

DEVELOPMENT CONTROL COMMITTEE

Thursday, 29th April, 2021
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

REMOTE MEETING - LIVESTREAM ON YOUTUBE

Thursday, 29th April, 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 at the Contact Centre, Parker Lane, Burnley 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 - 16

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** 17 - 18
- To consider reports on planning applications for development permission:
- a) **HOU/2021/0023 - 5 Rossall Close, Hapton, Lancashire** 19 - 26
Proposed erection of a double storey side extension.
 - b) **HOU/2021/0087 - 50 Aspen Drive, Burnley, Lancashire** 27 - 34
Proposed erection of first floor side extension above existing garage, demolition of existing conservatory to rear and erection of a single storey extension.
 - c) **FUL/2020/0210 - Junction Hotel, 63 Rosegrove Lane, Burnley** 35 - 48
Proposed building of an additional dwelling attached to the former Junction Hotel.
 - d) **ADV/2021/0117 - Land to the West of Red Lees Road, Cliviger** 49 - 54
Proposed display 4 no. flagpoles (5.5m high), two sided 'V' board stack sign (5.2m high) and various sales signage (non-illuminated) at temporary sales site.
 - e) **FUL/2020/0612 - Land Off Richmond Avenue, Burnley** 55 - 62
Proposed creation of new hardstanding, stable and fence enclosure for equine use.
 - f) **COU/2021/0041 - 60 Church Street, Briercliffe, Lancashire** 63 - 70
Proposed change of use from dwelling (Class C3) to children's care home for up to four young people (Class C2).
 - g) **HOU/2021/0053 - 87 Brougham Street, Burnley, Lancashire** 71 - 76
Proposed erection of a single storey rear extension.
 - h) **FUL/2020/0447 - Land at Hameldon Road, Hapton, Burnley** 77 - 86
Proposed Agricultural building.
 - i) **FUL/2020/0567 - Land at Westway, Burnley** 87 - 98
Proposed creation of car park.
 - j) **FUL/2020/0573 - Tesco Express, Burnley, Lancashire** 99 - 116
Proposal to install New Modular Extension with Armco barrier and closed boarded timber fence with gate.
- 7. Decisions taken under the Scheme of Delegation** 117 - 124
- To receive for information a list of delegated decisions taken since the last meeting.

MEETING INSTRUCTIONS

- | | |
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| 8. Participants List | 125 - 126 |
| 9. Protocol | 127 - 128 |
| 10. Joining Instructions | 129 - 134 |

MEMBERSHIP OF COMMITTEE

Councillor Frank Cant (Chairman)
Councillor Mark Payne (Vice-Chair)
Councillor Afrasiab Anwar
Councillor Gordon Birtwistle
Councillor Saeed Chaudhary
Councillor Peter Gill
Councillor Sue Graham
Councillor Sarah Hall

Councillor John Harbour
Councillor Alan Hosker
Councillor Mohammed Ishtiaq
Councillor Marcus Johnstone
Councillor Anne Kelly
Councillor Lubna Khan
Councillor Neil Mottershead
Councillor Jeff Sumner

PUBLISHED

Wednesday, 21 April 2021



DEVELOPMENT CONTROL COMMITTEE

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

Thursday, 25th March, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chairman), A Anwar, G Birtwistle, S Chaudhary, P Gill, S Graham, S Hall, J Harbour, A Hosker, M Ishtiaq, M Johnstone, A Kelly, L Khan, N Mottershead and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Rebecca Halliwell	– PLanning & Compliance Officer
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer
Mark Hindman	– Graphic Designer

ALSO IN ATTENDANCE

Councillor Mark Townsend – Leader of the Council

110. Apologies

No apologies had been received.

111. Minutes of the previous remote meeting held on Thursday, 25th February 2021

The Minutes of the previous remote meeting held on Thursday, 25th February 2021 were approved as a correct.

112. Additional Items of Business

There were no additional items of business.

113. Declaration of Interest

There were no additional items of business.

114. Exclusion of the Public

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

115. 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:

Application reference	Location	Speaker
COU/2021/0010	327 Manchester Road, Burnley, BB11 4HD	Claire Bradley (for)
FUL/2021/0540	Land at Curzon Street & Pioneer Place Car Park, Pioneer Place, Burnley	Deborah Smith (for)

116. COU/2021/0010 - 327 Manchester Road, Burnley

Town and Country Planning Act 1990 - Full Planning Application. Change of use from shop to hot food takeaway (Sui-Generis). Re-submission of COU/2020/0081 327 Manchester Road, Burnley, Lancashire, BB11 4HD

APPLICANT: Mrs Yasemin Yildiz

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

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. The extraction equipment as proposed shown on 'Proposed change of use of No. 327 Manchester Road Burnley – Existing and Proposed Plans – REV A' shall be installed prior to commencement of the hereby approved use, maintained to minimise noise and odour emissions and retained for the duration of the approved use.

REASON: To prevent loss of amenity to nearby residential premises arising from cooking odours and / or extraction system noise in accordance with Policy SP5 of the Local Plan.

4 No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

REASON: To safeguard the amenities of the nearby residential area, in accordance with policy SP5 Burnley's Local Plan 2018

5. The use hereby approved, including the operation of external plant and machinery, shall not operate outside the hours of 0700 and 2300.

REASON: To protect the amenities of nearby residents, in accordance with policies NE5 and SP5 of the Burnley's adopted Local Plan 2018

6. The use hereby approved shall not start until a detailed scheme for the collection and dispersal of cooking odours has been submitted to and approved in writing by the local planning authority. Such scheme as may be approved shall be implemented before the use starts and thereafter maintained in good working order at all times.

REASON: To protect the surrounding environment, including occupiers of nearby premises, from nuisance from cooking odours, in accordance with Policy TC7 of the Burnley's adopted Local Plan 2018

7. Before the external ventilation flue is used on the premises, it shall be enclosed with sound insulating material and/or mounted in a way that will minimise transmission of noise (including vibration) in accordance with a scheme to be approved in writing by the Local Planning Authority, and be thereafter maintained.

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance, in accordance with Policy TC7 of the Burnley's adopted Local Plan 2018

8. The approved use shall be restricted to the following times: • 16:00 to 22:00 Monday to Saturday; and • 16:00 to 21:00 Sundays and Bank Holidays

REASON: To safeguard the amenities of the adjoining premises and the area generally; in accordance with Policy SP5 of the Local Plan.

9 Unless otherwise agreed in writing with the Local Planning Authority, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), shall be used as a Hot Food Takeaway (Use Class Sui Generis) and for no other use within these use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: To ensure that the property is used solely as its intended use as any other use within use class may not be considered acceptable in the interest of amenity of the area and the area generally in accordance with Policies SP1, SP4, SP5 and TC7 of the Local Plan.

117. FUL/2020/0540 Lower Ridge (Former Care Home for the Elderly) Belvedere Road, Burnley

Town and Country Planning Act 1990 - Change of use from residential care home (Class C2) to 50 no. self-contained studio apartments with supporting living facilities (sui generis) and external alterations - Lower Ridge (Former Care Home for Elderly), Belvedere Road, Burnley, BB10 4BQ

APPLICANT: Mr Majid Hussain

Councillor Graham moved a motion to refuse the application. Councillor Anwar seconded a motion to refuse the application. Following the debate, this motion was withdrawn by both Members.

Following the above, a motion to defer the application was moved by Councillor Graham and seconded by Councillor Anwar.

Decision: That the application be deferred.

REASON: For further information to be retrieved for the Committee from the applicant (M H Associates) with regard to the running of the proposed establishment.

At this point, with the consent of the Committee, the Chair adjourned the meeting for a short break for a period of 5 minutes.

118. FUL/2021/0029 Land at Curzon Street & Pioneer Place Car Park, Pioneer Place, Burnley

At this point, the meeting was reconvened.

Town and Country Planning Act 1990 - Full Planning Application Applicant Proposed Development: Erection of mixed use development comprising cinema, 5no. food and beverage units (Class E(a)) / retail units (Class E b)), with associated service area on Bankhouse Street serving units 1-6, two separate customer car parks with access from Royle Road, customer car park with access from Curzon Street together with associated public realm and landscaping - Land At Curzon Street and Pioneer Place Car Park, Curzon Street, Burnley

APPLICANT: Mr N Putnam

AGENT: Mrs Deborah Smith, Smith & Love Planning Consultants

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with submitted technical reports, supporting information and 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 construction of the building above slab level hereby approved, samples of all external materials, and their colour, to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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. Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.

Reason: To avoid glare, dazzle or distraction to passing motorists

5. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development. The delivery and servicing plan shall include: • The contact details of a suitably qualified co-ordinator; • How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway; • Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems.

Reason: In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion.

6. No building or use hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority. Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed public area within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

8. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of pedestrian safety and accessibility.

9. Reinstatement of redundant access. No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide: • 24 Hour emergency contact number; • Details of the parking of vehicles of site operatives and visitors; • Details of loading and unloading of plant and materials; • Arrangements for turning of vehicles within the site; • Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures; • Measures to protect vulnerable road users (pedestrians and cyclists); • The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • Wheel washing facilities; • Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction; • Measures to control the emission of dust and dirt during construction; • Details of a scheme for recycling/disposing of waste resulting from demolition and construction works; • Construction vehicle routing; • Delivery, demolition and construction working hours. The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development. Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

11. Construction of the development hereby permitted shall not take place outside the hours of 07:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

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

12. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof).

(ii) A restricted rate of discharge of surface water agreed with the local planning authority and

(iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018).

14. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, as well as the proper reporting of that work and archiving of the project.

15. (a) Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(b) Implementation of Approved Remediation Scheme:

i. The approved remediation scheme must be carried out in accordance with its terms prior to the start of development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

ii. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

(c) Reporting of Unexpected Contamination

i. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which should be submitted to and approved in writing by the Local Planning Authority.

ii. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which must be submitted to, and approved in writing by the Local Planning Authority, in accordance with condition c) (ii).

d) Long Term Monitoring and Maintenance

i. monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which must be submitted to and approved in writing by the Local Planning Authority.

ii. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

The measures in condition e) must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy GP7 of the Burnley Local Plan, Second Review.

16. Submission of general arrangement drawings and a scheme for the phasing of the S278 works to be submitted prior to commencement of the development hereby approved. These proposals should include the provision of taxi parking proposals on Bankhouse Street, the identification of highway boundaries and land to be offered up for adoption and identification of any existing structures that may require adoption.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before the development is brought into use.

17. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that any risks in relation to historic coal mining/works are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

18. Where the findings of the intrusive site investigations (required by condition 17 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To ensure that any risks in relation to historic coal mining/works are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

19. Following implementation and completion of the approved remediation scheme (required by condition 18 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. Reason: To ensure that any risks in relation to historic coal mining/works are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

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

Reason: To safeguard amenities of the adjoining premises and the area generally in accordance with Policies SP1, SP4, SP5 and TC4 of the Local Plan.

21. A hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and implemented before the development hereby approved is brought into use. The scheme shall include details of materials to be used for hard surfaces, boundary treatments, trees and shrubs to be planted (with their siting and planting distances), and planting shall be implemented during the first available planting season. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

Reason: To ensure that there is a well laid hard and soft landscaping scheme in the interests of amenity and highway safety.

22. Before the car park spaces hereby approved are brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of the electric vehicle charging points, including their location and specification. The approved scheme shall be implemented before the car park hereby approved is brought into use.

Reason: In the interests of air quality management and protection of health, in accordance with Policies IC1, IC3 and NE3 of the Local Plan.

23. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (HYD393_CURZON.STREET_FRA Rev 2.1 – 12/01/21) and drainage strategy (13065 Rev P3 – 22/01/21). The measures shall be fully implemented prior to first occupation of any unit and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

24. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment (HYD393_CURZON.STREET_FRA Rev 2.1 – 12/01/21) and drainage strategy (13065 Rev P3 – 22/01/21) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum mm+ difference for FFL, as per FRA;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance. The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

25. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons:

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

26. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body

or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

27. Notwithstanding condition 2 (Plans Compliance) no development shall take place until the submission of the following details to the local planning authority:

- A scheme to screen the river wall will be submitted to, and approved in writing by the Local Planning Authority.
- A Plan to demonstrate that a permanent, unobstructed vehicular access to the River Brun via the existing ramp to the south of the downstream end of the culvert will be retained for the lifetime of the development.

The submitted details should be approved in writing by the local planning authority and the development shall subsequently be carried out in accordance with the approved plans.

REASON The structural integrity of the wall is unknown and to avoid any increase in flood risk associated with works adjacent to, or reduced access to, the River Brun

119. Decisions taken under the Scheme of Delegation

The Committee received for information, a list of decisions taken under delegation for the period 18th February 2021 to 15th March 2021.

120. Information on Appeals

The Committee received, for information, a list of planning appeal decisions made by the Planning Inspectorate against Burnley Borough Council.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

29th April 2021

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2021/0023

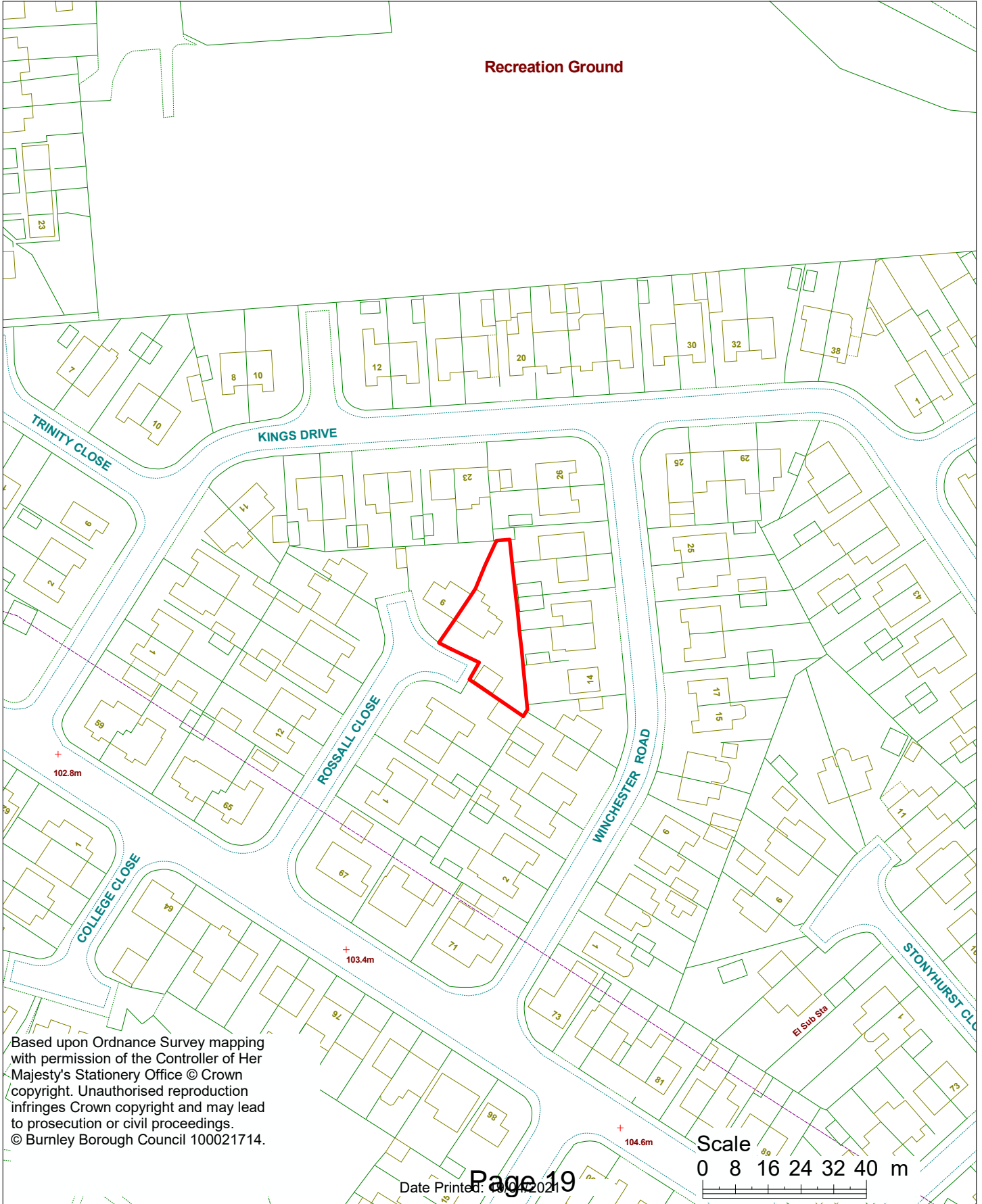
Paul Gatrell Head of Housing and Development

Location:



5 Rossall Close, Hapton, Burnley

1:1250



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Application Recommended for Approval with Conditions

HOU/2021/0023

Town and Country Planning Act 1990
Erection of a double storey side extension
5 Rossall Close Hapton Lancashire
Hapton

APPLICANT: Mr Crook

AGENT: Mr McGregor

The application is before the Committee following receipt of objections.

Background:

The application site is located within the defined development boundary as designated in Burnley's Local Plan. The site comprises a single storey semi-detached dorma-bungalow with detached garage to the side, the application property is set back from the highway, Rossall Close, due to the properties location within a corner plot the site provides ample off-street parking.



Photo 1: Front of no. 5 (right)



Photo 2: side amenity space and garage of no. 5



Photo 3: Side of no. 5



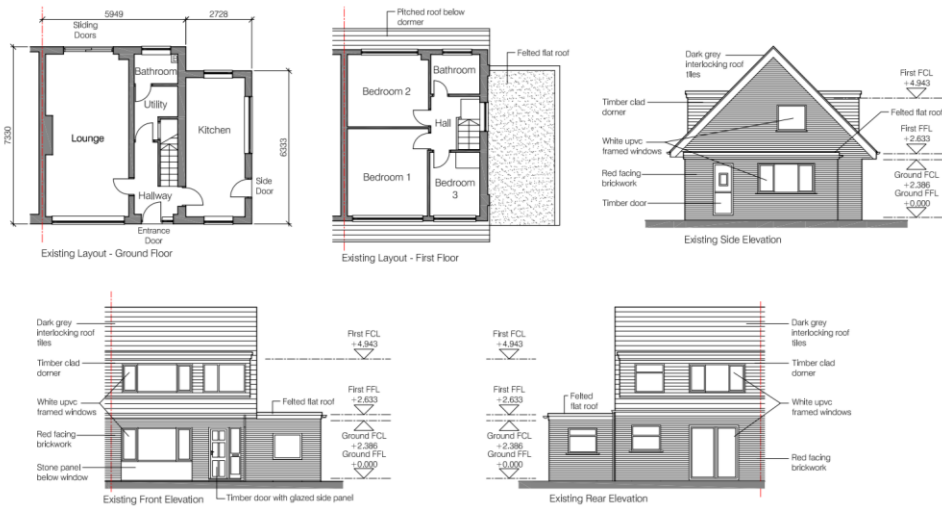
Photo 4: Rear of no. 5

Proposal:

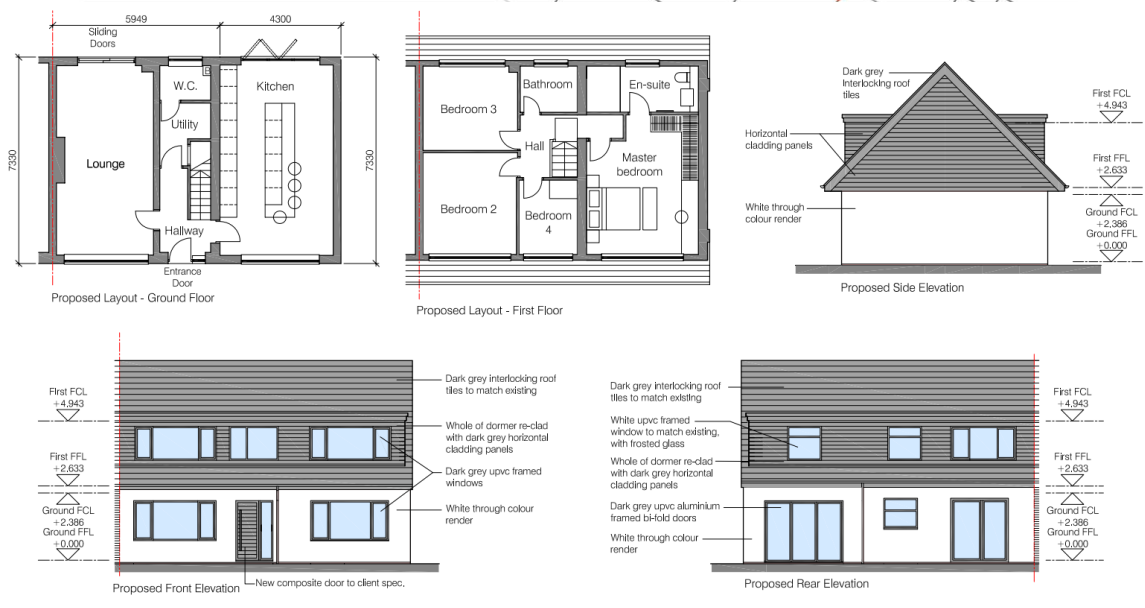
The application seeks consent for the redevelopment of the application property including the following:

- Two storey side extension, following the demolition of the existing kitchen extension, the proposed extension will measure approximately 7.3m by 4.3m with a ridge and eaves height of approximately 7m and 3m respectively.
- Extension of the existing dormer across the front measuring an additional 3.5m wide, approximately.
- Extension of the existing dormer across the rear measuring approximately 3.5m wide, approximately.
- The introduction of render, dark grey upvc framed windows and dark grey horizontal cladding on gable and dormer windows.

Plans show



Existing plan and elevations



Amended 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:

N/A

Consultation Responses:

Neighbours – 3 objections have been received with the following comments:

- Out of keeping
- Loss of privacy (due to bifolds on side)
- overshadowing

Planning and Environmental Considerations:

The principle of development

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

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.

The proposed works will result in a larger bungalow with living accommodation within the first floor/roof space. The local area is not defined by a single house types, with the dwellings within Rossall Close being of varying house types and designs. While the proposal will increase the footprint of the existing dwelling, it is not considered that this will result in any significant negative impact to the visual amenity or character of the area.

