

DEVELOPMENT CONTROL COMMITTEE

Thursday, 8th October, 2020
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

REMOTE MEETING - LIVESTREAM ON YOUTUBE

Thursday, 8th October, 2020 at 6.30 pm

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

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

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

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

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes (to follow)

To approve as a correct record the Minutes of the previous meeting. At the time of publishing the previous meeting had not taken place. Minutes will be published as soon as possible.

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

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To consider reports on planning applications for development permission:

- | | |
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| a) FUL/2020/0152 - 8 Hope Street, Worsthorne-with-Hurstwood, Lancashire | 7 - 14 |
| b) FUL/2020/0181 - Howarth Fold Stables, Howarth Road, Burnley | 15 - 24 |
| c) HOU/2020/0275 - Kenmuir, Burnley Road, Briercliffe | 25 - 32 |
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MEETING INSTRUCTIONS

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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, 30 September 2020

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

8th October 2020

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0152

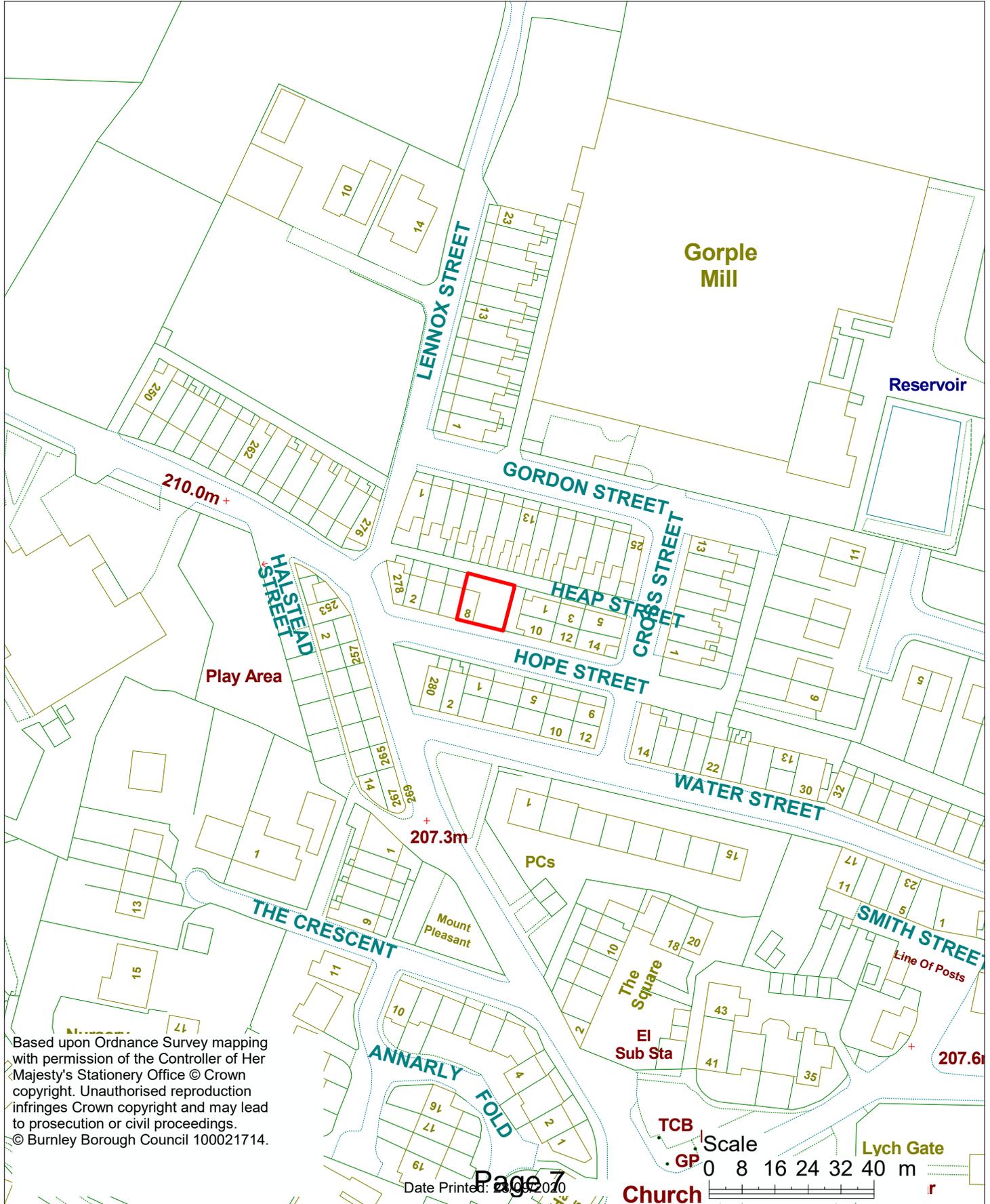
Paul Gatrell Head of Housing and Development

