Close (north west part of the site). The 6 no. street trees along the site's frontage (four sycamores, one ash and one whitebeam) would be retained with crown reduction and lifting to three of the trees. The development would necessitate the removal of four trees; two of these are silver birch trees just within the site's frontage on Sycamore Avenue and two are ash trees of a lower quality adjacent to Sycamore Close. Groups of self-set trees of low quality close to Woodbine Road and the electricity sub-stations would also be removed, as well as part of a small group adjacent to Sycamore Close. It is accepted that the removal of these trees is necessary to allow the development to take place and their losses can be mitigated by new tree planting.

A landscaping plan makes provision for planting 21 no. new trees which includes a proportion of native species (field maple, silver birch, rowan, whitebeam) as well as a beech and holly hedge around the site boundaries in the north west corner of the site, shrubs and native hedge mix, ornamental hedges, climbers and wildflower seeding to open areas at the site entrance and at the north side of the site adjacent to Birchfield Mews.

Proposed Landscaping Scheme



The mitigation measures would be appropriate and provide a high quality of landscaping within the site that would satisfy Policy NE4.

Impact on drainage

Policy CC4 seeks to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted with the application. It correctly identifies the site within Flood Zone 1 where there is the lowest risk of flooding, although acknowledges a variable risk of pluvial (surface) flooding ranging from high to very low which is likely to be due to ponding due to topographical depressions. Levelling of ground, site drainage and mitigation measures would address this issue and would be subject to a detailed scheme to be required by a condition. The FRA recommends the use of underground attenuation tanks to store surface water run-off which would then be released at a controlled flow to be calculated on the basis of greenfield run-off rates with an allowance for climate change. Comments from the Lead Local Flood Authority have been requested but not to date received. Given the extant permission to develop the site for a similar scale of development, it is considered that conditions to secure a detailed scheme of surface water drainage and a management and maintenance plan would ensure that the site is satisfactorily drained and that the development would not lead to a significant risk of flooding either on site or elsewhere.

Foul water drainage would be to public sewers; a condition is also recommended to ensure that a suitable scheme is implemented. With these provisions, the proposal would comply with Policy CC4.

Ground conditions

Policy NE5 requires applicants to carry out appropriate assessment where there is reason to suspect a risk from unstable land. In this case, there are coal mining legacies that may affect the site. A coal mining risk assessment has been submitted to identify the risks posed by the development from shallow surface works. The findings of the report which details intrusive investigations indicate that the risk is low and can be adequately dealt with through building regulation requirements. The Coal Authority has no objection. There is therefore no significant risk posed by coal mining legacies to the development and the proposal complies with Policy NE5.

Policy NE5 also states that on sites that are known to be potentially contaminated, applicants will be expected to carry out an appropriate survey. A Phase I Geoenvironmental Site Assessment has been submitted with this application that identifies potential pollutants, including a low to moderate risk from ground gas. A detailed Phase II intrusive site investigations are recommended. The Land Contaminated Officer concurs with these findings and recommends a condition to ensure that this is satisfactorily addressed.

Affordable Housing provision

Policy HS2 requires affordable housing on sites of over 10 dwellings. In this case, the applicant, Calico Homes, is a Registered Provider (RP) and intends to provide 100% Affordable Housing on the site which will be in the form of Affordable Rent.

The proposal would therefore go well beyond the requirements of Policy HS2. As such, the provision of affordable housing would be a key benefit of the development. In these circumstances, where the scheme is for 100% affordable housing by a RP, the implementation of the affordable housing can be adequately secured through a planning condition. It is recognised that the RP will have its own mechanisms for controlling the occupancy and affordability of the units and for their retention as affordable units for future occupiers and that this to some extent will also be controlled through any restrictions that are imposed by Homes England who award grants to RPs.

The provision of the whole scheme as Affordable Housing would therefore comply with Policy HS2 and a condition is recommended to ensure its implementation.

Health provision

Policy IC4 of Burnley's Local Plan states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. The policy provides a list of appropriate matters that may be funded by planning contributions and this includes Health Infrastructure. Impact on health is therefore a material planning consideration.