The proposal will use materials that while are not currently seen on the dwelling can be found within the surrounding local area. Furthermore, the introduction of render in the immediate locality will not result a prominent feature given the single-storey design of the host dwelling. As such the materials and design are considered to be in keeping with the locality, and the

proposed redeveloped dwelling is deemed to be sympathetic, unobtrusive and in keeping with the surrounding area in accordance with the requirements of the NPPF and the Burnley Local Plan Policy's SP5 and HS5.

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.

The applicant provided amended plans detailing no windows on the side elevations of the extension and as such the proposal is not considered to result in any loss of privacy or perceived overlooking into neighbouring properties as well as protecting the amenity of future residents of the host dwelling. The extension of the existing dormer windows is not considered to result in any detrimental impact over and above the existing relationships between properties.

The proposed extension will increase the footprint of the application property. The proposed extension is not considered to result in any significant negative impact on the residential amenity of the occupants of any neighbouring dwellings, due to the height of the proposal, location of and distance between the application and neighbouring properties within their plots and existing relationships.

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).

Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6b

Ref.

HOU/2021/0087

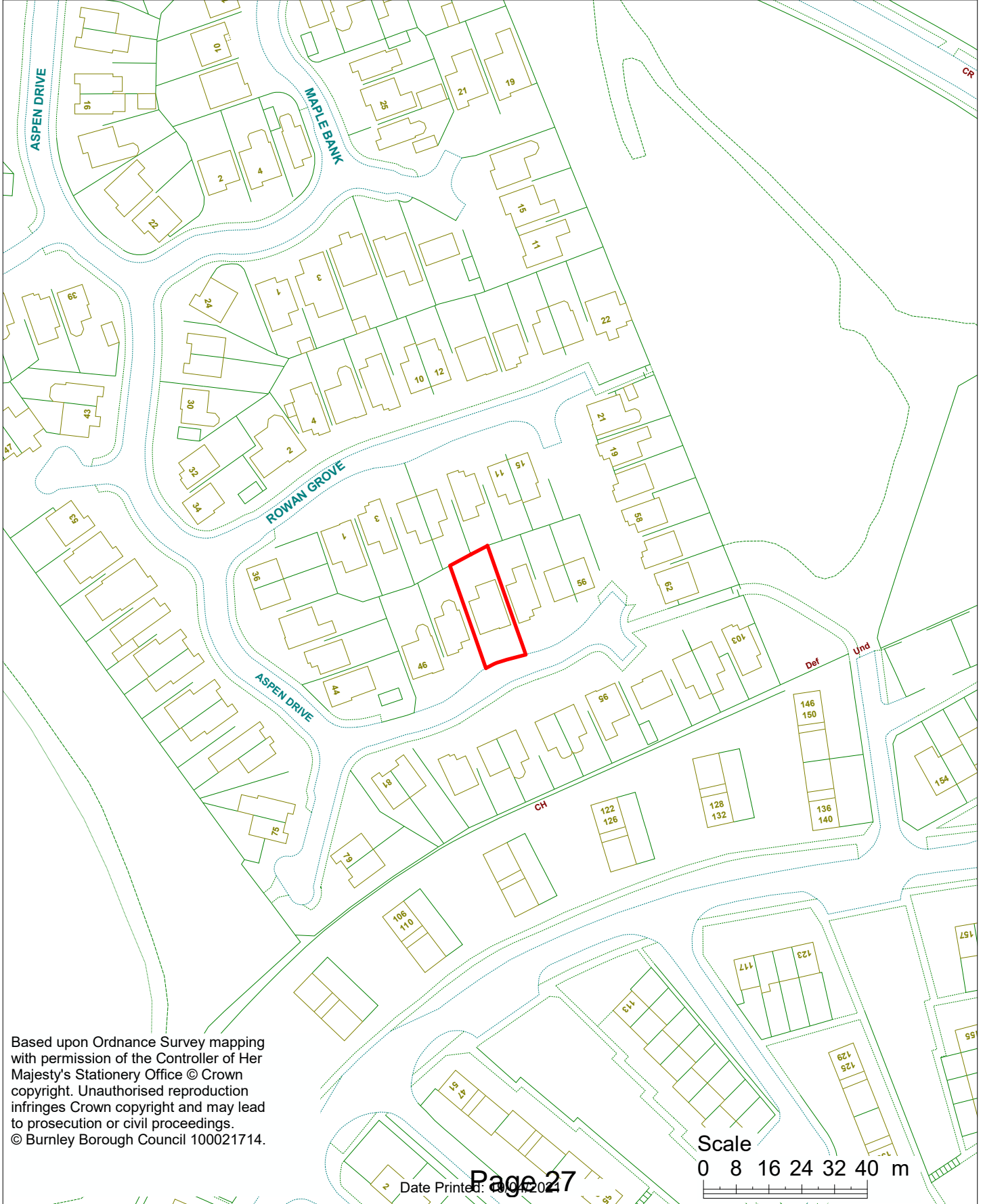
Paul Gatrell Head of Housing and Development

Location:

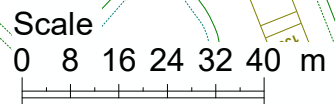


50 Aspen Drive, Burnley

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**Application Recommended for Approval with
Conditions**

HOU/2021/0087

Town and Country Planning Act 1990

First floor side extension above garage. Demolish conservatory to rear and build single storey extension

50 Aspen Drive Burnley Lancashire

Applicant: Mr Earnshaw

Agent: Mr Wilson

The Application is before the Committee as an objection has been received,

Background:

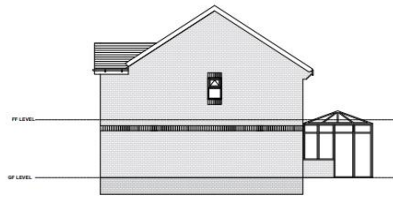
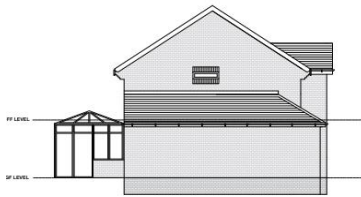
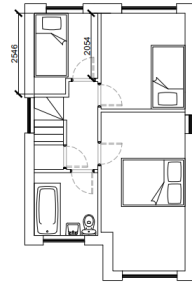
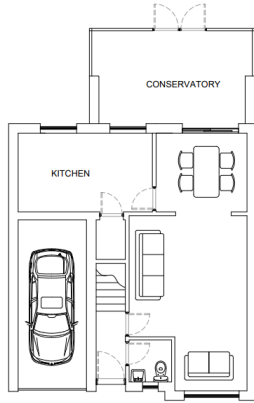
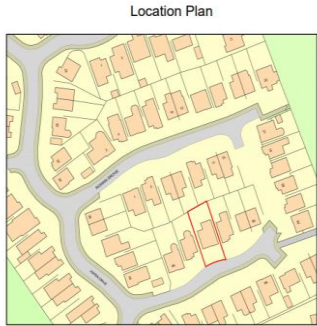
The application relates to a semi-detached property located within the rural fringe as delineated within the Burnley Local Plan 2018. The immediate area is predominantly residential with a mix of two storey detached and semi-detached and single storey bungalow dwellings.



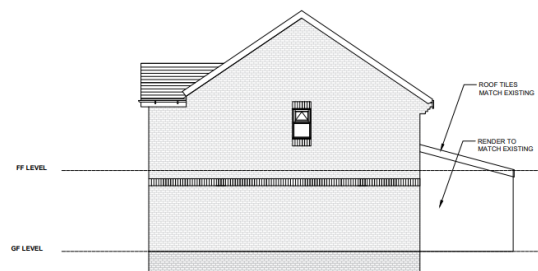
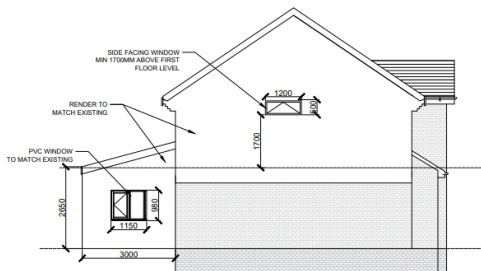
Photo 1: front of no. 50

Proposal:

Planning permission is sought for the construction of a single storey rear and side extension. The rear element of the extension will measure approximately 3m by 4.6m with a mono-pitched roof with a maximum height of approximately 4m falling to 3m at the eaves. The proposed adjoining garage 3.6m by 7.8m with a mono-pitched roof with a maximum height of approximately 4m falling to approximately 3m at the eaves.

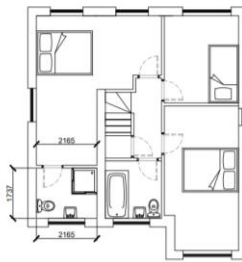


Existing Plans and Elevations





PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

Proposed Plans and Elevations

Relevant Policies:

Burnley's Local Plan 2018

SP1: Achieving Sustainable Development

SP4: Development Strategy

HS5: House Extensions and Alterations

SP5: Development Quality and Sustainability

National Planning Policy Framework (NPPF)

Site History:

N/A

Consultation Responses:

Neighbour comments: 1 Letter of objection was received the comments are as follows:

- Overshadowing rear amenity space
- Out of keeping materials
- Bats in the area

Planning and Environmental Considerations:

The key issues in relation to this application are:

- Visual Amenity / Design; and
- Residential Amenity

Visual Amenity / Design:

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 stating that the design, scale, massing and external appearance of development should harmonise with the existing building and should not have an adverse impact upon the character of the street scene.

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

The side first floor and rear single storey extensions are considered to have been designed to respond positively to the character and visual amenity of the host property and surrounding neighbouring dwellings remaining subservient to the host dwelling and will use corresponding materials in keeping with the surrounding area. As such the proposal is not considered to result in any significant negative impact on the character of the area.

With regards to the concern of bats being located within the area, the application property and proposed development does not meet the requirements for a bat survey. It is noted that Bats are a protected species and should bats be found all work must stop while the relevant body is notified. This will be noted on any approval.

Residential Amenity:

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.

The proposed extensions are not considered to result in any significant negative impact on the residential amenity of the occupants of any neighbouring dwellings, due to the height of the proposal, location of the application and neighbouring properties within their plots and existing relationships. Concerns were raised over a loss of sunlight to the neighbouring properties rear amenity space, the proposed single storey extension is not considered to result in any loss of sunlight to the rear amenity space due to the solar orientation of the properties within their plots. In addition, this extension is considered to be permitted development.

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).

HM
Assistant Planning Officer

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Part One Plan

Agenda Item 6c

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0210

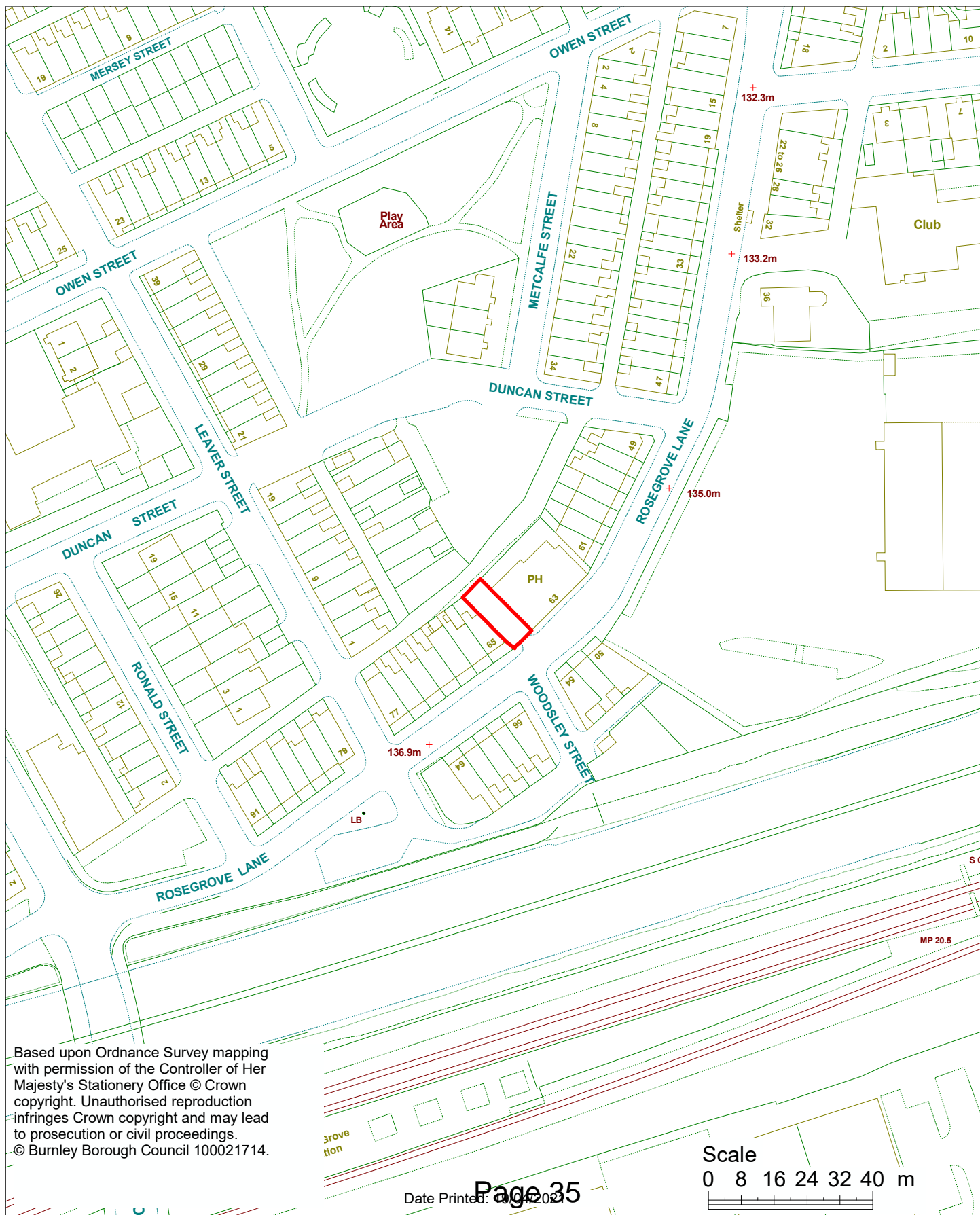
Paul Gatrell Head of Housing and Development

Location:

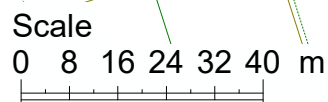


Junction Hotel, 63 Rosegrove Lane, Burnley

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Full Planning Application

Proposed building of an additional dwelling attached to the former Junction Hotel
JUNCTION HOTEL 63 ROSEGROVE LANE BURNLEY

Agent: ALB Properties

Applicant: Hindley Designs

The application is brought before Development Control Committee as objections have been received.

Site Description and Surrounding Area:

The application site relates to the yard area of the former Junction Hotel Public House, recently converted into four dwellings. The former public house, sited to the south east of Rosegrove Lane, dates from the mid-1800s and is a simple and well-proportioned vernacular building built of coursed squared sandstone under a slate roof. An unadopted back street runs the length of the rear of the site and the wider terrace block and is accessed from Duncan Street (from the north east) and Lever Street (from the south west). No Waiting at Any Time parking restrictions are in place along the Rosegrove Lane frontage.

The application site is positioned between and shares a common boundary with No 65 Rosegrove Lane, an end of terrace property to its south west, and No 63d to which it will be attached. The site is bounded to the south east (front) by Rosegrove Lane and on its north west (rear) by the unadopted back street that runs the length of Nos 49 to 77 Rosegrove Lane.



The surrounding area is predominantly residential and is characterised by two storey stone built Victorian terraced housing laid out on relatively narrow plots and arranged along grid-iron streets. The terraces have shallow yards that provide amenity space at the rear and car parking is predominately on street. This high density layout with a uniform style of architecture and unity of materials, scale and massing give the surrounding townscape a strong and distinctive historic character. The vacant yard area is a prominent gap within the strong built frontage to Rosegrove Lane.

The site is located within the development boundary for the settlement of Burnley as defined in Burnley's Local Plan. It is considered to be in a sustainable location being well served by public transport and well related to an adequate range of existing services and facilities within a short walking distance.



South east (front) elevation to Rosegrove Lane



View across the site from the rear



View south west from Duncan Street



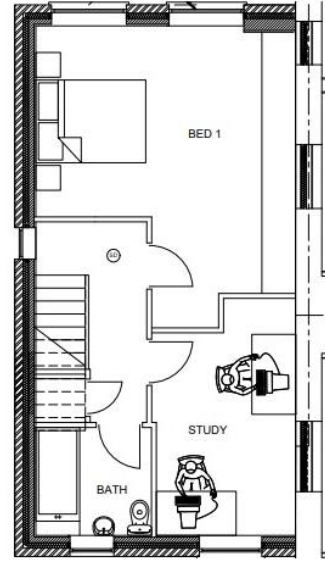
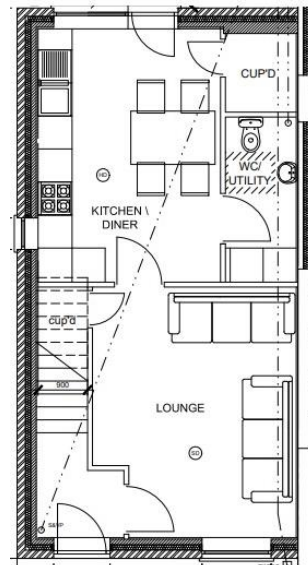
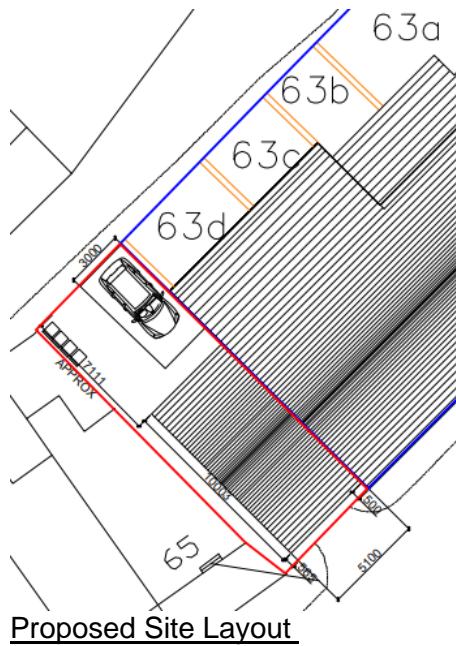
View north east from Leaver Street

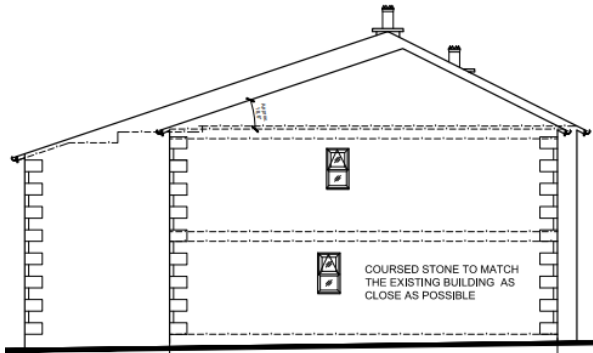
Proposal:

This application seeks planning permission to erect a new dwelling that will be physically attached to the south western gable of the former Junction Hotel on land, previously used as the yard area, of around 109sqm. The proposal has been modified through negotiation as set out below.

The proposed dwelling is a one-bedroomed cottage two storeys in height. It will project 5.0m from the gable of the former Junction Hotel. It will be set back from the front (south east) elevation by 0.5m and will have a depth of 10.0m which will be recessed behind the rear elevations of the dwellings to either side. The height of the building, which has a pitched roof broadly matching that of the host building, will be 8.0m to the ridge (being stepped down from the main roof ridge by 0.5m) and the eaves will run level at the front with a simple clipped eaves detail to the gable. The ground floor will comprise a lounge, kitchen/diner and utility/wc; and the first floor will have one double bedroom, a study and a bathroom. External materials will comprise natural stone coursed walls to match the host building with all new openings to the front elevation to be formed from natural stone cut surrounds. The roof will be finished in a tile to match the existing in colour and windows and doors will be uPVC. One off-street parking space will be provided at the rear and a small area of private outdoor

amenity space comparable in size to others in the terrace block. The existing unadopted back street will be utilised for vehicle access.





Proposed south west (side) elevation (against the flank wall of No.63d)

Discussions during the application process have been ongoing between officers, the Highway Authority and the applicant's representatives in order to address concerns relating to car parking, design and amenity. Revised drawings were submitted that reduced the depth of the dwelling and repositioned it further forward within the plot to allow an in-curtilage car parking space and the required manoeuvring space to be accommodated at the rear, accessed via the back street. Amenity issues (overshadowing and outlook) were addressed by re-configuring the internal floorspace; repositioning windows; and reducing the occupancy to a single bedroom to take account for the reduction in floorspace. Due to the nature of the revisions it was considered necessary to undertake further public consultation.

Officers are satisfied that the revised scheme has taken into consideration all the points that were raised during negotiation such that the issues relating to car parking, design and amenity have been satisfactorily overcome and can be suitably controlled through condition where necessary.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS4: Housing developments
- IC1: Sustainable Travel
- IC3: Car Parking Standards
- NE5: Environmental Protection

The National Planning Policy Framework and National Design Guide (2019)

Relevant Planning History:

VAR/2020/0203: Variation of Condition 2 (approved plans) of APP/2017/0378 to allow alterations to the external elevations, including window and door openings; the internal layout; and the erection of a single storey rear extension to plots 63a and 63b – Granted

APP/2017/0378: Proposed change of use to 4 no. dwellings – Granted

Consultation Responses:

LCC Highways: Following initial concerns that the lack of in-curtilage parking would increase demand for on street parking to the detriment of highway safety, the Highways Authority raises no objection to the revised proposed layout to accommodate the required parking space to the rear of the dwelling subject to conditions to protect the interests of the safe

operation of the adopted highway during the construction phases including the submission and approval of a Construction Management Plan; restrictions to delivery times; and ensuring measures are taken to prevent stones, mud and debris being carried onto the public highway to the detriment of road safety. Conditions are also recommended to ensure adequate surface water drainage from the proposed driveway; and that require the reinstatement of the footway to the redundant vehicle crossover at the entrance of the site from Rosegrove Lane. Conditions should also be imposed to ensure the in-curtilage parking space is appropriately constructed, made available prior to occupation and retained for the lifetime of the development in order to avoid unnecessary parking on the highway to the detriment of highway safety.