Location:



8 Hope Street, Worsthorne, Burnley

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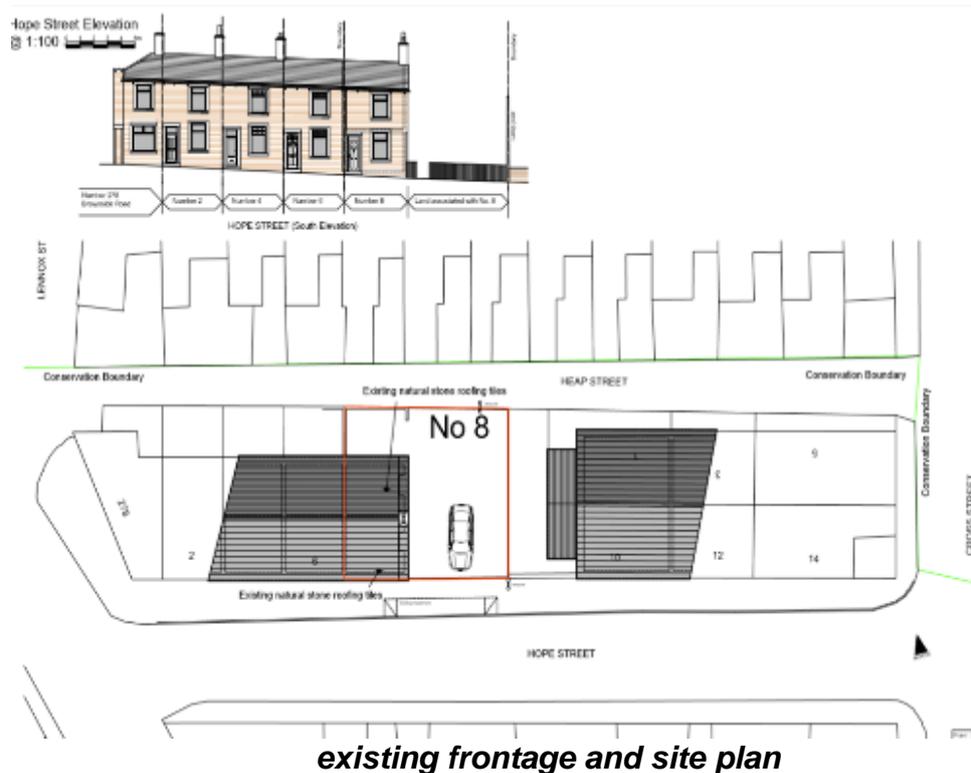
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Town and Country Planning Act 1990
Demolition of a two-bed end terrace property and the construction of a new three bed attached dwelling with off street parking
8 Hope Street, Worsthorne, Burnley

Background:

The proposal is to replace the existing two-bed terraced dwelling with a larger three-bed dwelling due to structural issues. Consent was given in 2018 for the demolition of the front elevation, alterations to the rear elevation and the erection of a two-storey side extension; the structural issues have been found to be more serious than previously thought and full demolition of the property is required.

The property is situated within the built-up area of Worsthorne village and within the Worsthorne Conservation Area. The property has been vacant for some time.



Relevant Policies:

Burnley's Local Plan July 2018

- SP1 – Achieving sustainable development
- SP5 – Development quality and sustainability
- HS5 – House extensions and alterations
- HE2 – Designated heritage assets
- IC3 – Car parking standards

National Planning Policy Framework



Site History:

APP/2018/0258 – Demolition and rebuilding of front elevation, alterations to rear elevation, two storey side extension and new stone rear boundary wall – c/c

Consultation Responses:

LCC Highways - Do not wish to raise an objection. Alterations are required to the dropped crossing.

Worsthorne with Hurstwood Parish Council - Have no issue with the application and support the plans.

One neighbour objection has been received from the occupier of a property to the rear of the application site. A summary of their objection is provided below: -

- Impact on privacy from overlooking
- Reduced sunlight due to overshadowing

Another neighbour supports the proposals stating that it has been in a serious state of disrepair for some years now. It is becoming a dangerous building and this application would replace it with a very sympathetic dwelling adding to the character and aesthetics of both Hope and Heap Street.