A request has been received by the East Lancashire NHS Trust (The Trust) for a contribution of £49,711 towards health care provision. The contribution would be used for capital and revenue funding within the Trust area. The Trust provides services from the following hospitals:-

- Royal Blackburn Teaching Hospital

- Burnley General Teaching Hospital
- Clitheroe Community Hospital
- Accrington Victoria Hospital
- Pendle Community Hospital

The Trust is a public sector NHS body and funded from the social security contributions and other State funding. The Trust is commissioned to provide planned and emergency acute healthcare to the population of East Lancashire and Blackburn with Darwen. Acute healthcare services incorporate activities delivered in a hospital setting. The request is made on the basis that a direct impact of the development would be an increase in demand for its services within the Trust area which is not accounted for in the first three years of occupation. The Trust state that if there is a shortfall in funding that this will impact on service delivery.

The request has been fully considered against the requirements for obtaining contributions. Counsel opinion was obtained on a similar matter (for a larger and more significant development) and the advice remains relevant in these circumstances. A contribution must assist in mitigating the impact of the development in order to make the development acceptable. It can only be sought where it meets all of the three tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 which are also repeated in the National Planning Policy Framework. An obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Trust has explained in its methodology that the need for the health care contribution for revenue funding is due to the impact from an increase in population in the Trust area due to the development on the site. The Trust seeks funding for the first year of occupancy of all the proposed dwellings based on an average household occupancy that it has calculated (67 occupants based on the initial scheme). Whilst, in principle, the provision of healthcare is a material planning consideration, it can only be material to an individual case where the impact has been clearly assessed. This request for capital and revenue funding is based on there being an increase in population from the whole of the development. Given, however, the breadth of the geographical area that the Trust covers which goes far beyond the Burnley area, it is unrealistic to assume that all new occupants of the proposed development will be new to the Trust area. The Trust also do not consider how new occupancies may result from changes in households or whether it would receive the same share of patients from the new development as it receives from the existing population. The Trust provide no reasoning or evidence to support their assumptions on these matters and in, effect, this could lead to double counting.

Without any evidence to support the assumption that the proposed development would lead to an increase in population in the Trust area from all the proposed dwellings on this site, there is no reliable reasoning or evidence to conclude that the development will have an impact on the health care services provided by the Trust.

In these circumstances, a contribution is not necessary to make the development acceptable. It would therefore fail the three tests listed above as it would not be necessary to make the development acceptable in planning terms; it would not be directly related to the development; and it would not be fairly and reasonably related in

scale and kind to the development. As such, as a matter of law and policy, the Council cannot either request or accept a contribution as sought by the Trust. Given that the requested contribution is not necessary to make the development acceptable, the concerns raised by the Trust are not reasons to object to the application.

Impact on education

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. LCC has requested a contribution towards one secondary school place which is based upon a three mile radius of schools from the site. The Developer Contributions SPD states that LCC's current methodology for calculating its 'reasonable distances' is more restrictive than that recommended by the Department for Education and that given the viability challenges for development in Burnley, the closure of a Burnley secondary school with significant capacity since the local plan was adopted and the fact that there is spare capacity at another Burnley secondary school, the Borough Council intends to take a more flexible approach to the reasonable distance calculations. In these circumstances, the applicant has not been requested to make a secondary school contribution.

Conclusion

The proposed development would be beneficial in delivering 100% affordable housing on an accessible urban site that is allocated for residential development in Burnley's Local Plan. The proposed scheme is well designed and would provide a well landscaped setting for new homes with compensatory planting for the removal of trees and enhancement of the setting for wildlife. Provision for open space and play facilities for future occupiers would be accommodated through a contribution to improve facilities at the nearby Sycamore Park. Contributions towards health provision and education have been assessed but have not been adequately justified in order to meet the necessary tests. Drainage issues and land contamination from the historic use of the site are capable of being adequately dealt with through planning conditions. Safe access can be provided from the site and the local highway authority has no objections to the development subject to various conditions that can be imposed. As such, the proposed scheme would make a positive contribution to the Council's delivery of housing. The development complies with the development plan and there are no material reasons which would outweigh this finding.