Environmental Health: Raises no objection. Advise that a noise assessment and a landfill gas contamination investigation are secured through condition.

Ward Councillor: Objects on the basis that the lack of on-site parking would lead to parking on Rosegrove Lane where the road bends which would restrict visibility making it unsafe for pedestrians (young children and the elderly) and would cause obstructions on this busy main route.

Publicity:

Five letters of objection were received to the proposal as initially submitted with the main points summarised as follows:

- Development does not provide suitable on-site parking and does not meet the parking standard in the Local Plan
- Construction activity negatively impacting on neighbouring amenity and safety
- Inadequate on-street capacity to accommodate parking for a 3-bedroomed house
- Loss of light to the rear yard of adjacent dwelling No 65

During the second consultation (following submission of revised plans on 11.02.21) a further 8 letters of objection were submitted raising concerns in relation to parking and highway safety as summarised below:

- The back street is not suitable for access as the section running to the rear of Nos 63 to 49 is in disrepair and that at the rear of No 65 to 77 has been surfaced by local residents to provide a safe play area.
- The use of the back street as a thoroughfare poses safety risks to residents.
- The back street is unlit and unsafe for vehicles to use it for daily access.
- The recently converted pub has generated an additional 11 vehicles and as a result there is no more capacity on the surrounding streets for parking.
- Rosegrove Lane was subject to two traffic collisions in 2020 without the additional vehicles further restricting visibility.
- The back street is dangerous to enter from Leaver Street due to parking and peak periods at the chip shop.
- The access will cause disturbance to neighbours.
- The access via Leaver Street has cars parked on both sides restricting visibility for drivers and making it unsafe for pedestrians.
- The residents who paid for the resurfacing of the back street do not allow vehicles to use the unadopted back street so the parking would be unviable.
- The proposed study could be used as a bedroom resulting in a need for 2 on-site parking spaces.

The above representations are a summary of the comments that have been received. Full details of the representations (with details redacted as relevant) are available for inspection upon request. The material planning issues raised are considered in the report below.

Planning and Environmental Considerations:

Principle of Development

The site was last used as a yard for the recently converted pub, making it previously developed (brownfield) land. It is located within an existing residential area and within the development boundary as defined in Burnley's Local Plan. Policy SP4 provides the development strategy for the borough and supports the redevelopment of previously developed sites within the current built-up areas of Burnley and Padiham provided they are locationally sustainable and compatible with other relevant policies of the Local Plan.

The application site is considered to be in a sustainable location being well related to an adequate range of existing services and facilities including a regular bus and rail services within a short walking distance.

It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its location within the defined development boundary. As such the principle of development is considered to be acceptable subject to consideration of the following main matters:

- Visual impact (design and appearance)
- Impact on neighbouring amenity
- Living conditions of future occupants
- Highway safety and car parking

Other considerations include refuse and recycling provision and matters relating to land contamination.

Visual Impact (Design and Appearance)

Local Plan Policy SP5 requires new development to be of a high standard of design and to respect their townscape setting and locally characteristic street layouts, scale, massing, detailing and use an appropriate palette of materials. This is detailed further in Policy HS4 stating new housing developments should be high quality in their construction and design.

In this instance, the setting is characterised principally by two storey stone built terraced houses of simple form with pitched slate roofs. Their characteristic features include a narrow and largely flat fronted facade with rhythmic door and window patterns and regular spaced chimney stacks providing strong vertical emphasis. The simple palette of material provides a consistent and uniform character.

In terms of layout, the proposed development has been positioned and laid out to respond positively to the streetscene and the constraints of the site. The orientation of the dwelling is acceptable and respects the overall grid iron pattern of the area and the established building line.

In respect to scale, form and massing, the proposed built form with its robust design, simple detailing and well-proportioned format will sit comfortably within the streetscene. The roof

form is simple and traditional and respects that of the host building. Furthermore, the low two storey height does not render it inappropriate or out of keeping and would be appropriate in scale and proportion when viewed in relation to the host building and adjacent properties. In this instance the applicant has applied good design principles to make the proposed dwelling appear as a subservient cottage style addition to the former pub which presents a satisfactory composition when considered as a whole.

In terms of detailing and materials, design cues have been taken from the existing windows, doors and elevational treatment of the host building such that the proposed dwelling would maintain the strong sense of uniformity, rhythm and proportions across the wider street frontage. Furthermore, the proposed design utilises a simple and appropriate palette of materials which would complement the host building and the surrounding traditional terraces. Whilst the resulting scheme shows a commitment to a high standard of design it is considered that its success is dependent upon a close attention to detail in design and choice of quality materials. Conditions are therefore advised to ensure the quality of the finished built form. With these provisions, the proposed development would have an acceptable impact on the character and appearance of the streetscene.

For the reasons set out above it is considered that the proposed dwelling is appropriately designed and would not have a detrimental impact upon the visual amenities of the host building or its setting in compliance with Policies SP5 and HS4.

Impact on Neighbouring Amenity

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policies SP5 and HS4 seek to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users through overlooking, lack of privacy or reduction of outlook or daylight. The nearest neighbouring properties with the potential to be impacted by the proposal are No 65 and No 63d Rosegrove Lane.

No 63d Rosegrove Lane: The rear elevation of the proposed dwelling would be recessed behind the flank wall of No 63d by approximately 4.0m. The extent of the recess is such that the proposed dwelling would not create any over-bearing impact or result in loss of privacy, light or outlook that would harm the residential amenity of the occupiers of the adjoining neighbour.

No 65 Rosegrove Lane: The proposed dwelling would be located approximately 1.0m from the shared boundary with No 65. The proposed dwelling is positioned within its plot such that the rear elevation will be recessed behind that of No 65 by approximately 2.0m and would project forward of the front elevation by approximately 2.5m. The forward projection of the proposed new dwelling would not cross the 45-degree line (on plan) when projected from the centre of the nearest ground floor (habitable room) window at No 65 such that the proposed dwelling would not create an over-bearing impact or result in loss of light or outlook sufficient to cause unacceptable harm the residential amenity of the occupiers of No 65. With regards to privacy, the extent of the recess at the rear and the positioning of windows are such that the proposed dwelling would not result in the loss of privacy or opportunities for direct overlooking that would result in unacceptable harm to neighbouring amenity.

Objections have been raised in relation to harm to neighbouring amenity during the construction phase. Whilst these concerns are recognised to be genuine and sympathised with, the temporary nature of construction noise and disturbance would not be sufficient to warrant the refusal of planning permission. Nevertheless, conditions would be applied to any eventual consent in order to safeguard neighbouring amenity during the construction phase

whilst specific instances of excessive noise or antisocial working practices would be dealt with under other legislation outside the planning process.

Taking account of the above, it is considered that the proposal would not give rise to any unacceptable adverse impacts upon neighbouring amenity such that a refusal would be warranted. The application is therefore found to comply with Policies SP5 and HS4.

Living Conditions of Future Occupants

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policies SP5 and HS4 seek to ensure that developments provide a good level of amenity for future occupiers. This includes providing living accommodation that is of an appropriate size; offers appropriate outlook and adequate natural daylight; protects privacy; and provides good quality outdoor amenity space.

Whilst the Local Plan does not adopt the Nationally Described Space Standards, they are a useful guide to ensuring comfortable living space within developments. The proposed dwelling would significantly exceed the relevant standard and is acceptable in this respect.

The scheme has been designed with due regard to the amenity of its future occupants. The dwelling would benefit from an area of private outdoor amenity space, commensurate with its footprint, and with the main outlook being provided to the rear. The internal layout of each house and the positioning of windows provide sufficient natural daylight and ventilation for the future occupants. The future occupants would have adequate bin storage and a private car parking space.

Accordingly, it is considered that its future occupants would benefit from an acceptable level of residential amenity in accordance with Policies SP5 and HS4.

Highway Safety and Parking

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Plan Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards in Appendix 9. In applying the parking standards local circumstances can be taken into account which includes the accessibility of the site by public transport, walking and cycling; the availability of on-street parking; and whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems.

Whilst the site is situated within a highly sustainable and accessible location that is well served by public transport, in this instance the combination of parking restrictions within the immediate vicinity of the site and the predominance of terraced housing results in high demand for on-street parking (parking stress). Neighbour objections also indicate that the availability of on-street parking causes problems in the area and inconveniences to residents.

Officers have monitored the levels of on-street parking stress within 100m of the application site and have found the levels to be above 90% at peak times. The results demonstrate that there is insufficient on-street capacity to safely accommodate additional on-street parking demand. Moreover, the Highways Authority advise that any additional stress would be prejudicial to the free flow of traffic and likely to lead to residents resorting to parking in

unsafe locations, on waiting restrictions, close to junctions, pavement parking etc which would be detrimental to highway safety.

In accordance with the parking standards, the proposal would generate a requirement for one in-curtilage parking space. The constraints of the site are such that it is not possible to provide a parking space with direct access from Rosegrove Lane. For the reasons set out above reliance on the surrounding highway to meet the demand would not, in this instance be acceptable.

In negotiation with the Highways Authority, the site layout has been revised to accommodate a single car parking space and the required manoeuvring space at the rear of the proposed dwelling, accessed via the existing unadopted back street from Duncan Street and Lever Street. The stretch of back street from the application site to Duncan Street is unmade and the applicant has confirmed their willingness to accept a condition requiring an upgrade of the surface in the event that the application is approved. This would provide a wider benefit to the neighbouring residents. The Highway Authority has raised no objection on highway grounds, subject to conditions as set out in the summary of consultation responses.

In this instance it is considered necessary to impose conditions to ensure that the parking space remains available for parking of vehicles associated with the dwelling at all times; and to limit the number of bedrooms to one in order to ensure that the parking demand generated by the dwelling can be adequately accommodated on site and not to the detriment of highway safety.

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

Other considerations

Refuse and Recycling: Policy SP5 requires adequate and carefully designed storage for bins and recycling containers located and designed in a way which is both convenient and safe for occupants and supports the quality of the streetscene. The proposed arrangements are considered to meet the requirement in Policy SP5.

Contaminated Land: Policy NE5 states that on sites that are known to be contaminated, applicants will be expected to carry out an appropriate survey. Due to the proximity of the development to a landfill site which is known to be producing landfill gas, the Council's Environmental Health Officer recommends conditions requiring an investigation; report and remediation as necessary to ensure that the development can be safely undertaken and occupied.

Conclusion:

The proposal does not raise any significant concerns in terms of visual and residential amenity and it is considered to be acceptable in relation to highway safety and parking. The proposal therefore represents a sustainable form of development and there are no overriding considerations which would outweigh this finding.

Recommendation:

Approve subject to the following conditions.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 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: Proposed Site and Parking Plan Rev B (1:200 Scale); Proposed Elevations 1 of 2 Rev B (1:100 Scale); Proposed Elevations 2 of 2 Rev B (1:100 Scale); Proposed Ground Floor Plan Rev C (1:50 Scale); and Proposed First Floor Plan Rev B (1:50 Scale) received 11 February 2021.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), there shall be no more than one bedroom in the development hereby approved at any point without the express permission in writing of the council.

Reason: To ensure that the parking demand generated by the dwelling hereby approved can be adequately accommodated on site and not to the detriment of highway safety in accordance with Policies IC1 and IC3 of Burnley's Local Plan (July 2018).

4. Prior to the commencement of any development above slab level, details and representative samples of the external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

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

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

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

6. The development hereby permitted shall not be commenced until a landfill gas investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report

shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration. The investigation report shall:

- i) Describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations.
- ii) Advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.

If remediation measures are recommended as a result of the investigations, these measures shall be incorporated into the development before it is first occupied.

Reason: To ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy NE5 of Burnley's adopted Local Plan (July 2018).

7. The development hereby permitted shall not be commenced, including any works of demolition or site clearance, until a Construction Management Plan or Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Plan/Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) measures to protect vulnerable road users (pedestrians and cyclists);
 - iv) the erection and maintenance of security hoarding where appropriate;
 - v) wheel washing facilities and measures to control the emission of dust and dirt;
 - vi) details of a scheme for recycling/disposing of waste;
 - vii) delivery and construction working hours; and
 - viii) contact details for the site manager.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

8. 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, stones and debris being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).

9. 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, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Deliveries associated with the construction of the development shall only be accepted between the hours of 9.30am and 2.30pm Monday – Friday, to avoid peak traffic on the surrounding highway network

Reason: To safeguard the amenities of nearby residents and in the interests of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

10. The surface water from the driveway hereby approved should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and maintained throughout the lifetime of the development, unless otherwise agreed in writing with the local planning authority.

Reason: To prevent water from discharging onto the public highway in the interests of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

11. The development hereby approved shall not be occupied until the car/vehicle parking area shown on the approved plans has been completed. The parking area shall thereafter always remain available for parking of vehicles associated with the dwelling. The vehicle parking area must be properly consolidated and surfaced in bound porous materials, and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved and adequate parking provision is retained within the development and to avoid unnecessary parking on the highway to the detriment of highway safety in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

12. The development hereby approved shall not be occupied until the footway has been reinstated to full kerb height, where any vehicle crossover are redundant, in accordance with the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety in accordance with Policies IC1 of Burnley's Local Plan (July 2018).

13. The development hereby approved shall not be occupied until the surface of the back street leading from the site to its junction with Duncan Street has been suitably upgraded to accommodate frequent vehicle use.

Reason: To ensure appropriate provision for vehicles accessing the parking space hereby approved in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

EEP
Principal Planner

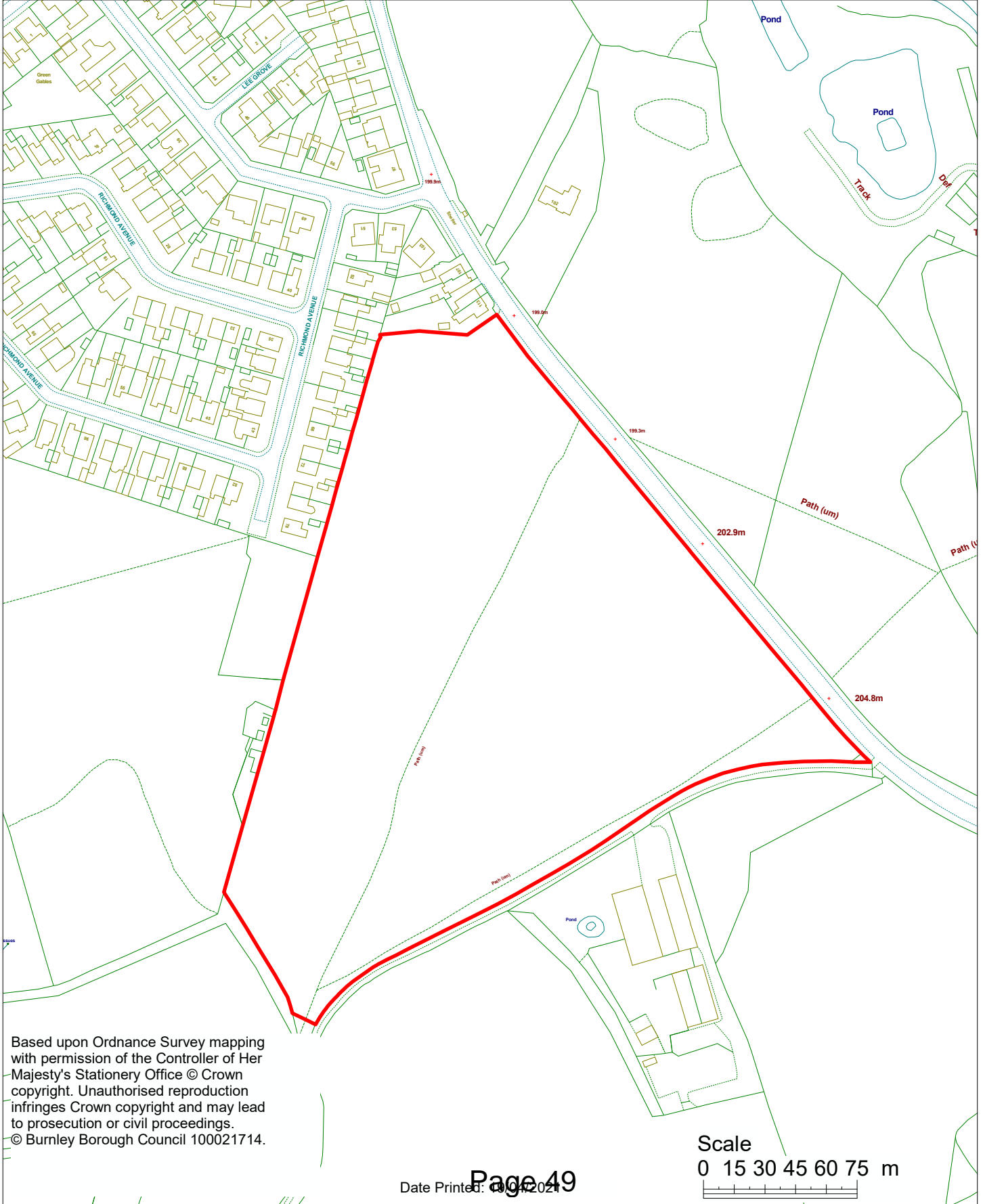
Paul Gatrell Head of Housing and Development

Location:

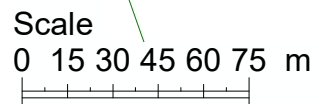


Land To The West Of Red Lees Road, Cliviger, Burnley

1:2500



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Application Recommended for Approve with Conditions

ADV/2021/0117

Cliviger With Worsthorne Ward

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Display 4no. flagpoles (5.5m high), two sided `V` board stack sign (5.2m high) and various sales signage (non-illuminated) at temporary sales site
Land to the West of Red Lees Road Cliviger Burnley

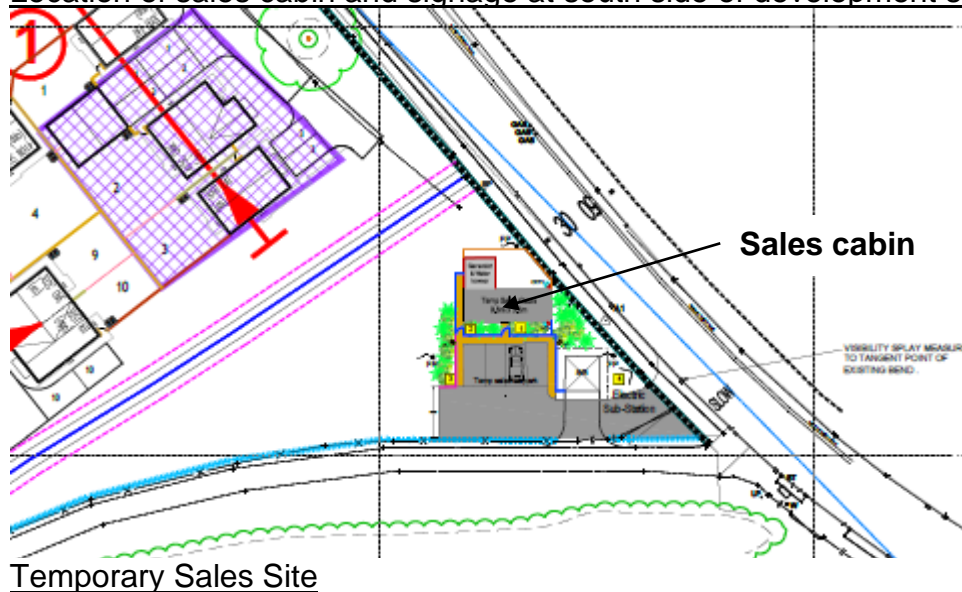
Applicant: Miller Homes Limited (North West)

The application is being considered by this Committee due to objections that have been received.

Background:

The proposal is for the temporary display of 4no. flagpoles, an entrance two sided stack sign and various low level freestanding signs at the newly formed sales area adjacent to the construction site for 125 dwellings at Red Lees Road.

Location of sales cabin and signage at south side of development site





The proposed signs are being displayed following the submission of the application, with the exception of one of the proposed flagpoles which is to be located to the rear side of the sales cabin.

All of the proposed signs are non-illuminated. A temporary period of five years (maximum period) is sought.

Relevant Policies:

Burnley`s Local Plan (July 2018)

TC8 – Shopfront and advertisement design

IC1 – Sustainable travel

Material Considerations

Supplementary Planning Document – Shopfront and Advertisement Design (June 2019)

The National Planning Policy Framework

Site History:

APP/2019/0155 – Residential development for the erection of 125 dwellings including means of access, areas of public open space and all associated works. Approved subject to s106 Agreement September 2020.

Consultation Responses:

LCC Highways

Any comments to be reported prior to the meeting.

Cliviger Parish Council

Question whether this should be a retrospective permission as the work appears to have been completed.

Publicity

Two letters of objection have been received from local residents, making the following comments:-

- Object because they have already been put up on site
- Removal of a section of dry stone wall

Planning and Environmental Considerations:

Principle of proposal

Consideration of the proposal relates to the proposed signage only, located at a temporary sales site associated with a development for 125 new dwellings which is expected to be on-going for a number of years. The National Planning Policy Framework affirms that Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Public amenity

Policy TC8 seeks to ensure good design and materials for advertisements and states that the design should be appropriate to the character of the existing building and streetscene in terms of its size, detailing and use of materials. The SPD on Shopfront and Advertisement Design describes good design for advertisements but does not relate to the type of temporary signs that are subject to this application.

Some signage is necessary as part of a sales area for new homes but should be proportionate to the development in hand. The proposed 4no. flagpoles and V shaped stack sign and low level signage around the visitor car park are in proportion to the scale of the development and are suitably designed and do not appear excessive or dominating. The impact of the proposed advertisements on public amenity is therefore acceptable.

Impact on public safety

The Framework states that the consideration of applications for advertisements must take account of public safety.