United Utilities – The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Planning and Environmental Considerations:

Principle of proposal

There is no objection in principle to the demolition and replacement of this dwelling within its curtilage within a primarily residential area. The main issues are considered below.

Impact on Conservation Area

Policy HE2 of the local plan seeks to protect the special character of conservation areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confer upon local planning authorities a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

The re-building of dwelling is necessary due to the structural condition of the property and would be carried out using the same or matching local stone. The front door position would be re-located to the middle of the larger rebuild where it would continue to provide a formal entrance. Its impact on the terrace and the Conservation Area would be less than significant. The proposal therefore would not significantly affect the special character and appearance of the Worsthorne Conservation Area.

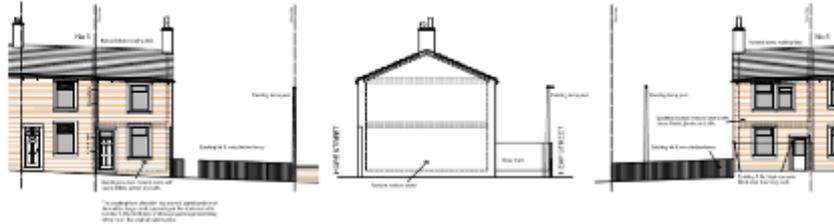
Policy HS5 of the local plan set out the criteria for assessing house extensions (although the dwelling is being re-built, due to necessity, an additional dwelling is not being created therefore policy HS5 is still considered to be relevant), in each case requiring proposals to safeguard the amenities of neighbouring properties. The interface distance between fronts of the properties on Hope Street would be maintained in the extended rebuild. The new gable end elevation would contain a stairs window only which would have minimal impact on the privacy of the adjacent property on Hope Street.

The rebuilt dwelling would provide three bedrooms. There would be a central doorway with two windows either side on the front elevation. This is similar to the previous approval in so much as the lounge window to the left hand side of the front door would be slightly larger, this emulates the window (and overall appearance) of the opposite end of the terraced row .

Natural stone will be used in the development, with the colour and appearance matching the existing. All door and window openings will have natural stone sills, jambs, and lintels to match the existing. The proposed roof covering will be reclaimed from the original roof and re-used where possible; any additional roofing materials will be reclaimed material obtained to match the original roof. A new chimney will be constructed on the extended rebuild.

Rear elevations of houses on Gordon Street

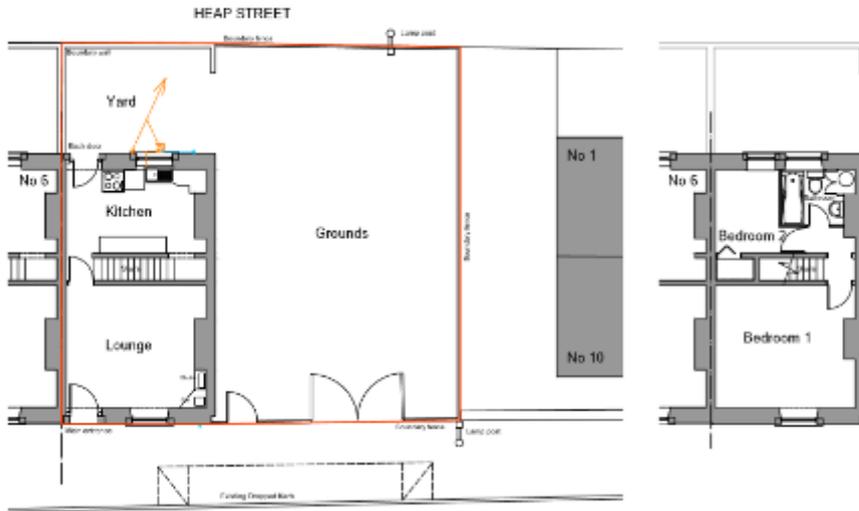
An objection has been received relating to the loss of privacy to a property on Gordon Street and to the impact of the extension on loss of sunlight. There is a bathroom proposed within the rear elevation of the extended part of the rebuild which is not classed as a habitable room and would not therefore cause privacy issues for properties on Gordon Street. The proposed bathroom window would have an interface distance of approximately 13m from the main rear elevation of the facing terrace row which would be similar to the remainder of the terrace row.