Recommendation: Approve subject to s106 Agreement to require a contribution towards public open space improvements

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.

3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the submitted schedule of materials titled 'Materials Tracker' (Job No. 3588) prepared by btp architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. Details of surfacing materials to be used on driveways and parking spaces shall be in accordance with the details within the submitted 'Materials Tracker' (Job No. 3588) prepared by btp architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory bound surface to prevent loose material from being dragged onto the public highway and to ensure a satisfactory appearance to the development, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

5. In the event that site clearance works or development have not commenced by the 1st September 2021, no works shall take place on the site until an updated ecological survey has been carried out to assess the presence and likely harm from the development to any protected species, together with recommendations for avoiding and/or mitigating against that harm. The updated ecological survey shall be submitted to and approved in writing by the Local Planning Authority before any works commence and the agreed recommendations shall be carried out in their entirety.

Reason: To take account of any change in circumstances that may potentially occur following this period of time and to ensure adequate protection for protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

6. No vegetation clearance, demolition or other works shall take place until a Method Statement for site clearance in accordance with the recommendations of the submitted Preliminary Ecological Appraisal by E3P, dated October 2020, with reference to hedgehogs (4.4.5) and amphibians (4.4.1) has been submitted to and approved in writing by the Local Planning Authority. The clearance of the site shall thereafter only be carried out in accordance with the approved Method Statement.

Reason: To ensure adequate safeguards to avoid any harm to hedgehogs and amphibians, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

7. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the amended Arboricultural Impact Assessment (Reference

846.001, dated January 2021 and prepared by The Environment Partnership). There shall be 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. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The protective fencing is required to be erected prior to the commencement of development in order to give adequate protection to the trees from construction vehicles, plant, deliveries and other site activities.

8. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Proposals plan (drawing number 6456.01RevC) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development 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 and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

9. Details of any external lighting both temporary and permanent which shall be designed to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. No further external lighting shall thereafter be installed.

Reason: To protect bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

10. Prior to the removal of any vegetation on the site or commencement of development, a method statement for the removal of Himalayan balsam and to prevent its spread from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of the development so that it can be effectively implemented from the earliest stages of the development.

11. Prior to the commencement of built development, details of the management company, its responsibilities and its funding mechanisms for the management

and maintenance of all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

12. No development shall be commenced until an Arboricultural Method Statement which shall incorporate the elements listed in section 4 of the submitted amended Arboricultural Impact Assessment (prepared by the Environment Partnership, reference 846.001, dated January 2021) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in full accordance with the methods and measures in the approved Method Statement.

Reason: To ensure that vulnerable trees which are to be retained and have an amenity value are not harmed by the development, in accordance with Policy NE4 of Burnley's Local Plan (July 2018).

13. The development shall be constructed with the inclusion of the biodiversity enhancement measures contained with the Biodiversity Enhancements Statement prepared by E3P (reference 80-372-L1-1). All of the enhancement measures shall be installed prior to the completion of the development.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and the local area, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

14. No vegetation clearance required to facilitate the scheme shall take place during the bird nesting season between March and August inclusive unless a qualified ecologist has inspected the area no more than 24 hours prior to its removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

15. Prior to the commencement of development, a scheme of off-site works of highway improvement to include the making good of footways, reinstatement of kerbs and improvements to the two nearest bus stops to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling or flat being first occupied.

Reason: To ensure that satisfactory access is provided to the site and satisfactory provision is made to encourage use of public transport, having

regard to sustainable travel and all highway users and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. Prior to the commencement of development, a Conditions Survey of the adopted highways surrounding the immediate site shall be submitted to and approved in writing by the Local Planning Authority. Within a period of six months from the substantial completion of the last dwelling or flat the same highways shall be re-surveyed, the findings from which shall be submitted to and approved in writing by the Local Planning Authority. Any damage that is identified to have occurred between the period of the two surveys shall thereafter be remedied in order to return the condition of the highways to their pre-construction condition by no later than three months from the date of the last of the approved surveys.