The proposed stack sign and flag poles do not obstruct visibility on Red Lees Road and are non-illuminated and unlikely to cause a distraction to motorists. Public safety would not, therefore, be significantly affected by the proposal.

Conclusion

The proposed advertisements would not adversely affect public amenity or safety and are therefore acceptable for the period that the sales area remains on the site.

Recommendation: Approve with conditions

Conditions

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. Express consent is granted for the period of five years (from the date of this notice).
7. Any internal source of illumination shall be reduced in intensity if necessary and be maintained at an approved level (see note 5).
8. The approved advertisements shall be removed on or before the removal of the sales office/area at the site.

Reasons:

- 1 - 5 Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.
- 6 Imposed by Regulation 14 (7) (a).
- 7 To avoid glare, dazzle or distraction to passing motorists.
8. In the interests of visual amenities.

Janet Filbin
20th April 2021

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0612

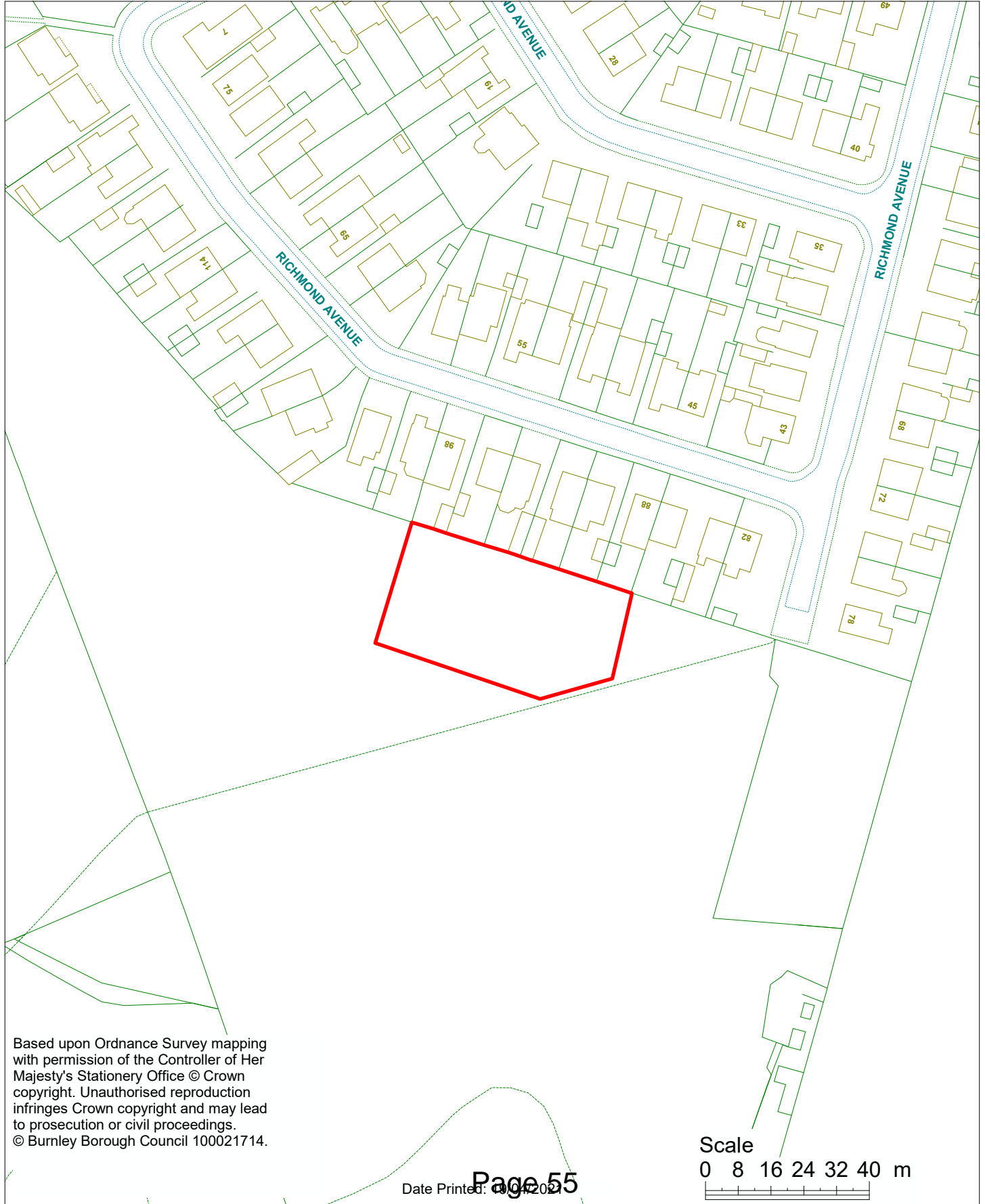
Paul Gatrell Head of Housing and Development

Location:

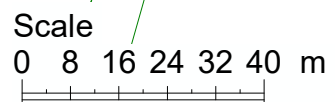


Land off Richmond Avneue, Burnley

1:1250



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Application Recommended for Approval with Conditions

FUL/2020/0612

Town and Country Planning Act 1990

Creation of new hardstanding, stable and fence enclosure for equine use

Land off Richmond Avenue Burnley

Cliviger

APPLICANT: Mr Tony Stowell

AGENT: Mr Stuart Booth

The application before the Committee following receipt of objections.

Background:

The application relates to an open field to the south of the settlement of Cliviger located off Richmond Avenue.



Photo 1: Access to land from Richmond Avenue and public footpath.



Photo 2: exiting stables and yard area as seen from Richmond Avenue.



Photo 3: site of proposed stables

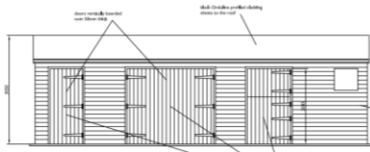


Photo 4: site of proposed stables from foot path

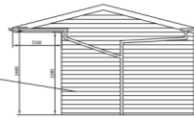
Proposal:

The application seeks consent for the installation of an area of hardstanding measuring approximately 12.6m by 10m, which will provide stable flooring for a temporary field shelter/ stable in the winter months measuring approximately 9m by 3.6m with a ridge and eaves height of approximately 3m and 2.4m respectively. The proposal is to provide a small yard area for equine use. No access path will be required or provided from Richmond avenue.

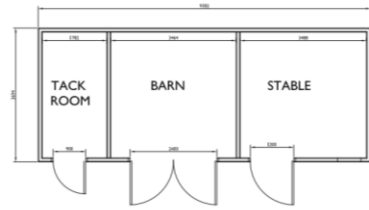
Plans show



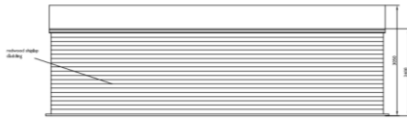
FRONT ELEVATION



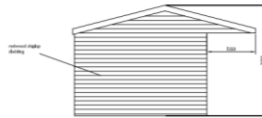
SIDE ELEVATION



SIDE ELEVATION

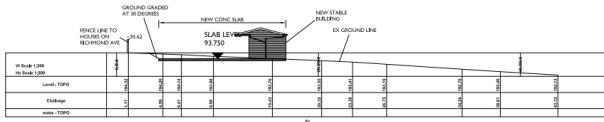


REAR ELEVATION

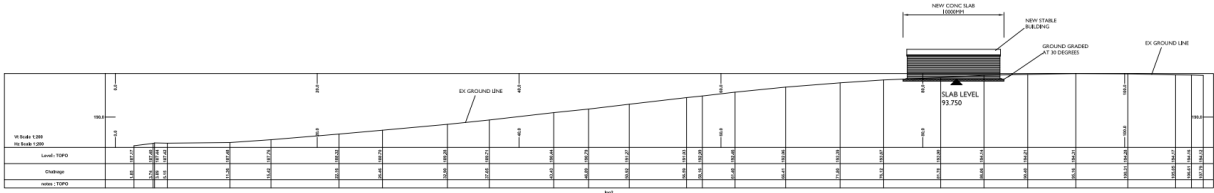


SIDE ELEVATION

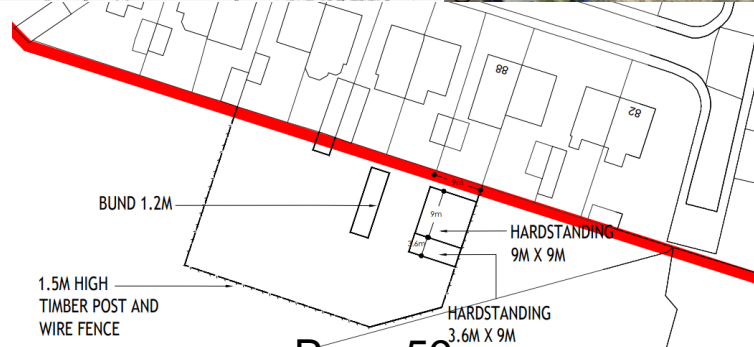
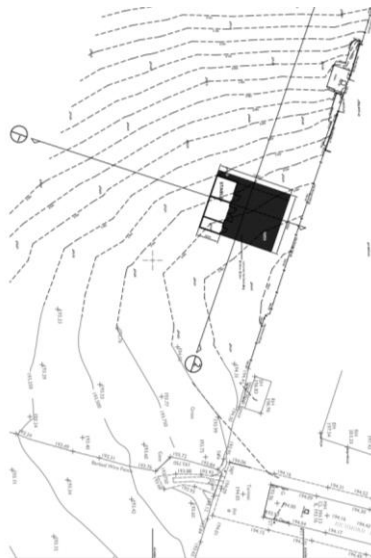
- FINISHES**
- WALLS** 150x25mm Redwood slip/slip cladding treated with preservative
 - ROOF** Black Clouline roofing sheets
 - WINDOW** redwood window frame with perspex glazing
 - DOORS** non 2000mm high vertically boarded
 - GUTTERS** black upvc
 - EWPS** black upvc



SECTION 2



SECTION 1



Relevant Policies:

Burnley's Local Plan 2018

SP5 – Development Quality and Sustainability
EMP7- Equestrian Development

NPPF 2019

Site History:

N/A

Consultation Responses:

Neighbours – 7 letters have been received with the material objections summarised:

- Negative impact on public footpath
- Concerns re manure storage
- Impact on residential amenity (smell noise, overlooking, overbearing)

Multiple comments have been made with regards to the possibility of Miller Homes using the proposed site to gain access to the current development site to the east, this planning application if for the erection of a stable building, any approval granted for stables on this land will not result in any permission being given by the LPA for the use of this field by the developers (Miller Homes). These comments are not considered to be material nor have any weight on the current planning application for an equine stables.

Cliviger Parish Council:

- (1) It is inappropriate development on a green field site.
- (2) The application is very close to neighbouring homes.
- (3) There is some confusion over why the application is on equine grounds and would question whether this is permitted development.
- (4) There appears to be no evidence of need for this application

Planning and Environmental Considerations:

The principle of development

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

Policy SP4, details the development strategy for the borough. Part 4 of this policy states that; the open countryside is defined as land beyond any Development Boundary. In the open countryside development will be strictly controlled.

Policy EMP7, details requirements for equestrian development including; access, siting and scale and design and materials.

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

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.

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy EMP7 requires that thought be given to the sitting, scale, design and material of equestrian developments in order to protect the rural area.

The proposed building while remaining adequately distanced from the residential dwellings, is considered to relate to the existing group of buildings and is not considered to appear as incongruous or prominent within the landscape. The site will not result in any significant land works that would alter the natural hillside thereby protecting this undulating landscape.

The proposal is considered to be of an appropriate size and to be constructed using materials (red wood cladding and black onduline roofing sheets) that are typical with this type of development and are considered to be appropriate for use within the rural area.

The construction of a stables within a field with an existing equine use is an appropriate development for the area and will be in keeping with existing land uses. The proposal is not considered to have any impact to the enjoyment or use of the public footpath.

The application includes the provision of an earth bund, to provide a wind break to the prevailing wind from the north west and provide shelter to those using the yard and stables area. This is not considered to result in any significant negative impact on the visual amenity or character of the area.

The proposal is considered to be appropriate for the existing use of the land and of a size and design typical to the nature of the development, as such it is considered that the application will not result in any significant negative impact to the visual amenity and character of the area and rural landscape and as such meets policies SP5 and EMP7.

Impact on the amenity of neighbours

Policy SP5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

The nearest residential dwellings to the proposal would be, 86, 88, and 90 Richmond Avenue, the proposed stables would be sited approximately 12.5m from the rear boundary of no.88 Richmond Avenues amenity space. With this distance in mind the proposed single storey stable building measuring approximately 4m high to the ridge, is not considered to have any undue impact in terms of overshadowing or loss of daylight. The proposed equine use is not considered to give rise to any significant overlooking

that would result in a significant negative impact on the neighbouring properties residential amenity.

With regards to noise disturbance and smell, the applicant has confirmed that manure would be removed as/when required and given the application site's rural location in the open countryside it is not considered that odours from a manure store for two horses and noise would be particularly prominent, especially given the adjacent field could be used to house a significantly greater number of agricultural animals without the need for planning permission.

Policy EMP7 c) requires that equine development be sited at an adequate distance from neighbouring residential properties. The proposed stables due to its scale and massing is considered to be located an adequate distance from neighbouring residential properties, this is due to the size of the proposed stables, and the fact that the horses will mainly remain outdoors as they currently are, using the stables for poor weather or vet visits ect. As such the proposed development is not considered to result in any undue harm to the residential amenity of nearby neighbouring properties.

Conclusion

The proposed development is acceptable in principle, will maintain the character of the 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.

4. The stable building and hardstanding hereby permitted shall be for private use only and shall not be used in connection with any commercial enterprise such as livery stables or riding school.

Reason: For the avoidance of doubt as the more intensive commercial use of the development could be detrimental to the appearance and character of the locality, the amenities of nearby residents or highways safety contrary to policy SP 5 of the adopted Local Plan.

HM
Assistant Planning Officer

Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6f

Ref.

COU/2021/0041

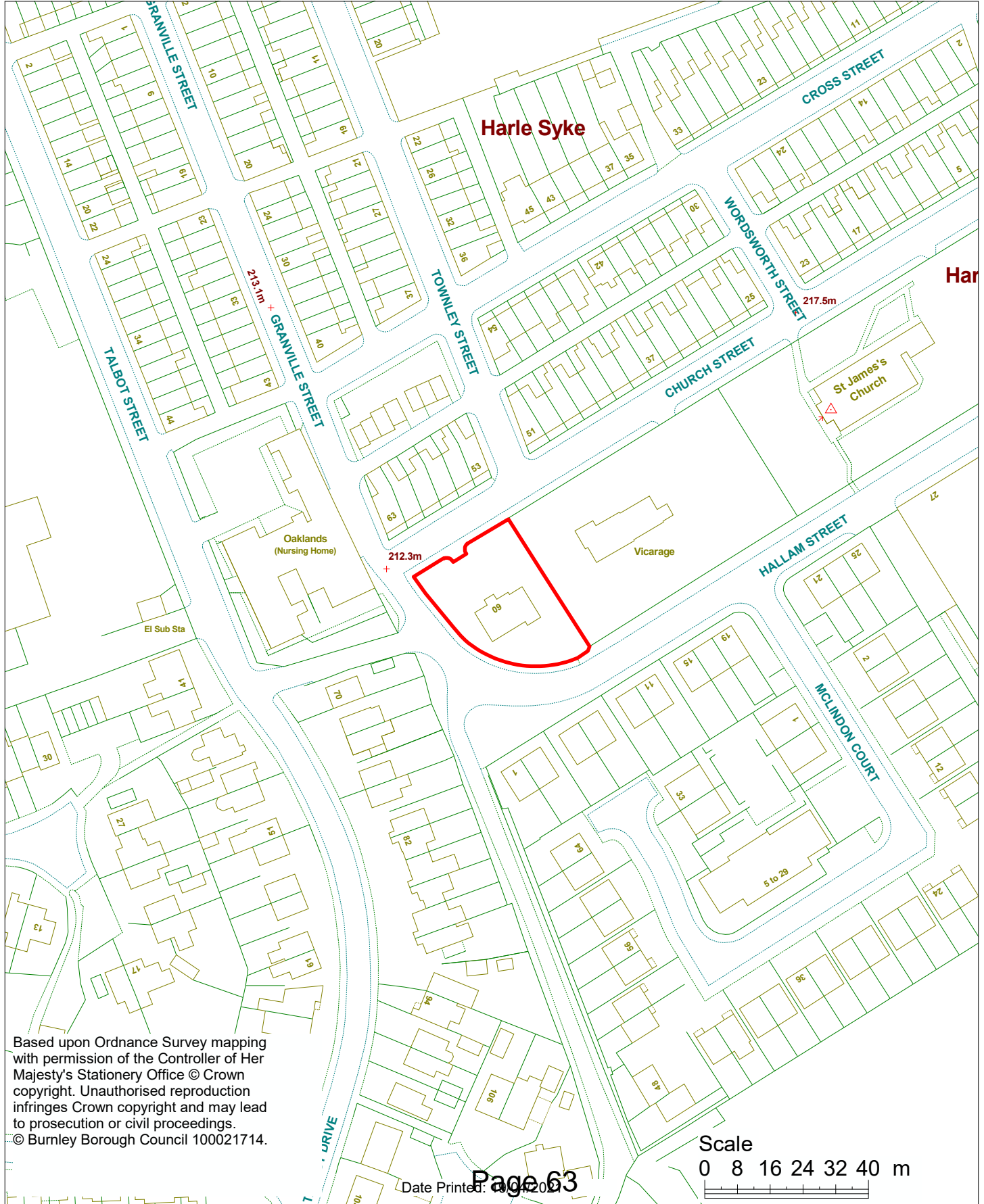
Paul Gatrell Head of Housing and Development

Location:

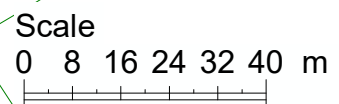


60 Church Street, Briercliffe

1:1250



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Application Recommended for Approve with Conditions

COU/2021/0041

Briercliffe Ward

Town and Country Planning Act 1990

Change of use from dwelling (Class C3) to children's care home for up to four young people (Class C2)

60 Church Street Briercliffe Lancashire BB10 2HU

Applicant: Residential Child Care Community (North West) Ltd

The application is being considered at this Committee following neighbour objections being received.

Background:

The proposal is for a change of use from a Class C3 dwelling to a home for up to for young people aged between 7 and 18 within Class C2 `residential institutions`, at a large detached house at the corner of Church Street and Granville Street and bordering Hallam Street to the rear. The site is within the Harle Syke Conservation Area. Trees on the site are protected by a Tree Preservation Order.



A total of four staff would be employed at the premises and occasional professional visitors. The accommodation is mainly on two floors, with a further two bedrooms in the roofspace and would be used to provide four bedrooms for children, one staff bedroom and a first floor staff office/watching watch room. No external alterations are proposed to the dwelling or its grounds which includes a large driveway and parking area. The existing attached garage would be sub-divided to retain storage space for bicycles and to provide a staff office. The protected trees on the site would not be affected.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP5 – Development quality and sustainability

HE2 – Designated heritage assets

NE5 – Environmental protection
IC1 – Sustainable travel
IC3 – Car parking standards

National Planning Policy Framework

Site History:

APP/2006/0201 – Proposed erection of fence on top of existing perimeter wall (overall height of wall and fence 2m). Approved April 2006.

Consultation Responses:

LCC Highways

No objections.

Environmental Health

No objection. Recommend consideration of internal wall noise attenuation between rooms, but only as an informative.

Briercliffe Parish Council

Raise concerns as follows:-

- Increase in traffic in an already heavily congested area and impact on Church Street in particular
- There are already two social care residences in Briercliffe and a further one soon to be developed in the local area
- The suitability of the area, with regard to the existing youth and anti-social behaviour in the area.

Publicity

Objections have been received from four properties in the neighbouring area which are summarised below:-

- Unsuitable within this residential area
- Additional traffic due to care workers, tutors, social workers, shift workers etc
- Insufficient on-site parking and street is parked up on both sides
- Would increase problems in Briercliffe with youths and anti-social behaviour.

Planning and Environmental Considerations:

Principle of proposal

The proposed site is within Briercliffe village which is an accessible location for amenities. The property is currently a family home with six bedrooms and is of sufficient size for use as a children`s home for four young people without the need for any extension or significant changes. The proposed use is closely similar to a Class C3 dwelling use and it is case law that has made a distinction between the uses, based on the definition of a household. In North Devon District Council v The First Secretary of State (2004) it was determined that children alone generally cannot form a `household` and that if their carers do not live permanently at the property, the use would fall within Class C2 of the Use Classes Order. This is the case here where carers will operate shifts to provide 24 hour care and support to children (between 7 and 18 years old). The property would however be used in a similar way as a large family home, in which case, the proposed site and location would, in principle, be suitable for a proposed children`s home for four young people. Notably, the property would also be capable of reverting to a Class C3 use in the future if required.

Impact on residential amenities

Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. The property would function similar to a large dwelling which provides ample accommodation for four children with gardens for sitting and playing outside. It is not expected that the background noise levels would differ to that of a conventional large family home in respect of the amount of comings and goings or levels of activity, in which case the amenities of neighbouring properties would not be adversely affected by the proposal. The Environmental Health Officer has advised that noise insulation between bedrooms within the property may be helpful but only recommends this as an Informative and not as a condition.

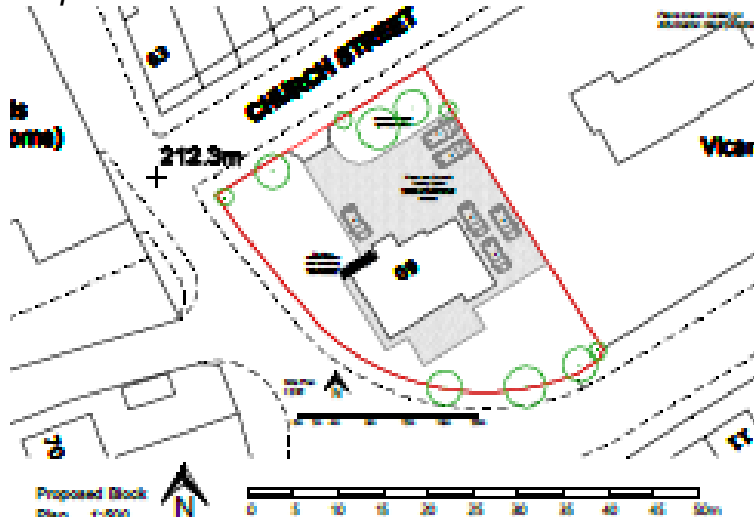
Objections to the proposed use have referred to concern that it may lead to anti-social behaviour which is already a concern in Briercliffe. The young people who would occupy the premises are likely to have vulnerable backgrounds but would be supported in as close to a family home environment as possible which means going to school, being supported with homework and every day life. There is no reason why this should lead to anti-social behaviour or that the new occupants could not integrate into the existing community.