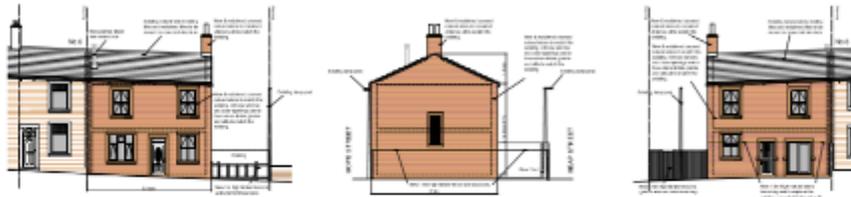
Existing South Elevation

Existing East Elevation

Existing North Elevation



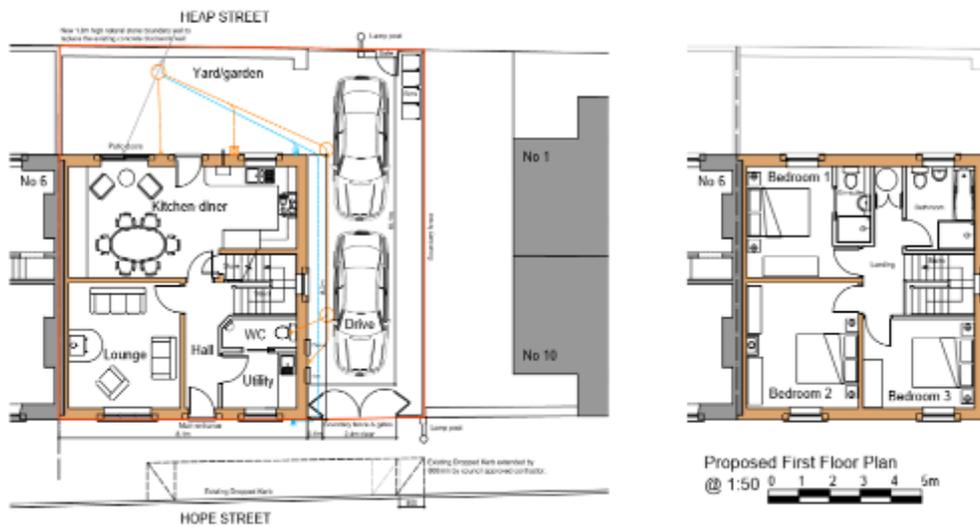
existing elevation and layout



Proposed South Elevation

Proposed East Elevation

Proposed North Elevation



proposed elevation and layout

There would be some degree of overshadowing to this terrace row, but this would be limited due to the separation distance which would be consistent with the main terrace. On balance residential amenities would not therefore be significantly affected by the proposed development.

Impact on car parking

Policy HS5 of the local plan local plan requires that proposals for extensions do not lead to an unacceptable loss of parking. In this case, the proposal involves creating off-street parking for the property from land at the side of the dwelling. Two car parking spaces can be created in tandem whilst also allowing for the opening of gates.

The Highway Authority have no objections to the proposals on highway grounds. Two off-road parking spaces have been provided in line with policy IC3 of the Local Plan.

Conclusion

The proposed re-building works would not significantly affect the Worsthorne Conservation Area or residential amenities and would provide adequate parking. The proposals are therefore considered to be in accordance with the Local Plan policies listed above.

Recommendation:

Approve subject to the following 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: 18-05-01-A, 18-05-05, 18-05-29, 18-05-30-B, 18-05-31; all received 3rd April 2020.

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

3. The external walls and roof of the development shall utilise the existing natural stone and natural stone slate where applicable and stone and natural stone slate which matches the existing dwelling in terms of its type, size, shape, texture and colour.

Reason To ensure a satisfactory appearance to the development, having regard to its impact on the Worsthorne Conservation Area, in accordance with Policies SP5, HS5 and HE2 of Burnley's Local Plan July 2018.

4. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening onto the adopted highway.

Reason To ensure the adopted highway is not obstructed by the gates or are a hazard to other road users.

5. Before the access is used for vehicular purposes, the driveway shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials and suitably drained in line with sustainable drainage solutions.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. The development shall, prior to the first occupation, provide for the reinstatement of the gable chimney as indicated on the approved plans. The chimney shall thereafter be retained at all times.

Reason To ensure the retention of a feature of the terrace that contributes to the distinctive and special character of the Worsthorne Conservation area, in accordance with policy HE2 of Burnley's Local Plan July 2018.