Reason: To maintain the condition and construction of public highways that may be potentially adversely affected by construction traffic and building operations, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

17. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

Reason: To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

18. 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 avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

19. The development shall at all times be constructed in complete accordance with the measures and details contained within the Construction Method Statement, prepared by Ringstones Maintenance and Construction LLP and headed Sycamore Avenue, Burnley, dated January 2021.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018).

20. 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 1800 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, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

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

21. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

22. No dwelling shall be first occupied until details of a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

Reason: To ensure adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

23. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

24. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the approved Site Plan. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

25. The proposed boundary treatments as indicated on drawing number SA-BTP-00-SP-DR-A-3588_106 RevB shall be carried out and completed prior to the completion of the development or occupation of the final dwelling or flat, whichever is the sooner and shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance and amenity to the development from within the site and its environs, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

26. Prior to the commencement of development, an intrusive investigation shall be carried out by a suitably competent person(s) in accordance with the submitted Phase I Geoenvironmental Site Assessment Report (prepared by E3P reference 14-281-R1, dated October 2020) to assess the extent and nature of contamination likely to affect all receptors at end-use and a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, and shall be submitted to and approved in writing by the Local Planning Authority. Remediation work shall thereafter be carried out and completed in accordance with the approved scheme. In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before any of the approved dwellings or flats are first occupied.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic industrial use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation, report and remediation scheme are required prior to the commencement of development to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

27. The approved access junction and estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

28. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and

details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

29. The development shall not be carried out otherwise than in accordance with the measures for water and energy efficiency contained within the amended Design and Access Statement, dated January 2021 and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected water and energy efficiencies, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

29. Electric vehicle charging points shall be installed externally in accordance with the approved plans (drawing number SA-BTP-00-SP-DR-A-3588_108RevA) prior to the completion of the development.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

30. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

Reason: To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley's Local Plan (July 2018).

JF
12th January 2021

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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