The impact of the proposal on residential amenities is therefore acceptable and the proposal complies with Policy SP5.

Impact on car parking

Policy IC3 requires development to provide adequate parking as appropriate to their nature and scale.

Proposed Site Plan



The existing driveway and areas of hardstanding provide for a considerable number of spaces; the proposed site plan shows how a minimum of six spaces can be accommodated on the existing site without the need for any enlargement to the driveway. This level of car parking would be in excess of the day to day parking needs that would be generated. The young residents (up to 18 years old) are not expected to have a vehicle and whilst four staff would be employed they would not all be present at the same time. This would provide ample space for occasional visitors without the need for on-street parking. Adequate cycle storage would be provided for

occupants in part of the existing garage. LCC Highways has no objection to the proposal.

As such, the site provides adequate on-site parking provision, it complies with Policy IC3 and would not significantly affect parking in the local area.

Other issues

The site is within the Harle Syke Conservation Area and as such, there is a policy requirement under Policy HE2 and requirement under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Given that the proposal would not lead to any external changes to the property or its grounds and would retain a residential use of the property, it would not alter the special character of the Conservation Area or affect its significance.

Conclusion

The proposed use as a home for up to four young people (7-18 years old) would display similar characteristics to that of a large Class C3 dwelling. The application property and its location within a residential area and village community would be suitable and complies with plan policies. The objections to the proposal have been considered but there are no material reasons to outweigh this finding.

Recommendation: Approve with conditions

Conditions

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the approved use shall operate for up to four young people up to and including 18 years of age only and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley's Local Plan (July 2018).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting this Order with or without modification), no

development shall take place which would otherwise be permitted under Part 3 of Schedule 2 without planning permission first being obtained.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley`s Local Plan (July 2018).

Janet Filbin
20th April 2021

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Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2021/0053

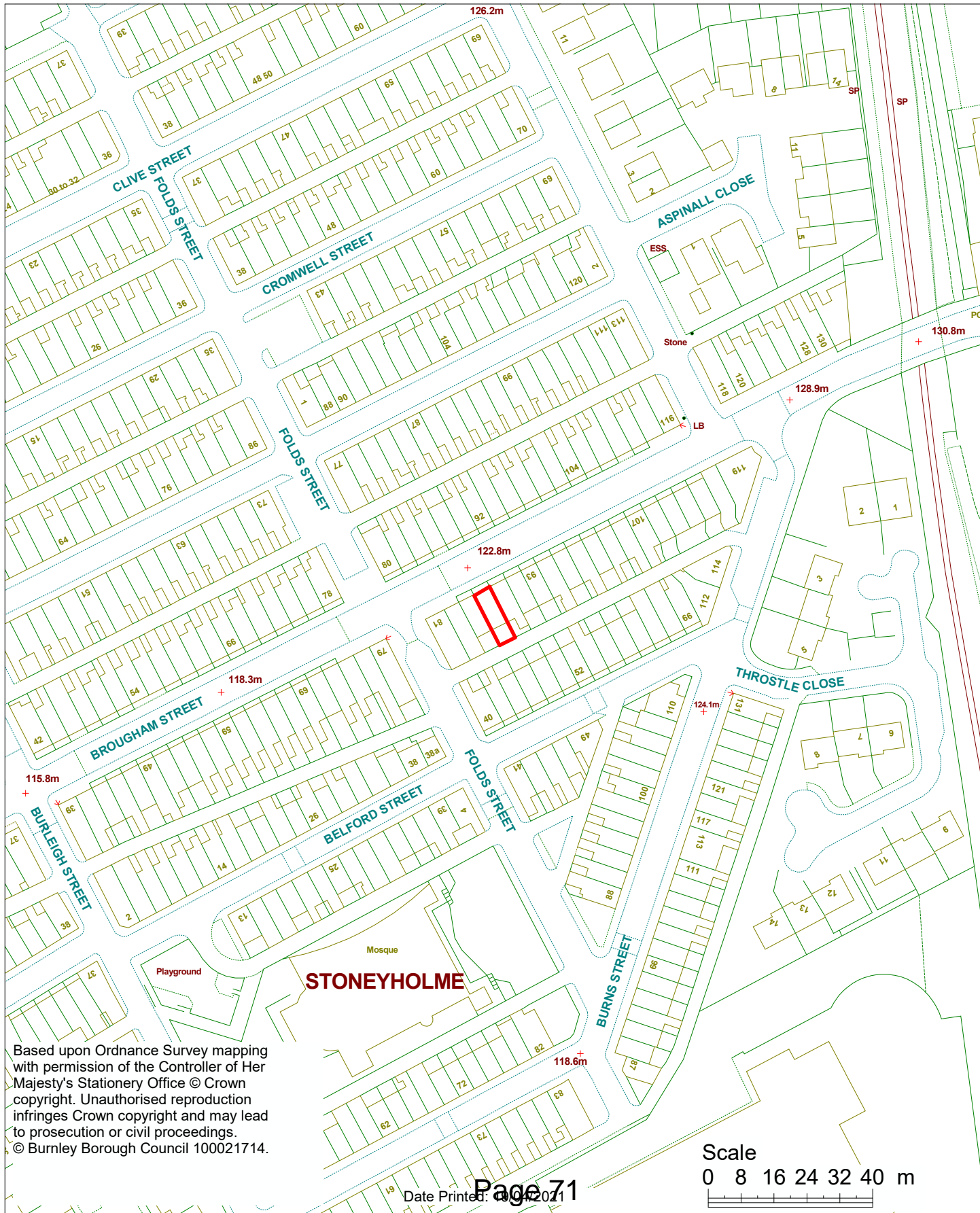
Paul Gatrell Head of Housing and Development

Location:



87 Brougham Street, Burnley

1:1250



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Application Recommended for Approve with Conditions
Daneshouse With Stoneyholme

HOU/2021/0053

Town and Country Planning Act 1990
ERECTION OF A SINGLE STOREY REAR EXTENSION
87 Brougham Street, Burnley
Applicant: J Hussain

The application is before the Committee as objections have been received.

Background:

The proposal involves the erection of a kitchen extension to the rear of the mid-terraced dwelling.



rear of 85 and 87 Brougham Street



rear of 87 and 89 Brougham Street



existing and proposed layout & elevations

Proposal:

The property is a mid-terraced house within the predominantly residential area Stoneyholme. The proposal involves the erection of a single-storey dual pitch extension to the rear to provide a separate kitchen. The extension will project approx. 4m x 3.2 with an eaves height of 2.9m and ridge height of 4. Proposed materials are mixture of brick and render with a slate roof.

Relevant Policies:

Burnley`s Local Plan July 2018

HS5 – House extensions and alterations

HS4 – Housing development

SP1 – Achieving sustainable development

SP4 Development strategy

SP5 – Development quality and sustainability

National Planning Policy Framework Feb 2019

Site History:

None.

Consultation Responses:

Neighbour – Objects to the proposal for the following reasons;

- Light issue; there is an extension on my right-hand side, if this extension is built on the left-hand side it will block light from both sides to the dining kitchen.
- Smell issues from his ventilation of the toilet and kitchen and combi boiler.
- It will have a visual impact of bits sticking out into my back yard.
- The extension should be built on the opposite side.

Owner of neighbouring property – Objects for the following reasons;

- The extension should be done on the other side of the property as I would have to build my extension on this side.
- Will affect light and overshadow my property.
- Loss of privacy due to extraction fan and toilet with smell coming into my yard as the extension is being built over the boundary wall on my side of the yard.
- Noise from extraction fan and boiler flue sticking into my yard and noise with the extension.
- The work has already started, and my back access has been blocked, the boundary wall knocked down, and foundations put in without my consent.

Member of the public – objects as the extension is not in line with all the extensions on the street, they all start at the left- hand side and this one is going on the right with a full yard extension which will overshadow the back street.

Planning and Environmental Considerations:

The principle of development

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

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.

The extension is proposed to the left-hand side of the rear elevation, most other kitchen extensions in this row are located on the right-hand side, however there are examples of left-hand sided extensions within the surrounding area.

The proposed materials are brick with a smooth render finish for the elevations and Marley Grey tiles for the roof. The design and materials are considered to be acceptable and would match other in the surrounding area.

Provision has been made for the storage of refuse bins within the confines of the extension.

On balance, the design of the extension is considered to be in keeping with the locality, and is deemed to be sympathetic, unobtrusive and in keeping with the surrounding area in accordance with the requirements of the NPPF and Burnley Local Plan Policy's SP5 and HS5.

Impact on the amenity of neighbours

Privacy/outlook/daylight

No windows are proposed on the side elevation adjacent to no. 85 Brougham Street and none on the rear elevation facing the back street; the windows on the other side elevation face into the back yard area and face the back yard wall between nos. 87 and 89 Brougham Street. Privacy is not therefore an issue.

A rear yard boundary wall can be erected to a height of 2m without consent under permitted development. The proposed elevation to the eaves is 2.9m which is approx. 0.9m higher than a boundary wall could be (without consent).

In general, rear extensions vary as to whether they are on the left or right -hand side at the rear of a terraced house. There is no policy restriction that requires an extension be to the right-hand side of the property as suggested by the objectors and there are examples close by. The window to the rear of no 85 is on the left-hand side and the neighbour states that this room is the dining kitchen which is classed as a habitable room within the current Local Plan.

Given the solar orientation, there will be a slight effect on the sunlight at the rear of no.85 if the proposed extension is built; it is not however considered that this would be significant enough to refuse the proposed extension. If the owner of no.85 was to build an extension to the left at his property, as he is suggesting, that would have a more significant effect on the window at the rear of his house.

Outlook from the rear of no. 85 would not be significantly different to the previous outlook when the back yard boundary wall was in place.

On balance it is considered that the proposed extension would not have such a significant effect on no.85 Brougham Street to justify a refusal.

Conclusion

The proposed extension is considered to be acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

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

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

- 2 The development 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.

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0447

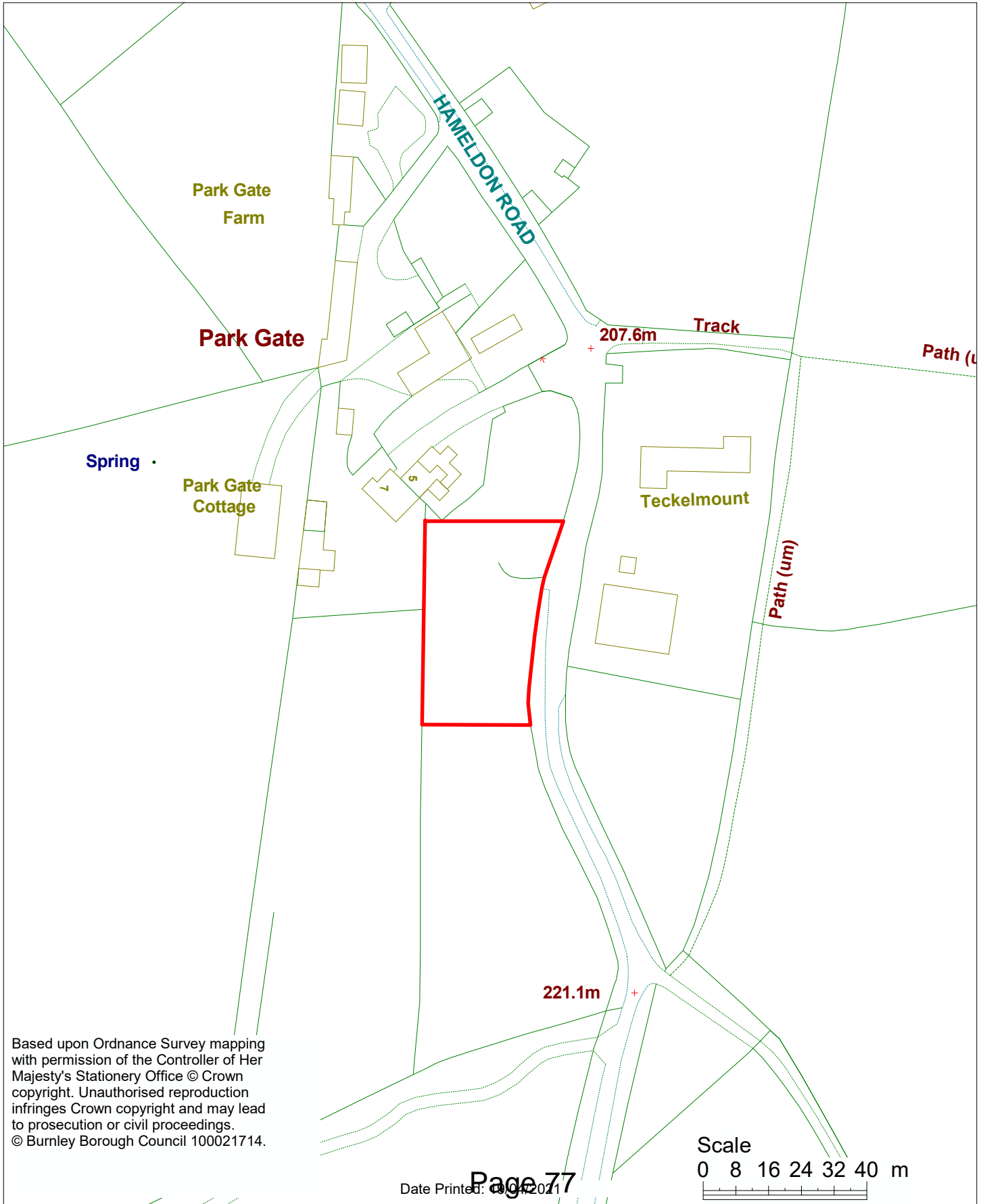
Paul Gatrell Head of Housing and Development

Location:

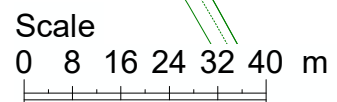


Land At Hameldon Road, Hapton, Burnley

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Application Recommended for Approval with Conditions

FUL/2020/0447

Town and Country Planning Act 1990

Agricultural Building

Land at Hameldon Road Hapton Burnley

Hapton

APPLICANT: Mr Frank Owen

AGENT: Mr Steven Hartley

The application is before the committee following receipt of an objection.

Background:

The application relates to an agricultural field to the south of the settlement of Hapton. Within a small hamlet comprising of Park Gate Farm and Tecklemount.



Photo 1: Site of proposed building and access onto Hameldon Road



Photo 2: existing access onto field (left) and neighbouring yard and access (right)

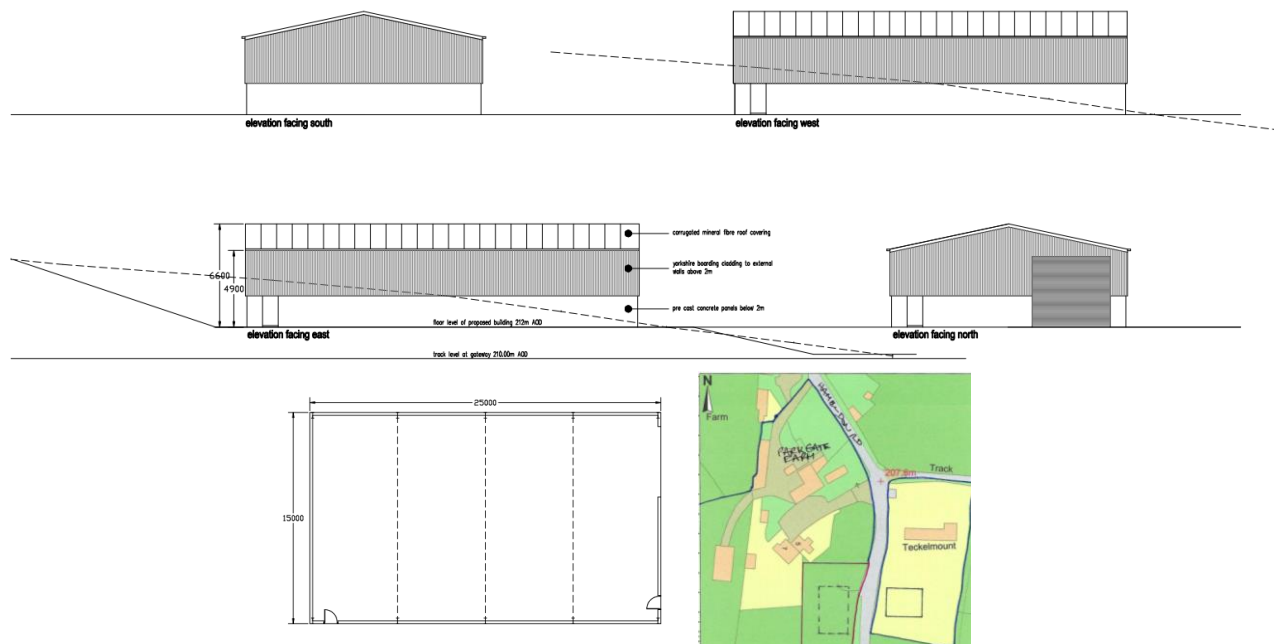


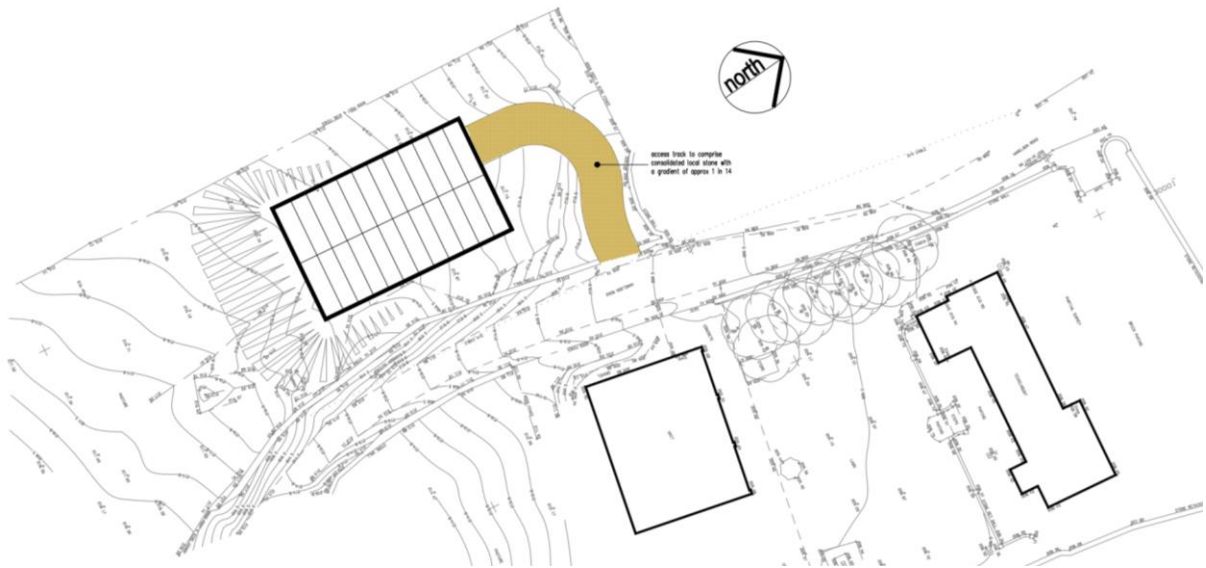
Photo 3: Existing storage building associated with the dwelling Teckelmount to the east of Hameldon Road

Proposal:

The application seeks consent for the erection of an agricultural building measuring approximately 25m by 15m with a ridge and eaves height of approximately 6.6m and 4.9m respectively, the proposal includes some engineering works to “dig-in” the proposed building into the existing hillside.

Plans show





plans and elevations

Relevant Policies:

Burnley's Local Plan 2018

SP5 – Development Quality and Sustainability
 EMP5- Rural Business & Diversification

NPPF 2019

Site History:

N/A

Consultation Responses:

Neighbours – One letter has been received with the following objections:

- Negative impact on traffic and the highway
- Negative impact on the character of the area

LCC Highways- Following additional details, no objection raised subject to condition(s).

Planning and Environmental Considerations:

The principle of development

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

Policy SP4, details the development strategy for the borough. Part 4 of this policy states that; the open countryside is defined as land beyond any Development Boundary. In the open countryside development will be strictly controlled.

Policy EMP5, details support for rural businesses and diversification subject to meeting other relevant policy requirements of the Plan.

Policy EMP5: Rural Business & Diversification

- 1) **Proposals to expand existing or establish new businesses, including local retail uses and tourist facilities in the open countryside or within the main and small villages (Tier 3 and 4) will be supported where these meet the other relevant policy requirements of the Plan and where these:**
 - a) **Support the retention or growth of an existing business or the establishment of a new enterprise and are at a scale that is appropriate to and in keeping with the area in which they are located;**
 - b) **Comprise uses and services appropriate to a rural area;**
 - c) **Represent appropriate home working enterprises at an existing dwelling;**
 - d) **Are located within or immediately adjacent to the Development Boundaries or are well related to an existing group of buildings;**
 - e) **In the design of any buildings, access and car parking arrangements are in keeping in terms of their scale and character with the surrounding landscape and would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and**
 - f) **Do not have an unacceptably negative impact on residential amenity.**
- 2) **In addition to the above requirements, the Council may also consider favourably new tourist facilities in the wider open countryside where:**
 - a) **The proposed facility by virtue of its specialist nature has a clear need to be located close to an existing tourism asset; or**
 - b) **It can be demonstrated through a supporting statement that the facilities will add to the borough's tourism offer and there are no suitable sites within the Development Boundaries.**
- 3) **In appropriate cases, permitted development rights will be withdrawn in order that subsequent changes of use or alterations and extensions can be properly considered.**

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

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.