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0181

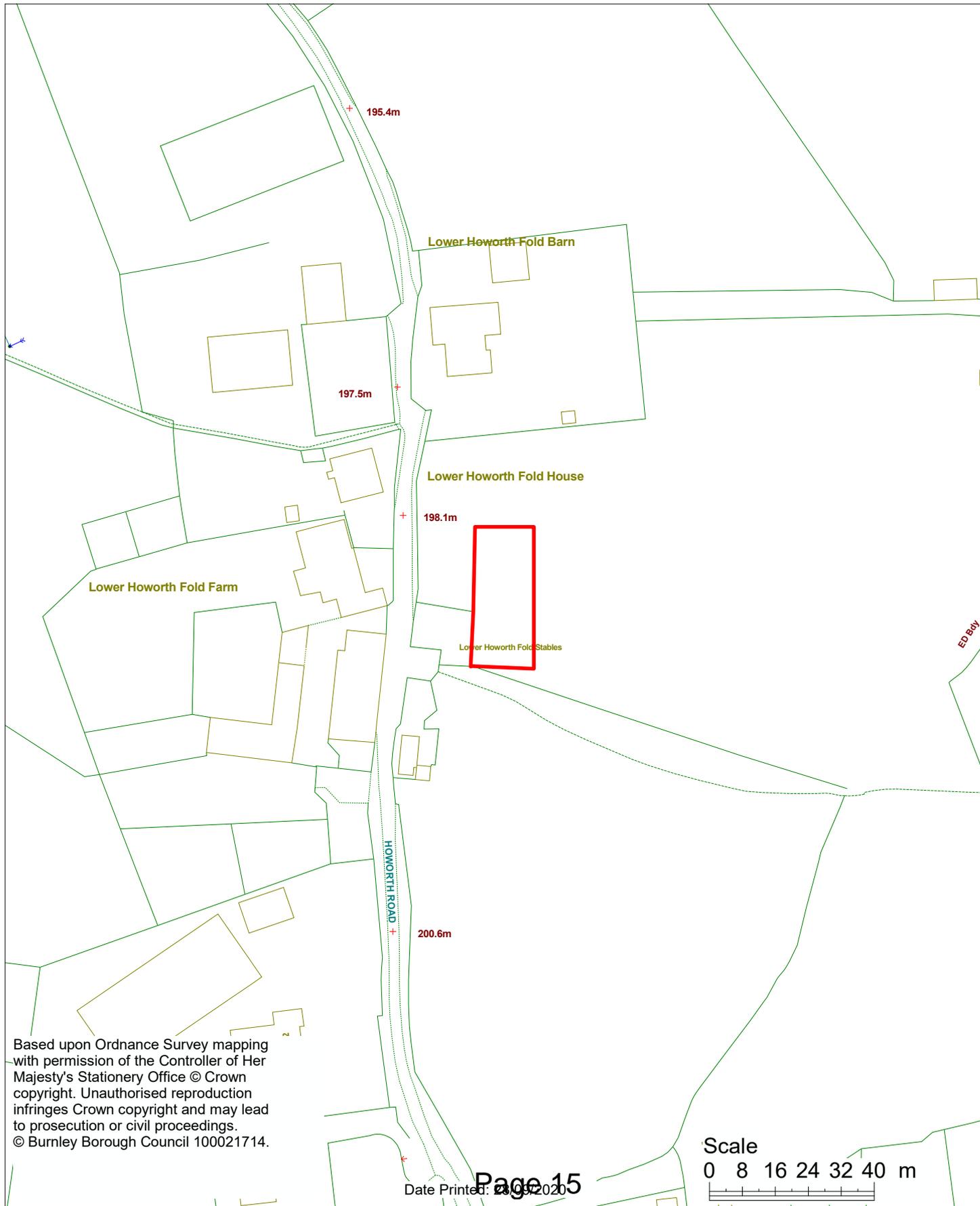
Paul Gatrell Head of Housing and Development

Location:

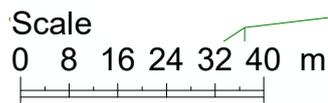


Lower Howorth Fold Farm, Howorth Road, Burnley

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Application Recommended for Approval

FUL/2020/0181

Rosehill With Burnley Wood

Town and Country Planning Act 1990

The development of an all-weather riding/turnout arena

Lower Howarth Fold Stables, Howarth Road, Burnley

Background:

The proposals involve the erection of an all-weather riding/turnout arena on land off Howarth Road, the applicant has existing stables there. The existing stables and arena are for personal use by the applicant.

Objections have been received to the proposals.