21st January 2021

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0107	Mr Ged Walsh	230 Red Lees Road Cliviger Lancashire BB10 4RF	Removal of existing attached garage and single storey extension and erection of new side and rear extensions with pitched roofs and glazed roof link	Refuse	16th December 2020
HOU/2020/0197	Mr Andrew Connolly	Hunters Oak Barn Ightenhill Park Lane Burnley Lancashire BB12 0RW	Extension to rear of annexe	Approve with Conditions	14th December 2020
FUL/2020/0257	Mr R Wrigley	80 Manchester Road Burnley Lancashire BB11 1HN	Change of use of former print works to HMO	Approve with Conditions	4th December 2020
HOU/2020/0350	Mr M Parkin	9 Lakeland Way Burnley Lancashire BB12 8AP	Single storey porch to front elevation, single storey rear elevation, new pitched roof with raised pitch and ridge height over whole of ground floor area to create new first floor	Approve with Conditions	14th December 2020
FUL/2020/0363	Mr & Mrs Kerr	7 Southern Avenue Burnley Lancashire BB12 8AH	Erection of single dwelling and garage with associated infrastructure.	Approve with Conditions	17th December 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2020/0397	Mr McPherson	22A Hammerton Street Burnley Lancashire BB11 1NA	Discharge of conditions 3 (stone and brick samples), 4 (replacement windows and glazing), 5 (external doors), 6 (protective finish to timber), 7 (ground floor light well), 17 (external lighting scheme) and 24 (noise insulation) of APP/2017/0470	Conditions discharged	16th December 2020
HOU/2020/0396	Mr Chris Price	38 Sweetclough Drive Burnley Lancashire BB12 6LY	Proposed flat roof extension to replace existing conservatory.	Approve with Conditions	14th December 2020
LBG/2020/0488	Mr McPherson	The Foundry 22A Hammerton Street Burnley Lancashire BB11 1FD	Discharge of conditions 3 (stone and brick samples), 4(replacement windows and glazing), 5 (external doors), 6 (protective finish to timber), 7 (ground floor light well), 17 (external lighting scheme) and 24 (noise insulation) of APP/2017/0471	Conditions discharged	16th December 2020
COU/2020/0251	Ms Donna Hartley	Badger Hole Barn Brownside Road Worsthorne-with-hurstwood Lancashire BB10 3JP	Proposed change of use of detached garage/workshop to form a self-contained residential annexe including alterations to the roof to increase the ridge height and construct 6 no. dormer windows.	Application Withdrawn	6th December 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2020/0437	Mr Janagha Wafa	304 Accrington Road Burnley Lancashire BB11 5EU	Proposed new shop at existing petrol/service station	Approve with Conditions	9th December 2020
FUL/2020/0376	Mr R Khan	34 Plumbe Street 11-13 Oxford Road Burnley Lancashire BB11 3AB	Convert function room into six duplex apartments and alter existing first floor flat (above retained restaurant) to form two apartments and one studio flat and carry out external alterations	Approve with Conditions	6th January 2021
COU/2020/0453	MR SULTAN REHMAN	164-166 St Jamess Street Burnley Lancashire BB11 1NR	CHANGE OF USE OF SECOND FLOOR OF BUILDING FROM SHOPS (USE CLASS A1) TO DWELLINGHOUSES (USE CLASS C3)	Application Withdrawn	4th December 2020
HOU/2020/0409	Mr Garth Paddock	10 Rosehill Avenue Burnley Lancashire BB11 2PN	Single storey rear extension	Refuse	23rd December 2020
HOU/2020/0429	Mr Kaz Zaman	129 Thursby Road Burnley Lancashire BB10 3EG	Proposed single and two storey extension and garden store	Refuse	3rd December 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0457	Mr Michael Wilding	6 Borrowdale Drive Burnley Lancashire BB10 2QL	Dormer roof extension to the front, first floor balcony to the rear, garage conversion in to additional living accommodation, additional section of pitched roof to the front plus window and door alterations. Decorative render applied to all walled areas	Approve with Conditions	9th December 2020
HOU/2020/0444	Mr And Mrs T Hussain	14 Lower Mead Drive Burnley Lancashire BB12 0ED	Retrospective planning for the rear raised verandah, decking and pergola	Refuse	3rd December 2020
HOU/2020/0462	Lesley-Anne Savage	Cockden House Farm Todmorden Road Briercliffe Lancashire BB10 3QQ	Single storey side extension	Approve with Conditions	14th December 2020
HOU/2020/0474	Mr Asif Mahmood	411 Briercliffe Road Burnley Lancashire BB10 2NL	Single storey side extension over existing garage area that has recently been demolished	Approve with Conditions	14th December 2020
FUL/2020/0470	Mr Mudassar Iqbal	130 Colne Road Burnley Lancashire BB10 1DT	Change of use for ground floor from office (A2) to residential (C3) 1 bed flat.	Refuse	9th December 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0473	Mr Bashrat Khan	1 Cromer Avenue Burnley Lancashire BB10 3HA	Erection of a first floor extension above existing single storey side extension	Refuse	3rd December 2020
HOU/2020/0475	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	Approve with Conditions	14th December 2020