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy EMP5 of the Burnley Local Plan supports the expansion of rural businesses outside the development boundaries subject to meeting the relevant criterion.

The proposed building will be built into the hillside as such from the approach along Hameldon Road from the south, there will be minimal impact on the landscape of the area, in addition from this direction the proposed building will be seen against a backdrop of buildings from both Tecklemount and Park Gate Farm.

The proposed agricultural building will be seen in context with the existing buildings along Hameldon Road and at Park Gate Farm, on approach from the north, as such the proposal is not considered to be out of keeping or character for the area.

The building is proposing to use, concrete panels, Yorkshire boarding and corrugated mineral fibre roof sheets, these materials are considered to be typical within the agricultural use and with the existing buildings in mind the proposed agricultural building is not considered to result in any significant harm to the visual amenity and character of the surrounding area.

The proposed engineering works, while extensive, will mirror the works undertaken across the highway allowing for the construction of the storage building at Tecklemount, as such this is not considered to be of a significant enough impact to warrant a refusal of the application.

Impact on the amenity of neighbours

Policy SP5 seeks to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. Policy EMP3 of the Burnley Local Plan supports the expansion and upgrading of business premises within the development boundaries. Providing the proposals through their form and design do not have an unacceptable impact on surrounding uses, residential amenity or the environment.

No details as to the use of the proposed building have been provided, with the application merely stating, "agricultural building". An agricultural building used for the storage of hay, machinery or livestock is not considered to result in any significant negative impact on the residential amenity of any nearby neighbouring properties, due to the existing land uses in the area, topography of the land and location of the

proposed building approximately 27m from the nearest neighbouring property at Park Gate Farm.

Conclusion

The proposed development is acceptable in principle, will maintain the character of the 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. For the avoidance of doubt, permission is granted for use of the building hereby approved solely for agricultural purposes (as defined in Section 336(1) of the Town and Country Planning Act 1990).

Reason: Intensification or a change of use may result in harm to the residential amenity of nearby neighbouring properties as well as in the interest of highway safety.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

HM
Assistant Planning Officer

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0567

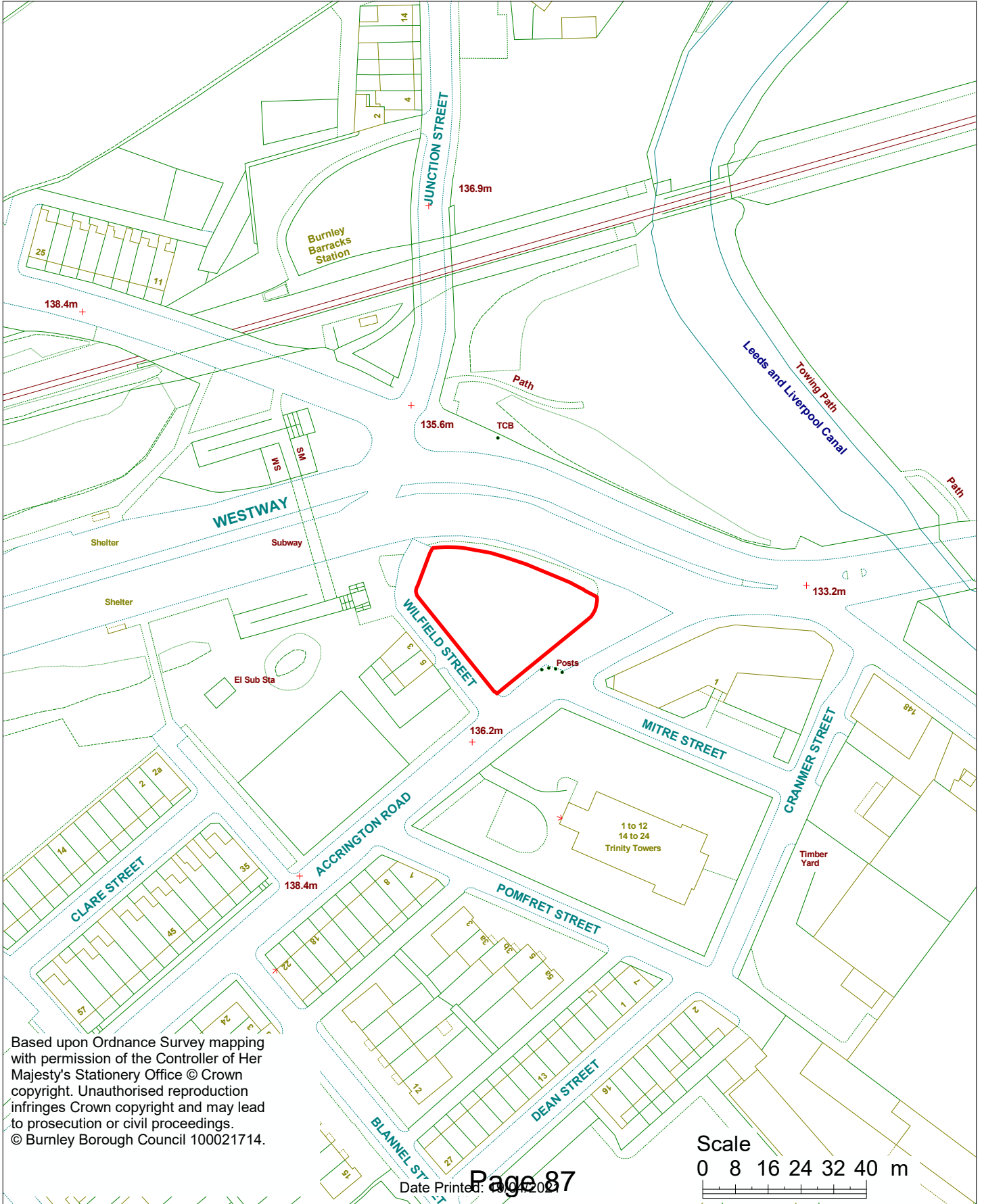
Paul Gatrell Head of Housing and Development

Location:

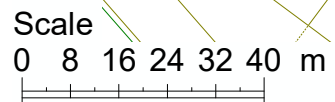


Land At Westway, Burnley

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**Application Recommended for Approve with
Conditions**
Trinity Ward

FUL/2020/0567

Town and Country Planning Act 1990

Creation of car park
Land At Westway Burnley

Applicant : Car Park (Burnley) Ltd, Trafalgar Mill Business Centre

The application is being considered at this meeting due to objections having been received.

Background:

The proposal is to form a car park on a small hummocky piece of land (approximately 0.1ha) between Westway, Wilfield Street and Old Accrington Road. The land has previously been cleared of dense vegetation and trees.

Land adjacent to bus lane on Westway Raised area of land viewed

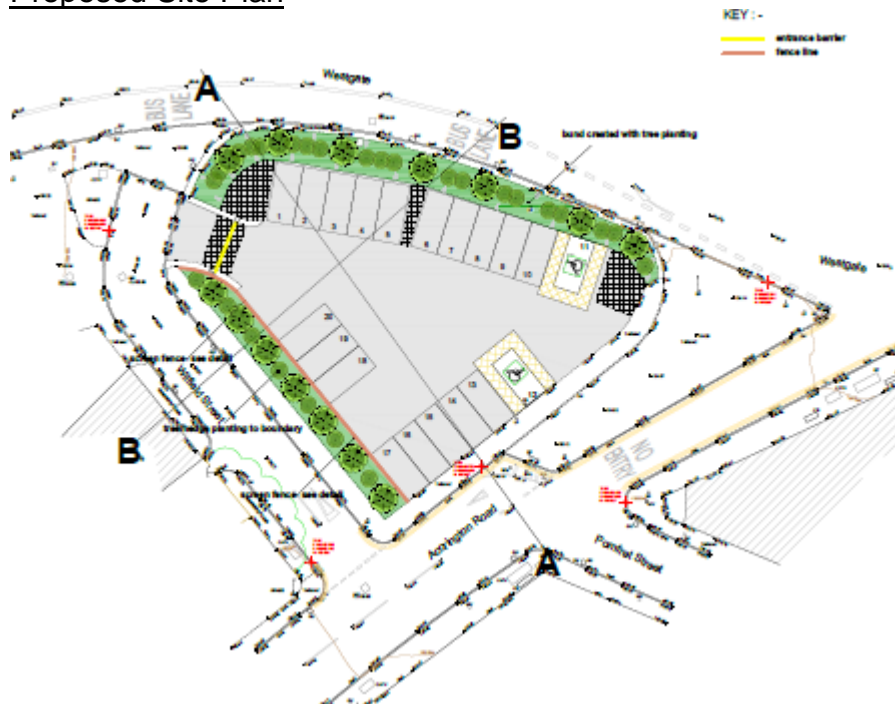


Wilfield Street

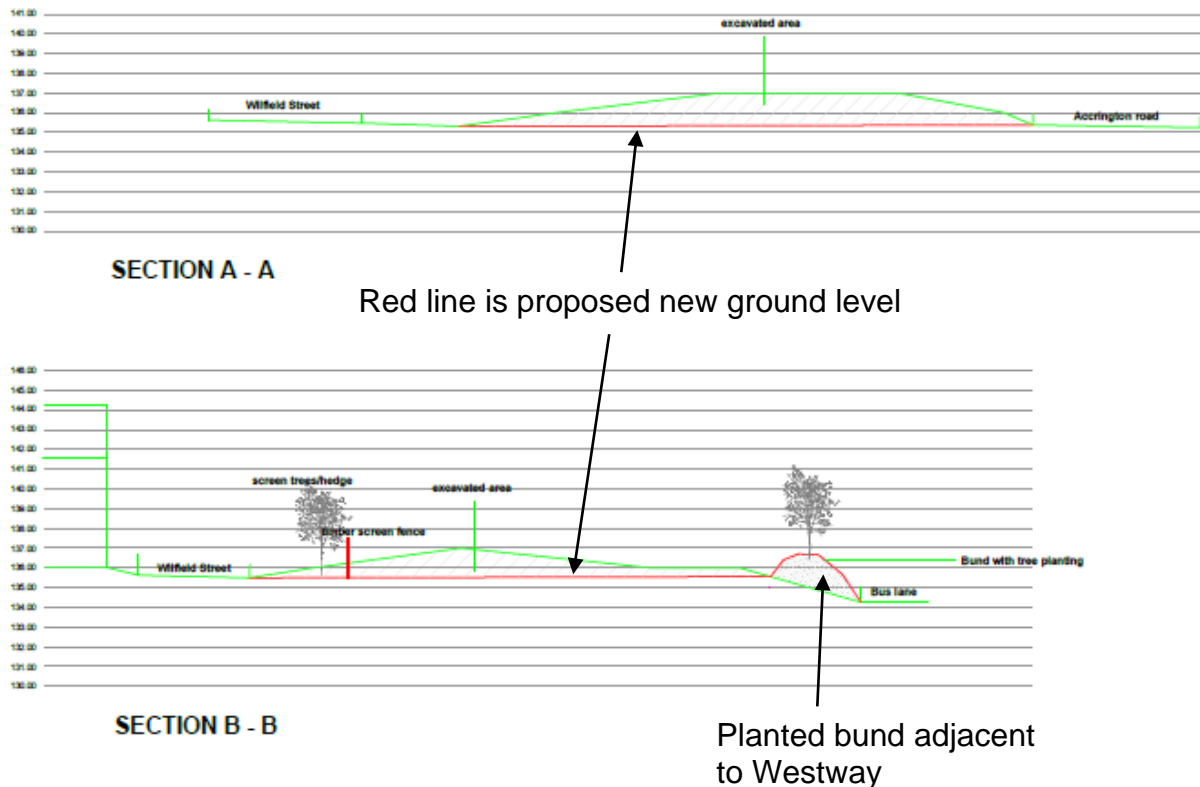


The proposal is to excavate the land to form a level hard surfaced site and mark out with 20 no. car parking spaces and form a new access from the adjacent Wilfield Street.

Proposed Site Plan



The proposed car park would be for private users who pay in advance and would have a barrier entry system with number plate recognition. Car parking spaces would be booked in advance with no ticket machine and the car park would not be open to casual users. There would be no stay duration limit. Two disabled car parking spaces are included. The proposed position of the access to the north end of Wilfield Street and the addition of tree and hedge planting on the Wilfield Street boundary are changes that have been made to the scheme since it was first submitted.



A bund would be formed to create an edge with Westway and would be planted with trees.

Relevant Policies:

Burnley`s Local Plan (July 2018)

- SP1- Achieving sustainable development
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems
- IC1 – Sustainable travel
- IC3 – Car parking standards

Site History:

None.

Consultation Responses:

LCC Highways

No objection. Conditions are necessary to ensure that there are measures to intercept any surface water run-off from the site into the public highway and to secure the provision of 2no. electric vehicle charging points for sole use by users of the car park, in line with the National Planning Policy Framework. Further conditions are recommended to require a Construction Management Plan; to restrict delivery hours and to require wheel washing facilities during construction; to require a scheme for the

construction of the access and off-site works and a scheme for the landscaping and maintenance of the land within the visibility splays; to require details of the management and maintenance of the car park; and to restrict its use for the parking of private cars vehicles only using the pay in advance mechanism supplied by the developer.

Publicity

Councillor Andy Fewings

Objects to the application, making the following comments :

- It was a Green space providing amenity space, much needed habitat and screening for residents from a very busy road which causes a lot of noise and air pollution
- It should not have been felled without a licence.
- It should not become a car park. It is just not needed and would seriously affect the amenity for residents.
- Suggests the purchaser plants it out with trees.

Neighbour Objection

One neighbour objection has also been received. Initially, the objection also included an absence from the plans of a fence with tree and hedge planting along the site`s boundary with Wilfield Street. Following the submission of amended plans, the neighbour`s objection is as follows:-

- Loss of copse and wildlife
- Access should not be from Wilfield Street and should instead be from Old Accrington Road
- It will increase the level of two way traffic on Wilfield Street where residents` cars are parked on both sides and there is a high pedestrian footfall from Old Accrington Road to the subway leading to the train station. This would be a risk to vehicles and children living in Wilfield Street.

Planning and Environmental Considerations:

Principal of proposal

The site falls within the urban area of Burnley, within the defined Development Boundary. Policy SP4 identifies Burnley as the principal town as a service centre for the borough. The re-use of this piece of unused land for a purpose that supports the function of the town would, in principle, be in accordance with Policy SP4 subject to other detailed considerations.

Suitability of site

The site is an accessible location at the gateway to Burnley town centre and to Burnley Barracks railway station. Whilst its distance from town centre shops would make it unsuitable as a shoppers car park, it could provide a service to others, including travellers on the rail network. Its limited size and position between houses on Wilfield Street and Westway would make it suitable for a low key small scale use.

The site was previously overgrown with vegetation and which has been cleared, in addition to tree cover that has been lost. The applicant has indicated that the

proposed car park on and the number of spaces indicated on the proposed site plan would make it suitable for a
The proposed use as a private car park for paying members of the public on a pre-paid/pre-booked system

Access and highway safety

Policy IC1 seeks to promote sustainable travel patterns and requires development to provide safe pedestrian, cycle and vehicular access. The provision of a small scale private car park at this location outside of the Town Centre is unlikely to affect the operation of Town Centre car parks or significantly impact on travel patterns. The provision of 20 spaces on a pre-paid and pre-booked system is more likely to cater for a local need for secure car parking, potentially taking advantage of its location close to Burnley Barracks railway station.

The number of comings and goings to the proposed car park would be restricted by its operation as a private pre-paid car park with a barrier on entry using number plate recognition. LCC Highways raise no objections to the proposal subject to various conditions to control the construction of the car park, the details of the access, off-site works and drainage, its use and a minimum of two Electric Vehicle Charging (EVC) points. These conditions are necessary to ensure the satisfactory implementation of the proposal.

A neighbour objection refers to parked cars on Wilfield Street which limits two way traffic movements. The short street is a cul-de-sac with limited traffic movements. The proposed small scale car park would only be a destination for those with pre-booked car parking spaces with no limit on the duration of stay and is unlikely therefore to lead to congestion or a significant level of new traffic movements. The neighbour's suggestion that access be from Old Accrington Road instead of Wilfield Street is unlikely to be suitable due to the limited frontage between existing junctions.

Site's frontage to Old Accrington Road



Subject to the conditions that are recommended by LCC Highways, the proposal would provide a suitable private car park with adequate access and would not adversely affect highway safety. It would therefore comply with Policy IC1.

Impact on residential amenity

Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

The proposed site plan indicates that a landscaped strip with a hedge and trees would sit in front of a 1.8m high fence which would provide privacy to the two neighbouring houses on Wilfield Street and provide a softened outlook. The point of access into the proposed car park has been moved away from the houses which would avoid head light glare and allow for a satisfactory outlook.

The number of traffic movements generated by the proposal would not significantly affect traffic noise and other background noise levels.

The proposal would therefore not lead to an unacceptable adverse impact on the amenity of neighbouring occupants and would not give rise to conflict with Policy SP5.

Other issues

Objections listed above refer to the loss of a copse and wildlife from the site. The copse referred to was not protected by a Tree Preservation Order and planning permission would not be required to clear the land as this would not itself amount to development. Attention to preventing harm to any protected species is a matter for any individual and is required by law (the Wildlife and Countryside Act 1981). It is not known whether there were previously any protected species on the land. As a car park, the site would offer limited scope for habitat for wildlife, although the landscaping and hedge/tree planting along Wilfield Street and Westway would offer some mitigation. The site has no nature conservation designation and its development would not conflict with Policy NE1 (Biodiversity and Ecological Networks).

Conclusion

The proposed site would be suitable for a small scale private car park at an accessible location and has been designed to provide a satisfactory access, layout and landscaped boundary treatment. Subject to conditions to control the use of the car park, details of part of its construction and drainage, landscaping, the installation of 2no. EVC's, and matters relating to its construction, the proposal would not lead to any significant impacts on local amenity or highway safety. The proposal would comply with the provisions of the development plan and there are no material considerations which would outweigh this finding.

Recommendation: Approve with Conditions

Conditions

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. The car park shall operate as a private car park only for the parking of up to 20 private cars on a payment in advance mechanism only with a barrier to control entry and departure and shall not at any time be open or available as a public car park. The parking of vehicles is restricted to cars and shall not be occupied by motorhomes or caravans and shall not be used for any other purpose whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: In order to control the number and type of vehicular movements to and from the site and to ensure the satisfactory implementation of the proposal and to prevent other uses that may be unsuitable on this small site, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

4. The approved 20 space car park inclusive of two disabled parking spaces, shall be constructed, drained and hard surfaced in tarmacadam unless alternative surfacing materials are previously agreed in writing by the Local Planning Authority, and marked out in accordance with the approved plans, prior to being first open for use.

Reason: To ensure a satisfactory bound and drained surface and to ensure the satisfactory implementation of the proposal, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

5. Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for tree and hedge planting along the site's boundary with Wilfield Street and tree planting on a bunded edge with Westway, as indicated on the approved plans. The submitted details shall include plant species, numbers and locations of planting, planting heights and methods of cultivation. In respect of the area of landscaping that either falls within the visibility splays of the site access or adjoins the highway, details of the landscaping shall also include a scheme of maintenance.

Reason: To ensure appropriate screening and a satisfactory appearance to the development from Wilfield Street and Westway and to ensure that visibility for users of the highway is not adversely affected, in the interests of visual amenities and highway safety, in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018). The condition is required prior to the commencement of development to ensure that a suitable landscaping scheme can be implemented promptly at the appropriate stage in the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the excavation of the land and formation of a new surface for a car park; and, any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises

with its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

7. Details of any external lighting 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 avoid excessive and intrusive lighting , in the interests of residential amenities and highway safety, in accordance with Policies SP5 and IC1 of Burnley`s Local Plan (July 2018).

8. Prior to the commencement of development, a scheme for the construction of the site access and the associated off-site works of highway improvement, 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 the approved car park being first brought into use.

Reason: To ensure that the details of the access and highway works are acceptable, 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 stage of the development in the interests of highway safety.

9. Prior to the approved car park being first brought into use, details of the future management and maintenance of the approved private car park shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter only be operated in accordance with the approved management and maintenance details.

Reason: To ensure the satisfactory implementation of the proposal and to ensure the car park is adequately managed and maintained , to safeguard the users of the street and the visual amenities of the locality, in accordance with Policies IC1 and SP5 of Burnley`s Local Plan (July 2018).

10. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measures for dealing with surface water run-off from the landscape bund adjacent to the bus lane at Westway. The approved scheme shall thereafter be implemented and completed in accordance with the approved details prior to any part of the development being first brought into use. The approved drainage scheme shall be retained in perpetuity.

Reason: To ensure the site is adequately drained and to prevent adverse run-off onto the public highway, in order 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 above to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

11. The proposed boundary treatment indicated on the approved plans, shall be implemented and completed prior to any part of the approved car park being

first brought into use. The approved boundary treatment, including the landscaping and fence on the site's boundary with Wilfield Street, shall be retained in perpetuity.

Reason: To ensure a satisfactory appearance to the development in order to protect the visual amenities of the surrounding area and to provide satisfactory screening from adjacent properties in order to safeguard residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

12. No part of the approved car park shall be first brought into use unless and until a minimum of two car parking spaces have been fitted with Electric Vehicle Charging points which shall be solely for use by the users of car park. The Electric Vehicle Charging points shall thereafter be retained in perpetuity.

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) and the National Planning Policy Framework.

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. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved Plan / Statement shall provide for the :

- 24 Hour emergency contact number.
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases and to ensure that the safety and amenities of occupiers of neighbouring properties are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Plan/Statement is required prior to the commencement of development to ensure that the measures can be effectively implemented and the development is carried out satisfactorily.

15. 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.

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

16. Deliveries of construction materials and removal of existing site materials and waste to and from the development site shall only be permitted and accepted between the hours of 09:30 and 14:30 hours Monday to Friday only and at no other times.