Relevant Policies:

Burnley's Local Plan July 2018

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

EMP7 – Equestrian Development

HE2 – Designated Heritage Assets: Listed Buildings; Conservation Areas and Registered Parks and Gardens

NE3 – Landscape Character

NE5 – Environmental Protection

CC4 – Development and Flood Risk

CC5 - Surface Water Management and Sustainable Drainage System (SuDS)

National Planning Policy framework Feb 2019

Site History:

Relevant history;

12/93/0154 – proposed golf driving range – withdrawn

12/93/0663 – erection of stables – c/c

Consultation Responses:

Highway Authority – Do 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.

Environmental Health – Have no comments to make.

United Utilities – the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. A water main crosses/runs close to the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our Standard Conditions for Works Adjacent to Pipelines.

Lead Flood Authority – Have no comments to make.

Neighbours – Two objections received.

One neighbour objects stating;

- Oppose the planned position of the arena – our property is located directly across the track and will be at the lowest point of the topography and we are concerned that an arena in that location will have a catastrophic impact on the already overloaded drainage system for the run-off water on Howarth Road. We are frequently flooded when there is heavy rain, as are other neighbours. We have had to pay to have the lane repaired due to water damage and also to install adequate drainage for the lane and fields.
- Having had an arena installed on our land in 2017, I assure the planning department that these structures cause immense excess water run-off, despite having drainage installed.

Another neighbour objects stating;

- Object to the potential surface water drainage resulting from the proposed development. The submitted plans show the proposed all weather riding/turnout arena to be constructed from permeable materials with land drains underneath it. It is the proposed land drains, and to where these drain, which is the reason for the objection.
- Whilst the applicants consider that surface water drainage is perfectly adequate this is not the case. Moreover, the submitted plans give no indication as to where the land pipes will drain.
- The applicant should be asked to submit full details at this stage of the proposed land drainage so as not to adversely affect neighbour's property or a condition attached in respect of drainage.

Planning and Environmental Considerations:

The proposal is located within the Development Boundary. One of the most relevant Local Plan policies in respect of the proposal is EMP7.

Policy EMP7: Equestrian Development

- 1) Proposals for the development of stables and equestrian facilities in rural areas will be supported subject to the following criteria:

Access

- a) The site must have a vehicular access which is satisfactory in highway terms or it must be capable of being achieved without adversely affecting the character of the rural landscape;

Siting and Scale

- b) New, freestanding stables and equestrian facilities will only be permitted where they are closely related to existing farm buildings or other groups of buildings, are well screened and do not cause harm to the visual amenity, openness or rural character of the area;
- c) Equine Developments should be sited at an adequate distance from neighbouring residential properties. The separation distance will be dependent on the scale and impact of the development proposed;
- d) Ancillary development including ménages, storage facilities, hard standing, access tracks and exercise pens should be a minimum size necessary and should not encroach unduly into open countryside. Provision should be made for storing equipment to minimise the impact on the visual amenity of its surroundings;

Design and Materials

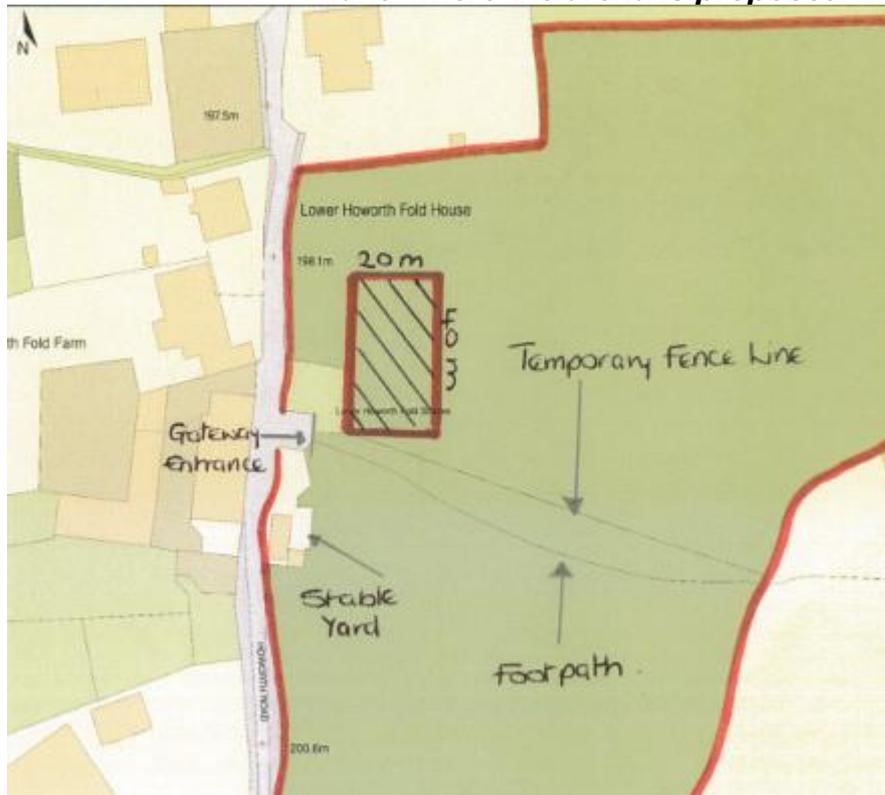
- e) Where stables are permitted they should be designed and constructed to be fit for purpose, but also in materials appropriate to the rural area;
- f) The conversion of existing buildings to equestrian centres or stables will be acceptable subject to other planning requirements being met.