HOU/2020/0480	Ms Rifet UI Nisa Razaque	57 Eastern Avenue Burnley Lancashire BB10 2AU	Two storey side and rear extension and the erection of front porch	Refuse	11th December 2020
FULL/2020/0482	Rizwan Chaudhri	Tyre Bay Oxford Mill Waterloo Road Burnley Lancashire	Change of use from Tyre repair centre to an MOT garage	Approve with Conditions	9th December 2020
HOU/2020/0483	Mr Eugene Redmund	16 Higham Road Padiham Lancashire BB12 9AP	Proposed new front dormer extension	Approve with Conditions	9th December 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
NMA/2020/0486	Mr Kiran Patel	Land To The West Of Red Lees Road Cliviger Burnley BB10 4RD	Minor changes to house types and drawings with reference to Conditions 2, 3, 5, 8, 27, 30, 33 (Non-Material Minor Amendment to planning permission APP/2019/0155)	Non-Material Minor Amendment Granted	22nd December 2020
HOU/2020/0467	Ms Emma Walsh	14 Valley Gardens Hapton Lancashire BB11 5QE	Demolition of existing garage and erection of a side extension with roof terrace.	Refuse	16th December 2020
FUL/2020/0494	n/a	St Marys Rc School And Nursery Unit Holcombe Drive Burnley Lancashire BB10 4BH	Erection of an extension to form a new class base and storage area, including alterations to the internal layout of this area to provide a pupil entrance/ exit, a further class base and library area.	Approve with Conditions	3rd December 2020
HOU/2020/0493	Mr Mohammed Ali	Kenmuir Burnley Road Briercliffe Lancashire BB10 2JJ	Proposed three storey side extension, rear dormer and internal alterations	Refuse	14th December 2020
NMA/2020/0495	Meadowcroft	Unit 6, 7 And 8 Belshaw Court Billington Road Burnley BB11 5UB	Non-Material Amendment to planning application APP/2018/0148 to reduce the size of the extension	Non-Material Minor Amendment Granted	7th January 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0506	Mrs R Begum	1 Saxon Street Burnley Lancashire BB10 1AE	SINGLE STOREY REAR EXTENSION WITH ROOF OVER	Refuse	23rd December 2020
COU/2020/0502	Mr & Mrs Morley	2A - 6 Temple Street Burnley Lancashire BB11 3BD	Proposed change of use from Laundrette / Dry Cleaners to a 2 storey 2-bed dwellinghouse and a 2-bed ground floor flat	Approve with Conditions	9th December 2020
PAR/2020/0533	Mr And Mrs Fielden	Tractor Shed Rear Of Bottin Mews Extwistle Road Worsthorne Burnley BB10 3PE	Change of use of agricultural building to a dwellinghouse with associated operational development	Prior Approval Granted	17th December 2020
ADV/2020/0513	Ms Jan Clark	42 Manchester Road Burnley Lancashire BB11 1HJ	Installation of digital LED illuminated screen sited above the proposed ATM	Approve with Conditions	3rd December 2020
FUL/2020/0512	Ms Jan Clark	42 Manchester Road Burnley Lancashire BB11 1HJ	The proposed installation of an ATM to be installed through a white composite security panel of the shop front	Approve with Conditions	17th December 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2020/0514	Mr David Peel	85-87 Halifax Road Briercliffe Lancashire BB10 3QS	Conversion of dwellinghouses to two separate dwellinghouses. Demolition of existing porch and erection of two porch extensions to principal elevations to create two separate accesses. Insertion of a door and two first floor window openings to the rear elevation of No. 85, alterations to the rear window fenestration of No. 87 and internal alterations consisting of the restoration of the party walls.	Approve with Conditions	9th December 2020
HOU/2020/0523	Mr Paul Keenan	12 Fairways Drive Burnley Habergham Eaves Lancashire BB11 3QF	First floor extension to side of dwelling. Garage conversion to ground floor	Approve with Conditions	23rd December 2020
PAH/2020/0524	Mr Keiron Maguire	6 Fairways Drive Burnley Habergham Eaves Lancashire BB11 3QF	Pitched roof extension with concrete tiled roof and facing brickwork to walls to extend 3.5m externally beyond the rear wall, height of the extension to eaves is 2.8m and maximum overall height 3.8m	Prior Approval Granted	23rd December 2020
CEA/2020/0538	Mr Ross Starkie	Unit 4C Hargher Clough Works Hargher Street Burnley Lancashire BB11 4EG	Certificate of Lawfulness proposed Use Class of the unit falls within Class E.	Lawful Dev Cert issued	23rd December 2020

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2020/0460	Mr Ian Ashworth	Monk Hall Todmorden Road Briercliffe Lancashire BB10 3PJ	Installation of sewage treatment plant with associated soakaway to the monk hall garden / home office.	Approve with Conditions	23rd December 2020
COU/2020/0511	Mr Kabir Bashir	40 Abel Street Burnley Lancashire BB10 1QU	Change of use from retail shop to fish and chip shop, installation of canopy fan.	Refuse	23rd December 2020
CND/2020/0565	Dr Jeff Kirby	76 West Street Padiham Lancashire BB12 8JD	Approval of details reserved by Condition 4 (Construction Method Statement) of Planning Permission HOU/2020/0137	Conditions discharged	8th January 2021

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