Reason: In order to avoid peak traffic on the surrounding highway network, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

Janet Filbin
19th April 2021

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0573

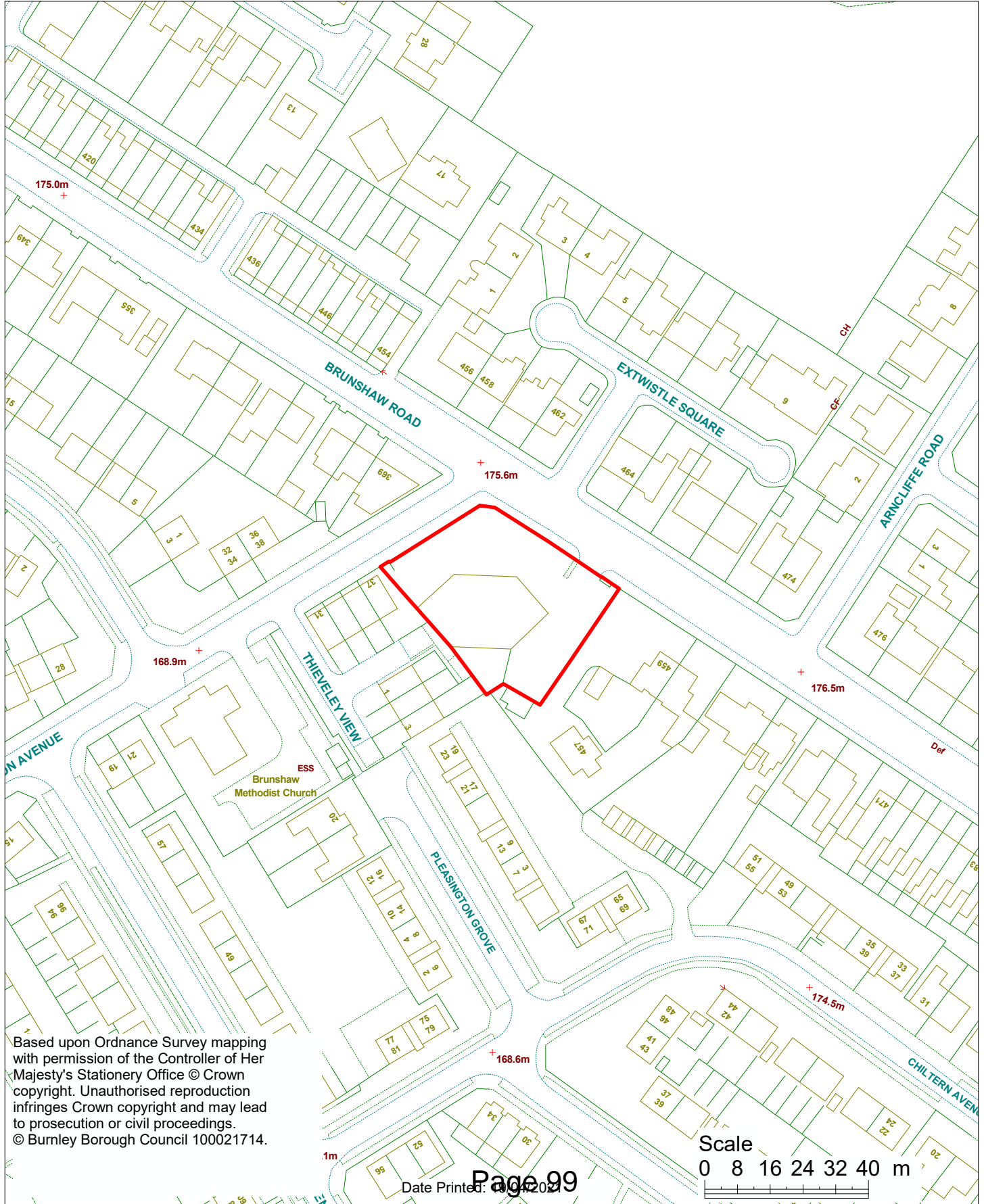
Paul Gatrell Head of Housing and Development

Location:

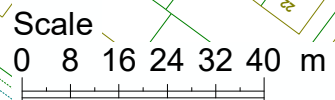


Tesco Express, Burnley

1:1250



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Application Recommended for APPROVAL
Brunshaw Ward

FUL/2020/0573

Town and Country Planning Act 1990
Full Planning Permission

Proposed Development: Proposal to Install New Modular Extension with Armco barrier and Closed boarded timber fence with gate
Site Address: Tesco Express, Burnley, Lancashire, BB10 3JB

Applicant Name: Mr Andy Horwood – Tesco
Agent Name: Mr Daniel Botten – ROK Planning
Mr Matthew Roe – ROK Planning

The application is before the committee following receipt of objections.

Background:

This application relates to the Tesco Express sited on the southern side of Brunshaw Road. The property is sited on a corner plot of Brunshaw Road and Rimington Avenue.

The application property is detached and benefits from a parking around the north, east and west facing elevation. The property used to formerly be the Brunshaw Public House which was converted under permitted development rights in 2008 to a retail use. The principle of change of use was considered to be permitted development under The Town and Country Planning (General Permitted Development) Order 1995 and subsequent amended orders thereafter. Therefore, planning permission was not required for the change of use.



Google Aerial View



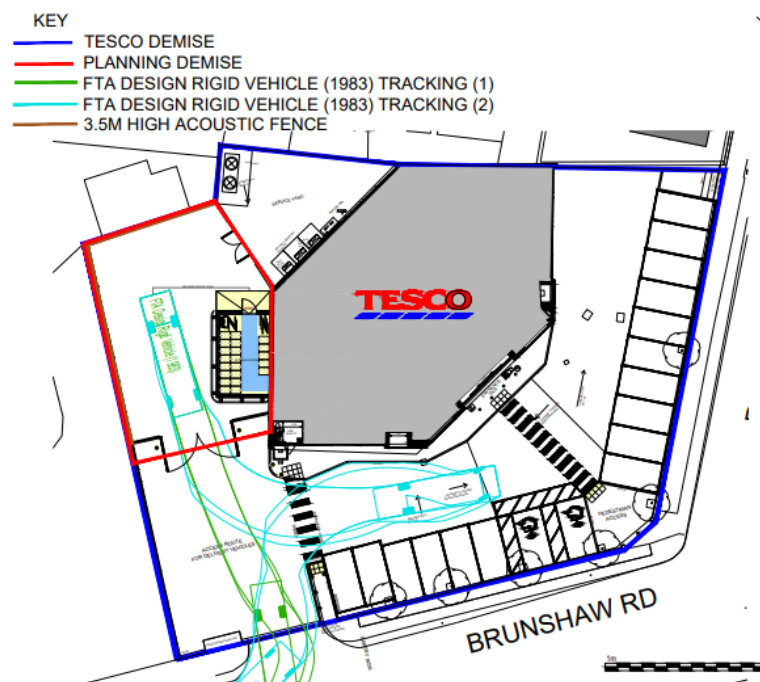
Proposal:

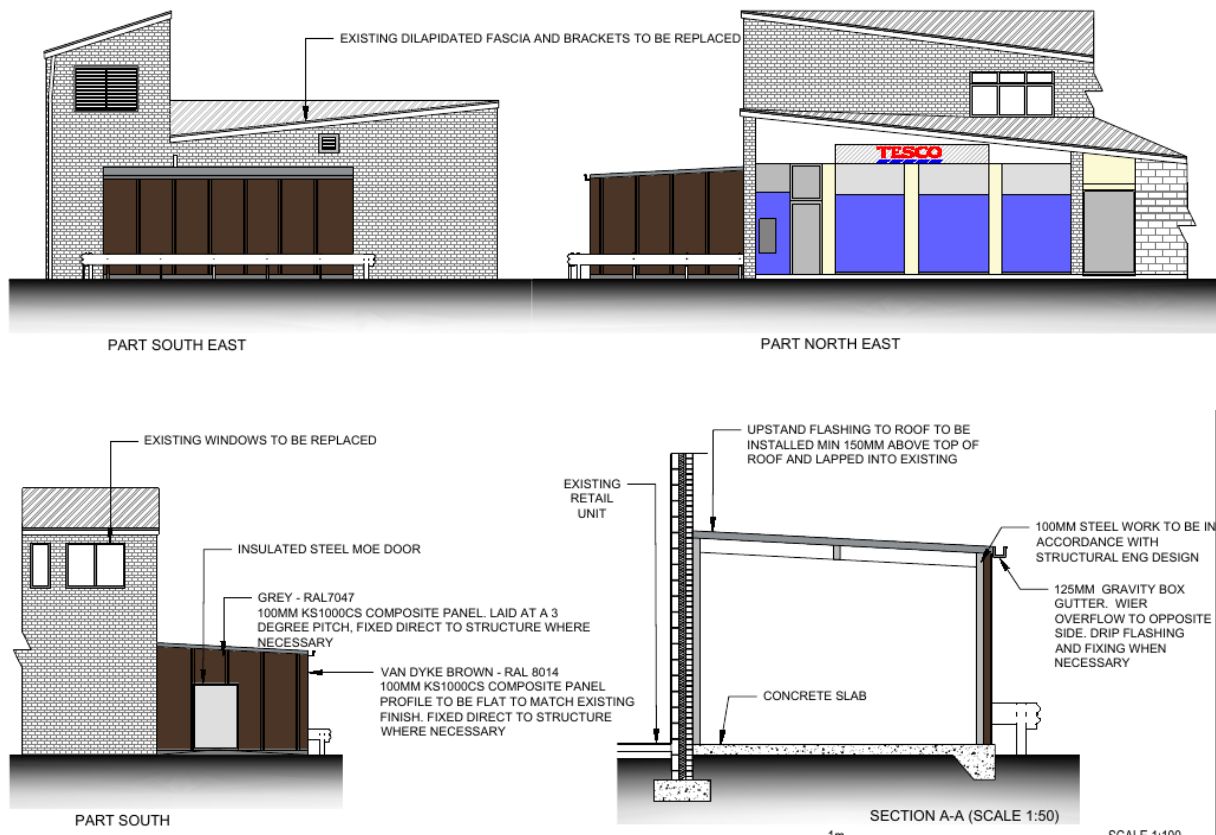
Planning permission is sought for the erection of a new modular extension with armco barrier and closed boarded timber fence with gate.

The modular extension will project 4.3m from the side elevation and have a length of 7.1m, creating a total floorspace area of 30.53m². It will have a mono-pitched roof with an eaves height of 2.9m and a ridge height of 3.2m. It will consist of a steel portal frame clad in Van Dyke Brown – RAL 8014 100mm composite panels to be flat to match existing finish, with a grey RAL 7047 100mm composite panels to the roof, laid at a 3 degree pitch. It is proposed to install an insulated steel door to the rear south facing elevation.

The primary reason for the proposal is to increase storage space. The store as it currently operates is understocked due to a lack of storage combined with limited permitted delivery times (detailed in full in the following section). The extension will allow an increased level of stock to be stored on-site, allowing the store to operate within the limited delivery times.

2.4m close boarded fencing is proposed with a 2.4m high vertical bar gate to create a service area around the proposed building. It will be constructed from armco barrier closed boarded timber fencing. The introduction of the new gated fence will improve car-park and servicing safety whilst also providing additional security for the store.





Relevant Policies:

Burnley Local Plan (2018) Policies:

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- EMP3: Supporting Employment Development
- NE5: Environmental Protection
- IC1: Sustainable Travel
- IC3: Car Parking Standards

National Planning Policy Framework (NPPF)

Site History:

APP/2008/0803 – Proposed external alterations to existing building including new shopfront, customer access and entrance, and amendments to car park and service yard - APPROVED

APP/2008/0808 – Proposed installation of an ATM machine – APPROVED

APP/2008/0834 – Proposed installation of air conditioning and condenser units - APPROVED

APP/2009/0594 – Display of various non-illuminated signage to boundaries of premises – APPROVED

APP/2009/0721 – Retrospective application for two replacement lighting columns and four new lighting columns – APPROVED

Consultation Responses:

Highways:

No objection in principle subject to matters being addressed. Lancashire County Council acting as the Local Highway Authority has no objection to the principle of the development proposal, however an issue has been identified that requires addressing.

Whilst I would raise no objection to the principle of the development proposal, I must be fully satisfied that the proposal would not be detrimental to highway users.

The proposed layout suggests that the HGV delivery vehicles cannot manoeuvre into position without impacting the proposed new fence and while the existing site layout provides sufficient area available to enable the safe manoeuvrability of HGV delivery vehicles, the applicant is required to demonstrate how the proposal can be accessed safely by the expected HGV delivery vehicles and therefore I ask that the applicant provides sufficient swept path analysis for the whole site in support of the proposal. I also ask that the fence and gate is included within the proposed elevations plan.

In accordance with the submitted plans and documentation; I ask that sufficient swept path analysis is provided and that the site plans are revised where applicable to support this.

Subsequently, amended drawings and a plan showing the swept path analysis to address the abovementioned issues was submitted. Additional Highways comments were received on the 26th January, stating:

No objection no conditions. Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The revised drawings and swept path analysis would satisfy the highway issues first raised and therefore the proposal would not raise any highway concerns.

Environmental Health:

It is recommended that a noise assessment is carried out to establish if any constraints exist that may need to be actioned prior to the granting of consent.

If the planning department are minded to approve the application, the following condition should be appended:

1. No development shall start until a noise assessment of the noise likely to affect the development has been submitted to and approved in writing by the Local Planning Authority. The assessment shall take into account the noise from surrounding road networks and any other noise sources which are deemed significant on the site. The assessment shall identify all noise attenuation measures which may be determined appropriate to reduce the impact of noise on the residential properties. Once approved in writing, all noise control measures shall be implemented and thereafter retained.

Reason: In the interests of the amenity of the future occupants of the development, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

16. No development shall start until a scheme and programme for any the lighting of the extension has been submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:

- a) Location, type and intensity of lights.
- b) Types of masking or baffle at head.
- c) Type, height and colour of lighting columns.
- d) Number and size of lighting units per column.
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.

The lighting shall only be provided in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with policy GP7 of the Burnley Local Plan, Second Review.

Subsequently, a lighting scheme and a noise assessment has been submitted. The following comments have been received:

I have reviewed the objection from the local resident, the attached original 2011 noise report issued by Sound Solution Consultants (SSC), and the more recent noise report prepared by KR Associates (KRA) ref: KR06811 dated 15.02.21. I have also reviewed the attached Abatement notice dated 12th April 2010 and note the withdrawal of that notice in August of 2010 conditional on deliveries to the Tesco's site in the daytime only.

The SSC report is based on a BS4142:1997 assessment that was appropriate for the date it was produced. The 1997 version of BS4142 had more limited scope than the newer 2014 version, but used broadly the same metric of assessment. Essentially the standard requires that noise under investigation is assessed and a specific noise level identified, this is then modified to reflect the perception of the noise for tonal, impulsive or other acoustic features to form a rating level, that is then compared against the background level without the source present. If the resulting assessment level is 10 dB or more higher, there is a likelihood of complaint, 5 dB would be of marginal significance -10dB would be a positive indication that complaints are not likely. The 2011 report noted details of deliveries, delivery times, and provided measured levels for the identified deliveries that were subsequently assessed using that standard. The results indicated a range of assessment levels from +13 dB to +18 dB that indicated a likelihood of complaint.

The KRA report correctly uses the updated version of BS4142:2014+A1(2019). The assessment method is broadly the same as the 1997 version save that the acoustic feature modification are now more detailed, and the 'compliance' metric now is that +5 dB and +10dB lead directly to adverse and significant adverse impacts as opposed to complaints.

Having reviewed the KRA report the approach and method appear acceptable. There are several anomalies that could be explained

1. The use of 15minute averages for daytime background residual noise is unusual and needs explaining. It also only provides data for a relatively small period of time, however, the approach used is likely to be a worst case for that measured day. Clarification of the background noise levels may be useful, however it is interesting to note that the KRA background level of 42 dB is the same as the one used in the SSC report 10 years earlier. There is some confusion in paragraph 5.2.3 about the relevance of the discussion in relation to background noise and traffic flow (as pre 7am and post 7pm data is not provided). If relevant this may need including however, I am satisfied that the level of 42 dB reflects a suitable background for the area based on review of data in both reports.
2. Significant time is devoted to clarification that deliveries to the former public house and deliveries to the Tesco store. It is accepted that deliveries occur for each, although there would be significantly more deliveries for a shop than for a public house.
3. The report notes that the extension to the shop storage facility is not significant in terms of intensification of use. It seems a little illogical to extend storage and not expect to have more throughput of goods i.e. more deliveries, that said, it is conceivable that additional storage to ensure continuity of service is required (particularly highlighted during COVID lockdowns). It is also noted that normally the activity of a store is limited by the square metres of shop space, which is not expected to change, clarification may be helpful.
4. The model outputs are based on the measurements carried out on site. deliveries were observed and measured levels taken, and then modelled to determine impact at the nearest receptors. The model outputs show predicted levels at receptor ground floor of 48 dB. It should be noted that levels may be higher at 1st floor where such rooms are still occupied during the day as living rooms. The resulting BS4142 assessment has indicated an assessment level of +9 dB. This is an adverse impact as noted in the report but, when expanded to include uncertainty, the range of potential impact levels is +6 dB - + 12 dB, minimum adverse impact, maximum significant adverse impact. The result is therefore in line with the some of data supplied by SSC where worst case data was presented.
5. Table 6.2.1 indicates the use of a +3 dB character correction. This does not align with the observations of residents comments about clearly audible crashes and bangs, reversing alarms etc. the character correction is more likely to higher than the predicted +3 dB. Any increase in the correction clearly increases the potential BSD4142 output above the +10 dB threshold to significant adverse impact.
6. The estimation of uncertainty is robust and an example of good practice but has not been used in the quantification of the final assessment level to quote a range of results, which is the logical conclusion of carrying out the uncertainty calculation. (see 4 above).
7. The use of an assessment averaged over 15minutes may overestimate the impact as the standard advises that daytime operation is normally averaged over an hour.

The report recommends that in context the good neighbour policy, hours of delivery restrictions make the noise from the site acceptable in planning terms.

Given the comments above I would note that the aim of planning policy is to *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*; a result of +9 dB is not showing an ability to reduce to a minimum and that more can be done, clearly a suitably sized acoustic barrier (3 – 3.5m?) could be erected and this would provide additional comfort and reduce noise emissions from the site and may help address local concerns over noise and disturbance. I would therefore advise as follows:

Any planning consent granted in respect of the modular extension Tesco express should be subject to two noise conditions as noted below:

- (1) No development shall start until a scheme for the erection of a suitably specified noise barrier has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the building is brought into use and thereafter retained at all times.

Reason: In the interests of the amenities of the neighbouring occupiers, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

- (2) The use hereby approved shall not operate outside the hours of 07.00hrs and 17.00hrs Monday to Saturday. There shall be no deliveries on Sundays or Bank Holidays

Reason: To protect the amenities of nearby residents, in accordance with policy SP5 of the Burnley Local Plan, Second Review. to the site shall be restricted

Following the submission of an amended noise assessment and details of an attenuation fence were submitted on the 7th April 2021. These were subsequently assessed by the officer and the following comments were made:

The results of the modelling (page 9 of the KRA acoustic report v.1.3) show a 3-4 dB reduction in transmitted sound due to inclusion of a 3.5m acoustic fence. The calculated level is now well below WHO guidelines for day time noise, and is demonstrably better than existing. The robust acoustic barrier, as opposed to the existing fencing will likely produce a significant perceived change in observed sounds at sensitive receptor locations.

There is likely to be a slight improvement in perception of event noise (LAMax).

The revised clearly demonstrates that the proposal can be acceptable in acoustic terms. KRA recommend 2 conditions:

“It would be recommended that to comply with policy NE5 of the Burnley Borough Council Local Plan:

Delivery: 09:00 to 17:00 Monday to Saturday only.

Mitigation: 3.5m high acoustic fence around loading area.”

On that basis I would advise that the development is acceptable in acoustic terms subject to the inclusion of the following conditions:

1. The use hereby approved shall not operate outside the hours of 09.00hrs and 17.00hrs Monday to Saturday and at no time on Sundays
Reason: To protect the amenities of nearby residents
2. The use hereby approved shall not operate until the acoustic fence has been located and constructed as specified in the KRA report reference KR06811 version 1.3 – 7th April 2021.
Reason: To protect the amenities of nearby residents

Publicity:

4 letters of representation were received following the initial consultation objecting to the proposal of the following grounds:

- Adverse impact on neighbouring residents
- Reduction in the vehicular access will have adverse highways impacts
- Exacerbate parking issues
- Exacerbate existing delivery issues
- The reduced space within the site will impact deliveries made by HGV's which will further impact highway safety of its users around the site.
- Increase noise and light pollution which emits from the site
- Intensify noise issues
- The Council served a Statutory Nuisance Abatement notice on Tesco previously due to noise associated with deliveries; the notice was later withdrawn. However extreme noise levels still continue to this date.
- Tesco themselves classed the site as noise sensitive and introduced a protocol for deliveries, however, many of these instructions are breached on a daily basis
- Delivery drivers are reversing onto the site from the main road causing long tailbacks, the reduced area to the side of the store will worsen this
- The reduced space will restrict manoeuvrability of delivery vehicles which in turn could lead to greater noise nuisance from the reversing beepers
- The extension will bring development closer to adjacent residential properties which will increase noise and disturbance from fumes
- No sound insulation is proposed to the extension
- Lack of noise assessment
- Loss of parking within the site

Upon receipt of the noise assessment and lighting scheme submitted in support of this application a re-consultation period was carried out. 1 letter of further objection was received from one of the previous objectors who has made representation commenting on the additional information. They wished to maintain their objection but also had the following comments to make:

- The ROK planning justification letter dated 19th February 2021 states 8 bullet points about Tesco being a good neighbour, this is factually incorrect. The majority of bullet points they do not comply with
- Deliveries do take place outside of 09:00 to 17:00 on regular occasions
- Deliveries have been known to take place on a Sunday
- The ATM is used outside of the store hours and not as the statement suggests
- External lighting is not screened from the highway

- The car park lighting is on 365 days of the year and not switched off as suggested between 23:00 and 07:00
- Staff regularly use the side door after 6pm
- There are a number of inaccuracies contained within the noise assessment these are:
 - When the building was a public house, deliveries were made at the rear of the building and not as stated and indicated on the google maps on page 3 of the report. This area at the rear has since been re developed into residential use now known as Thieveley View.
 - The deliveries would be a lot further away from mine and my neighbour's property. In addition, the deliveries were much less frequent (2-3 deliveries per week) unlike Tesco's deliveries which have several deliveries per day. The deliveries are not just from Tesco's lorries but from lorries delivering milk, bread etc
 - The aerial photo on page 7 is factually incorrect. The lorry shown on the photo was not delivering to the public house it was in fact parked on the car park for several months with consent from the landlord. If it was delivering to the pub it would be parked a lot nearer to the pub.
- Noise levels from deliveries to Tesco's has been greatly increased from when the building was a public house due to increased frequency of deliveries and that the deliveries wagons are now much nearer to my property.
- The background noise measured in the report has been published between the hours of 5:00 and 11:00 and between 16:00 and 22:00 (a total of 12 hours) but strangely no recordings between 11:00 and 16:00. The background noise levels between 11:00 and 16:00 will no doubt be quite low. This is the time when normally in the summer months we would spend time in the garden. However, when deliveries are made in the afternoon with the background noise low the noise from delivery wagons is unbearable and we cannot sit outside.
- The report says the background noise was measured over a 15-hour period but the findings published only total 12 hours
- Graph 5.2.2 on page 11 indicates noise levels taken over a 15-hour period overnight between 18:00 hours on 10th February 2021 until 11:00am on the 11th February 2021.
- Why were noise levels taken through the night when there were no deliveries and not during the day when deliveries occur?
- Based on the above it is evident that the information submitted by KR associates (UK) Ltd is factually incorrect, contains a very vague and unclear graph and appears not to have recorded the noise during the daytime and therefore cannot be relied on.