General

- g) Applications for the floodlighting of existing riding arenas or for developments including the provision of floodlighting will not be approved where there will be an unacceptable visual or landscape impact or an unacceptable impact on highway safety. Floodlights will not be permitted where neighbouring properties will be subject to unacceptable levels of attendance glare; and
- h) Applications should be submitted with a pasture management plan.



land where the arena is proposed



proposed location of the riding arena and existing stables

Location and use

The applicant wishes to provide a riding arena for her own use, close to the position of existing stables which are located in a field off Howarth Fold Road.

The land owned by the applicant is approx. 7.5 acres of grazing/meadow land and includes a small stable and store. The stables are used for the sole private use for the horses owned by the landowner. The land has been used as an exercise and turnout area for the horses and is also used to make hay/haylage seasonally. The horses are trained on the land, to keep them fit for competition use, predominantly show jumping. There are currently 2 competition horses and a small pony kept at the stables.

The applicant states that the proposed construction of an all-weather riding facility is needed due to the effects of climate change over recent years which has had an impact on ground conditions and as a result the ground is wetter all year round. The weather extremes can mean that the ground is either too soft or too hard, with a risk of injury to the horses.

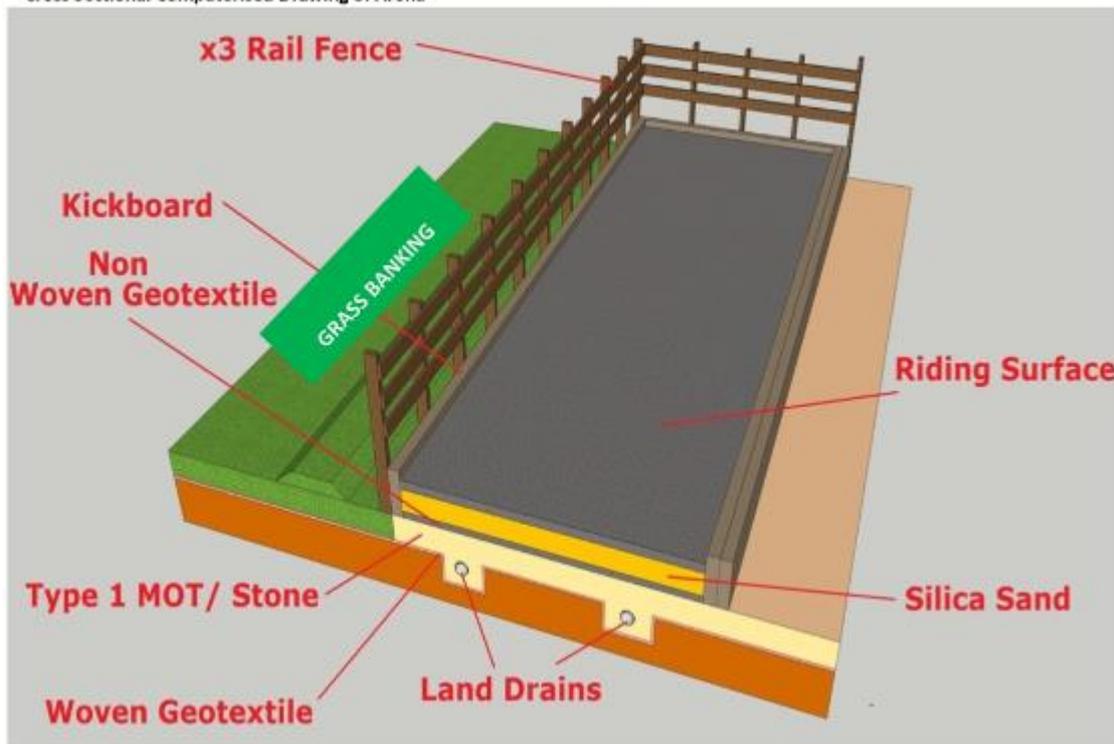
Exercising horses on a purpose built surface provides a safe environment without compromise providing safer conditions (which means that they don't have to venture out onto the highway and encounter the danger of other road users).