The re-consultation period carried out following receipt of the amended noise assessment and fence details is not due to expire until the 26th April 2021.

Planning and Environmental Considerations:

The main considerations which relate to this application are:

- Principle of the Development;
- Visual Amenity / Design;
- Residential Amenity; and
- Highways / Parking

Principle of the Development:

Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the Borough. It also echoes the guidance in the NPPF by stating that "Planning applications that accord with the policies in this Local Plan... will be approved without delay, unless material considerations indicate otherwise".

The NPPF, at paragraph 80 states 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Policy SP4 of the Local Plan seeks to focus development within the urban areas of Burnley and Padiham. The application site is located within the development boundary for the urban area of the Burnley, as defined in Burnley's Local Plan. It would, therefore, be considered to accord with Policy SP4 of the Local Plan.

Policy EMP3 of the Local Plan relates to supporting employment development. For new and improved sites and premises any expansion, upgrading or establishment of a new business premises within the Development Boundaries will be supported where they comply with other relevant policies in the Plan and where:

- a) They do not by reason of the nature of their operation or vehicle access arrangements, have an unacceptably negative impact on surrounding uses, residential amenity or the environment; and
- b) They do not (either individually or cumulatively) through their form and design have an unacceptable impact on the landscape or townscape.

It is considered that the proposed development meets the requirements of Policy EMP3 as the proposed development will help support an existing business, an in-depth consideration of the aforesaid issues will be addressed later in this report.

Therefore, the principle of the development is accepted, in accordance with the NPPF's presumption in favour of sustainable development and Policy SP1 of the Burnley Local Plan which reiterates this stance, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

Visual Amenity / Design:

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Any new development should be of a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area.

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

The proposed extension would be screened from public view by the proposed fence / gate, the existing boundary treatment and the store building. Further to this, the extension is single storey so would be considered commensurate in nature to the host building. Taking this into consideration it would not be considered a prominent addition.

The proposed fence / gate will be constructed from armco barrier closed boarded timber fencing. It is considered that the proposed installation of the fencing with a maximum height of 2.4m would be considered a prominent addition however it would not adversely impact the character and appearance of the host building to an extent significant enough to cause significant harm. The fencing and gate would reflect development typically found at establishments of this type to create service yards.

It is, therefore, considered that the proposed development will have a negligible impact upon the character and appearance of the host building, application site or the surrounding area and accords with SP5 of the Local Plan and the NPPF.

Residential Amenity:

It is important to consider the potential impact the proposed development would have on the residential amenity of the occupiers of nearby dwellings. Policy SP5 seeks 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.

The planning restrictions are attached to the various applications for the works to convert the site. These are detailed in turn below.

1. **LPA ref: APP/2008/0803** - Proposed external alterations to existing building including new shopfront, customer access and entrance, and amendments to car park and service yard. Approved 24th February 2009. There are no restrictive conditions attached to the planning permission (LPA ref. APP/2008/0803). However, the associated Section 106 agreement restricts deliveries to between 07.00 and 22.00.

2. **LPA ref: APP/2008/0808** - Proposed installation of an ATM machine. Approved 9th January 2009. Condition 3 attached to the permission (LPA ref. APP/2008/0808) requires that the ATM only be available during the hours when the store is open, and closed when the store is closed.

3. **LPA ref: APP/2009/0547** - Proposed 3 internally illuminated fascia signs and 1 internally illuminated projecting sign. Approved 16th October 2009. Condition 7 (LPA

ref. APP/2009/0547) states that “Any external source of lighting shall be effectively screened from the view of drivers on the adjoining public highway”.

4. **LPA ref. APP/2009/0721** - Retrospective application for two replacement lighting columns and four new lighting columns. Approved 15th February 2010.

Condition 1 (LPA ref. APP/2009/0721) requires the lighting to be switched off between 2300 and 0700. Condition 2 requires the lighting to not have a greater illuminance level than 16 lux and the lights must be at all times positioned, directed and angled downwards, to avoid glare and dazzle to both neighbouring residents and the public highway.

In summary, the following various restrictions are attached to the unit:

- Deliveries must only take place between 07.00 and 22.00;
- The plant and AC units must at all time meet the noise level restrictions set out in the noise report;
- The ATM must only be available during store opening hours;
- All external lighting must be effectively screened from the highway;
- External car-park lighting must be switched off between 23.00 and 07.00; and
- External car-park lighting must not have a luminance greater than 16 lux and must be positioned/angled downwards.

The planning statement confirms that the aforesaid existing planning restrictions are currently being complied with

Following the opening of the store in 2012, Tesco received a number of complaints from a directly adjacent resident despite complying with the above planning restrictions. The timeline of events is understood to have taken place as follows, all within 6 months of store opening:

- An adjacent resident complained via legal route with Burnley Council that further noise restrictions were required. A series of noise readings were taken at the store and from the affected property. Burnley Council concluded that no further action was required.
- A further independent noise assessment was conducted on behalf of the adjacent resident which was presented to Burnley Council and to Tesco Trading Law. The Council concluded that no further action was required. Tesco Trading Law came to the same conclusion.

However, as a good neighbour gesture and in correspondence with the affected neighbours, Tesco installed the following additional restrictions to their operation:

1. A voluntary delivery restriction from 9am to 5pm;
2. No deliveries at all into the store on a Sunday;
3. Delivery consolidation scheme to allow fresh and ambient deliveries to arrive on the same vehicle, reducing deliveries to the store; and
4. Restricting staff use of the side door after 6pm.

These restrictions are notably more stringent than the restrictions within which Tesco could legally operate in planning terms. Therefore, should be considered as a material consideration.

A number of the objections received relate to Tesco's not complying with the abovementioned restrictions. The Council only have authority to enforce the conditions which were attached to previous applications and not the latter agreement Tesco entered into with residents. It is considered that the proposed development would not impact or affect the business complying with any of the aforesaid conditions.

Policy NE5 of the Local Plan point 6) states that 'developments generating noise which is likely to create significant adverse impacts on health and quality of life and cannot be mitigated and controlled through the use of conditions or through pre-existing effective legislative regimes, will not be permitted'.

A noise assessment has been submitted in support of the application which concludes that to ensure the proposed development does not lead to adverse noise impacts on local residents that local deliveries to the site are only undertaken between the following hours: - Standard Fence: 09:00 to 17:00 Monday to Saturday only. The above aligns with the existing "Good Neighbour Agreement" with the residents which restricts the current delivery hours to the same time periods.

The report further concludes that under normal conditions Brunshaw Road is a busy road in the early morning as it is the main road into Burnley from Worsthorne and Merclough and villages further to the east of Burnley. The normal background noise climate is dominated by traffic noise of people going to and returning from work. In determining the context of the site consideration has been given to the sustained deliveries to the site for over the last 20-years which in planning terms have been lawful. Furthermore, it is understood that an investigation by the Local Authority and the client has previously found that the deliveries do not constitute a Statutory Noise Nuisance.

The noise assessment was undertaken to assess the existing delivery times of 9am-5pm, and evidence that the extension will cause no change to the existing situation (which is considered acceptable). Indeed, given the conclusions of the noise assessment, it is likely that deliveries outside of these times would additionally be acceptable in planning terms.

It is considered that the proposed development would have no greater an impact on neighbouring residents than the existing relationship the retail store currently has. It would not result in an increase in deliveries, but rather create a dedicated service yard creating a safer environment for staff and customers during delivery times.

It should also be noted that, with regards to lighting, the above restrictions will be followed and any lighting will be screened by the proposed gated fence and switched off between 11pm and 7am. On this basis the proposal is not considered to have any negative amenity impact.

The submitted Noise Assessment has been assessed by the Council's Environmental Health Officer who has concluded that given the aim of planning policy is to "The results of the modelling (page 9 of the KRA acoustic report v.1.3) show a 3-4 dB reduction in transmitted sound due to inclusion of a 3.5m acoustic fence. The calculated level is now well below WHO guidelines for day time noise, and is demonstrably better than existing. The robust acoustic barrier, as opposed to the existing fencing will likely produce a significant perceived change in observed sounds at sensitive receptor locations.

There is likely to be a slight improvement in perception of event noise (LAMax).

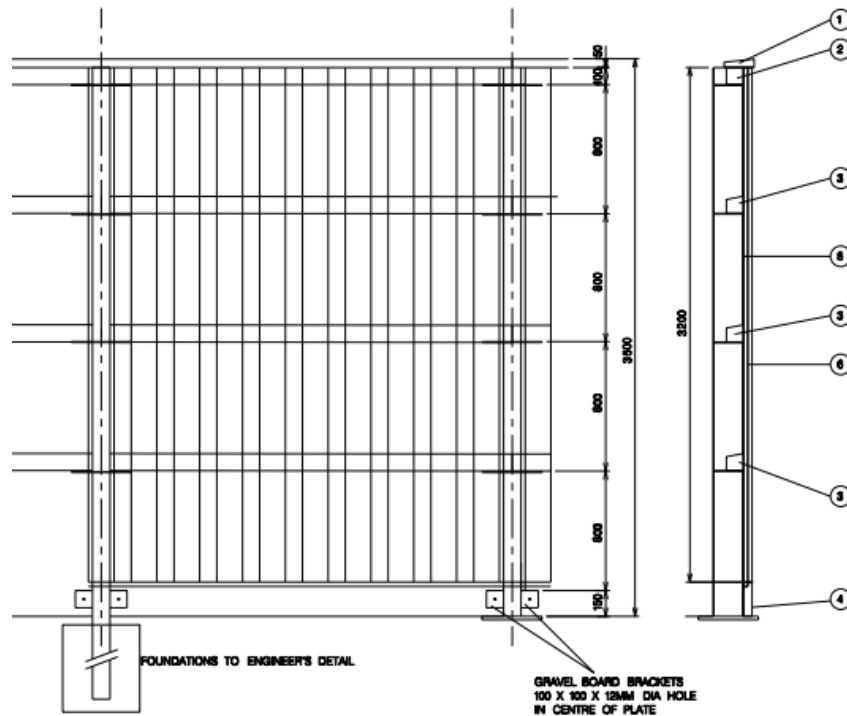
The revised clearly demonstrates that the proposal can be acceptable in acoustic terms. KRA recommend 2 conditions:

“It would be recommended that to comply with policy NE5 of the Burnley Borough Council Local Plan:
Delivery: 09:00 to 17:00 Monday to Saturday only.
Mitigation: 3.5m high acoustic fence around loading area.”

On that basis I would advise that the development is acceptable in acoustic terms subject to the inclusion of two conditions.

The Environmental Health Officer also requested a condition restricting hours of delivery to 07:00 and 17:00 Monday to Saturday. As stated above planning application APP/2008/0803 already restricts deliveries to between 07.00 and 22.00. Therefore, a further condition is not considered necessary.

The east facing side gable of the Tesco store currently has an off-set distance of circa 18m from the side gable of No. 459 Brunshaw Road. The proposed development would reduce this to circa 14m. Set behind No. 459 is a further property known as No. 457 Brunshaw Road. A 3.5m acoustic attenuation fence is proposed down the eastern elevation of the site between the application building and the aforementioned dwellings. A condition will be attached ensuring that this is erected prior to commencement of the proposed building for deliveries.



Taking into consideration, the separation distance proposed and the erection of an acoustic barrier along the eastern boundary it is considered that the proposed

development would be adequately sited and noise mitigation measures imposed to ensure no adverse amenity impact upon the occupiers of the aforementioned dwellings.

It is considered that the proposed development would not result in the creation of additional noise disturbances than residents are currently experiencing during the operational hours of the store nor will it result in adverse amenity impacts. The proposed extension will have no greater an impact upon amenity than the existing store does now, as no changes will occur to the operational standards of the store. The proposed development, therefore, accords with SP5 of the Local Plan.

Highways / Parking:

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

Delivery vehicles will be able to enter and exit the site in a forward gear and ample space for delivery vehicle parking will be retained directly adjacent to the proposed extension. As demonstrated by the vehicle tracking shown on the Proposed Site Layout (Drawing no. C07) submitted with the application, servicing access and parking is sufficient.

The County Highways Officer has assessed the information submitted in support of the application and has confirmed that they offer no objection in regards to highway safety.

It is considered that there is ample parking within the site to accommodate customers visiting the site without adversely affecting on-street parking within the immediate area or highway safety issues.

The development is, therefore, considered to accord with Policies IC1 and IC3 of the Local Plan.

Conclusion:

Accordingly, the proposed development is considered to comply with the requirements of the Local Plan and the NPPF.

Recommendation:

That the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to 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 materials to be used on the external surfaces of the proposed development as indicated within the application form and on drawing labelled 'Proposed Building Elevation – Job No: 6476 – Drg No: C05 – Revision: #' shall be implemented as indicated unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy SP5 of the Local Plan and the NPPF

3. Prior to commencement of the proposed extension the 3.5m high acoustic fence to the eastern boundary shall first be erected and retained thereafter.

REASON: In the interest of residential amenity.

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

REASON: To clarify the terms of this consent

RH
Planning and Compliance Officer

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part II: Decisions taken under the scheme of delegation.
For Information

29th April 2021

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2020/0336	Mr M Renwick	Former Springbank West Street Padiham Lancashire BB12 8JD	Discharge of conditions 5, 11 and 15 of planning permission FUL/2019/0255 for 15 dwellings	Conditions part discharged	17th March 2021
COU/2020/0347	Mr Shabaz Ahmed	The Grove Hargrove Avenue Padiham Lancashire BB12 8NU	Proposed change of use from vacant training and wellness centre to a hot food takeaway and restaurant facility (Use Class A5) Opening hours Monday to Saturday 11.00 to midnight and Sunday and Banks Holidays 11.00 to 23.00	Refuse	26th March 2021
CND/2020/0544	N/A	Lidl foodstore, at Land Off Wyre Street, Padiham, BB12 8DQ	Discharge of Conditions 14 (Construction Method Statement), 22, (Site Investigation Report) and 25 (Programme of Archaeological Works) pursuant to planning permission FUL/2020/0214	Conditions part discharged	15th April 2021
HOU/2020/0594	Mrs K Begum	1 Minehead Avenue Burnley Lancashire BB10 2NP	SINGLE STOREY SIDE AND REAR EXTENSION WITH ROOF OVER, NEW OFF-STREET PARKING PROVISION OFF MINEHEAD AVENUE AND FRONT PORCH.	Refuse	15th April 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2020/0564	Mr Robert Banham	Land At The Long Causeway Cliviger Burnley BB10 4RP	Agricultural building	Refuse	15th April 2021
HOU/2020/0578	Mr Peter Lodge	13 Clockhouse Avenue Burnley Lancashire BB10 2SU	Removal of thatched roof and replace with slate/tile roof covering. Installation of dormer windows to replace eye brow window detail. Removal of front elevation thatched canopy at ground floor and replace with balcony serving first floor.	Approve with Conditions	17th March 2021
HOU/2020/0607	Mr Tasheef Razaq	160 Abel Street Burnley Lancashire BB10 1QB	Proposed wet room extension	Approve with Conditions	13th April 2021
HOU/2020/0614	Mr SHAHBAN ALI	321 Colne Road Burnley Lancashire BB10 1TP	Proposed two storey rear extension	Approve with Conditions	31st March 2021
HOU/2021/0017	Ms Nadia Khan	12 Windermere Avenue Burnley Lancashire BB10 2AE	Resubmission application HOU/2020/0435. Demolition / Removal of the as-built structure to make way for a new front porch and side gate with new 1M high boundary wall to front.	Approve with Conditions	26th March 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0011	Mr Karl Whitaker	25 Cowley Crescent Padiham Lancashire BB12 8SX	Extend front dormer	Approve with Conditions	22nd March 2021
HOU/2021/0024	Mr David Cock	4 Evelyn Street Burnley Lancashire BB10 1QA	Proposed wet room	Approve with Conditions	15th April 2021
COU/2020/0616	Imran Ali	157A Accrington Road Burnley Lancashire BB11 5AL	Change of use of ground floor taxi booking office to food takeaway and change of use of first and second floor residential accommodation to maisonnette with new external stair access	Approve with Conditions	17th March 2021
HOU/2021/0039	Mrs R Begum	1 Saxon Street Burnley Lancashire BB10 1AE	RE-SUBMISSION OF APPLICATION HOU/2020/0506. SINGLE STOREY REAR EXTENSION WITH ROOF OVER.	Refuse	6th April 2021
HOU/2021/0035	Ms Emma Walsh	14 Valley Gardens Hapton Lancashire BB11 5QE	Proposed adaptations, demolition of garage and side extension to form bedroom and en-suite.	Approve with Conditions	6th April 2021
LBC/2021/0021	Mr Antony Higginbotham MP	1 Nicholas Street Burnley Lancashire BB11 2AH	Replacement of front door, installation of video intercom call point, fob reader, push button, external sounder alarm, CCTV camera and dusk-til-dawn lighting.	Approve with Conditions	17th March 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0048	Mr Matthew Hartley	1 Glendor Road Worsthorne-with-hurstwood Lancashire BB10 4HL	Proposed two storey side extension	Refuse	18th March 2021
PAH/2021/0049	Mrs Tracy Owens	32 Westwood Road Burnley Lancashire BB12 0HR	Proposed bedroom and wet room extension extension to extend 6.00m externally beyond the rear wall, height of the extension to eaves is 2.55m and maximum overall height 3.6m	Prior Approval Granted	26th March 2021
HOU/2021/0045	Mr and Mrs Justin and Alison Gill	111 Printers Fold Burnley Lancashire BB12 6PH	Demolition of existing attached garage and erection of two storey side extension and alterations.	Approve with Conditions	6th April 2021
FUL/2021/0062	Mr G Eccles	Centre Of Pond 239M From High Halstead Farmhouse, Extwistle Road 133M From Extwistle Road Extwistle Road Worsthorne-With-Hurstwood BB10 3PF	Erection of an agricultural building to provide shelter and storage for cattle, animal feed and agricultural plant and equipment.	Approve with Conditions	1st April 2021
HOU/2021/0063	Mr Shahid Aftab	460 Colne Road Burnley Lancashire BB10 1TW	Proposed two storey side and rear extension and single storey extension extending to garage.	Approve with Conditions	14th April 2021
FUL/2021/0056	Mr Frank Owen	Old Barn Farm Accrington Road Hapton BB11 5QJ	Proposed roof over an existing open topped midden	Approve with Conditions	6th April 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0080	Mr Callum Little	19 Tennyson Avenue Padiham Lancashire BB12 8TE	Proposed first floor rear extension above existing single storey extension, internal alterations and installation of a roof light to rear main roof plane.	Refuse	12th April 2021
HOU/2021/0082	Mr Mahboob Ahmed	5 Fifth Avenue Burnley Lancashire BB10 1YA	Proposed single storey garden room to accommodate gym/sun room and storage area at the bottom of the garden	Approve with Conditions	14th April 2021
TPO/2021/0005	Mrs Rebecca Greenwood	Land Adjacent 250 Brownside Road Worsthorne-with-hurstwood Lancashire BB10 3LR	Application to trim back branches overhanging no.250 Brownside Road from tree (T2) on adjacent land which is protected by the Burnley (Brownside Road/Lennox Street, Worsthorne) TPO 2017.	Approve with Conditions	12th April 2021
COU/2021/0093	Mr Daniel Stephenson	197 Todmorden Road Burnley Lancashire BB11 3EA	Change of use of ground floor from Café (Use Class E) to dwelling (Use Class C3).	Approve with Conditions	12th April 2021
HOU/2021/0091	Mr Stephen Halstead	56 Kiddrow Lane Burnley Lancashire BB12 6LH	Proposed 2 storey side extension	Refuse	6th April 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0095	Mrs Sarah Wigin	4 Meadowside Worsthorne-with-hurstwood Lancashire BB10 3AS	Proposed single storey rear extension	Approve with Conditions	15th April 2021
PAG/2021/0105	Mr P Balmer	Lane House Farm Nelson Road Briercliffe Lancashire BB10 3QE	Agricultural Storage Building	Prior Approval Granted	6th April 2021
PAH/2021/0103	Mr J Wardrobe	57 Halifax Road Briercliffe Lancashire BB10 3QN	Single storey flat roof glazed conservatory	Prior Approval not required accept	1st April 2021
HOU/2021/0090	Mrs Tracie Poole	11 Fennyfold Terrace St Johns Road Padiham Lancashire BB12 7BP	Erection of a detached garden building	Approve with Conditions	6th April 2021
PIP/2021/0131	Mr Steve Fisher	Land Beween Hill Farm And 67A Halifax Road Briercliffe Burnley B10 3QS	Construction of one dwelling	Refuse	15th April 2021

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