Size and position

The proposed development is for the construction of an all-weather equestrian arena which would be approx. 20m wide and 40m in length.

The applicant states that the position of the arena has been selected due to the fact that it is relatively flat compared to the other land in their ownership and will require little excavation works to complete it. The site has also been chosen particularly because of its natural drainage properties and the applicant states that the run off will be minimal and that there is a good drainage system to key into, with effective land drains in operation to cope with the natural rainfall.

Cross Sectional Computerised Drawing of Arena



cross section of the proposed arena

he proposed arena would be fenced in sustainable post and rail stock fencing in keeping with the natural surroundings with the option to include a small banking for screening purposes to shield the surface from the view of overlooking properties.

Lighting

No lighting is proposed for the arena which would be used in daylight hours only.

Land drainage

Local Plan policies CC4 – Development and Flood risk and CC5 – Surface Water Management and Sustainable Drainage Systems (SuDS) are relevant.

The site of the proposed development is not located within flood zones 2 or 3 as designated by the Environment Agency and a flood risk assessment is not therefore required in respect of the proposals.

Policy CC5 states that 'in order to assist in minimising surface water run-off from sites that existing green infrastructure should be retained and the use of permeable materials should be maximised. Also, surface water should be managed at source and not transferred and discharged.

The construction of the arena would be undertaken by a specialist installation team and drainage would be provided. The applicant has stated that the proposed surface would provide a much-improved drainage system being natural sand and that it will soak up the rainwater like a sponge. She states that the existing drainage is excellent and the land drains very effectively and that here is a natural sump on the land which accommodates the existing run-off.

The applicant has stated that a series of drains will be constructed across the arena in the sublayer after a cut and fill process. A further drain will be constructed around the perimeter to assist with the carrying away of existing rainwater. The drainage pipes drain into the ground. Rainfall will run through the absorbent top surface which in effect will act like a large sponge and the run-off into the drainage system will be minimal. In theory there will be less water entering the drainage system than before, which should improve the ground conditions of the surrounding area.

Public footpaths

There is a public footpath running parallel to the south side of the proposed arena, the applicant states that this would not be affected or obstructed and would remain fully open throughout the construction of the arena.

Listed Buildings

There are two Statutory Listed Buildings on the opposite side of Howarth Road, Lower Howarth Fold Farm and Lower Howarth Fold House. The Conservation officer is of the opinion that the proposed arena would not alter the ability to appreciate and understand their rural upland setting and as such the view is taken that the development is not harmful to the setting and therefore significance of the listed buildings.

Landscape

The area will remain open and flat and the views and landscape would not be adversely affected. The arena is set back from the lane (Howarth road).

Access

The site has an existing access from Howarth Road.

Other matters

There are 3 other riding arenas within close proximity of the proposal, 2 of them within the curtilage of Lower Howarth Fold Farm and Howarth Fold Farm and another larger (20m x 40m) arena to the north of Howarth Fold Farm.

The proposed development has been carefully planned by the applicant to achieve a development that has minimal intrusion on the landscape, the structure has been designed to harmonise with and not adversely affect the character of the landscape.

Conclusion

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

Recommendation:

Grant subject to the following conditions:

1. The development 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; block plan, and computerised cross-section of arena both received 30.4.2020; amended location plan, cross-section through arena and fence, and cross section before work all received 1.6.2020.

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

3. The arena shall not be used between 20.00 hrs and 08.00 hrs.

Reason: To safeguard the amenity of nearby residents and to ensure there is no adverse effect on the quality of the area, in accordance with policy EMP7 of the Burnley's Local Plan July 2018.

4. The arena hereby permitted shall be used solely for the horses in the ownership of the applicant or their immediate family and shall not be used for competitions or for any other form of commercial use.

Reason: In order to ensure a commercial activity is not established in this location without the benefit of a full assessment of any potential impacts on nearby residential amenity taking place and having regard to the vehicular access to the site, in accordance with policy EMP7 of the Burnley's Local Plan July 2018 and the NPPF.

5. No development shall take place that obstructs any part of the Public Footpath No. 109 which runs close to the site.

Reason: To ensure that the existing public rights of way are not affected prior to in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

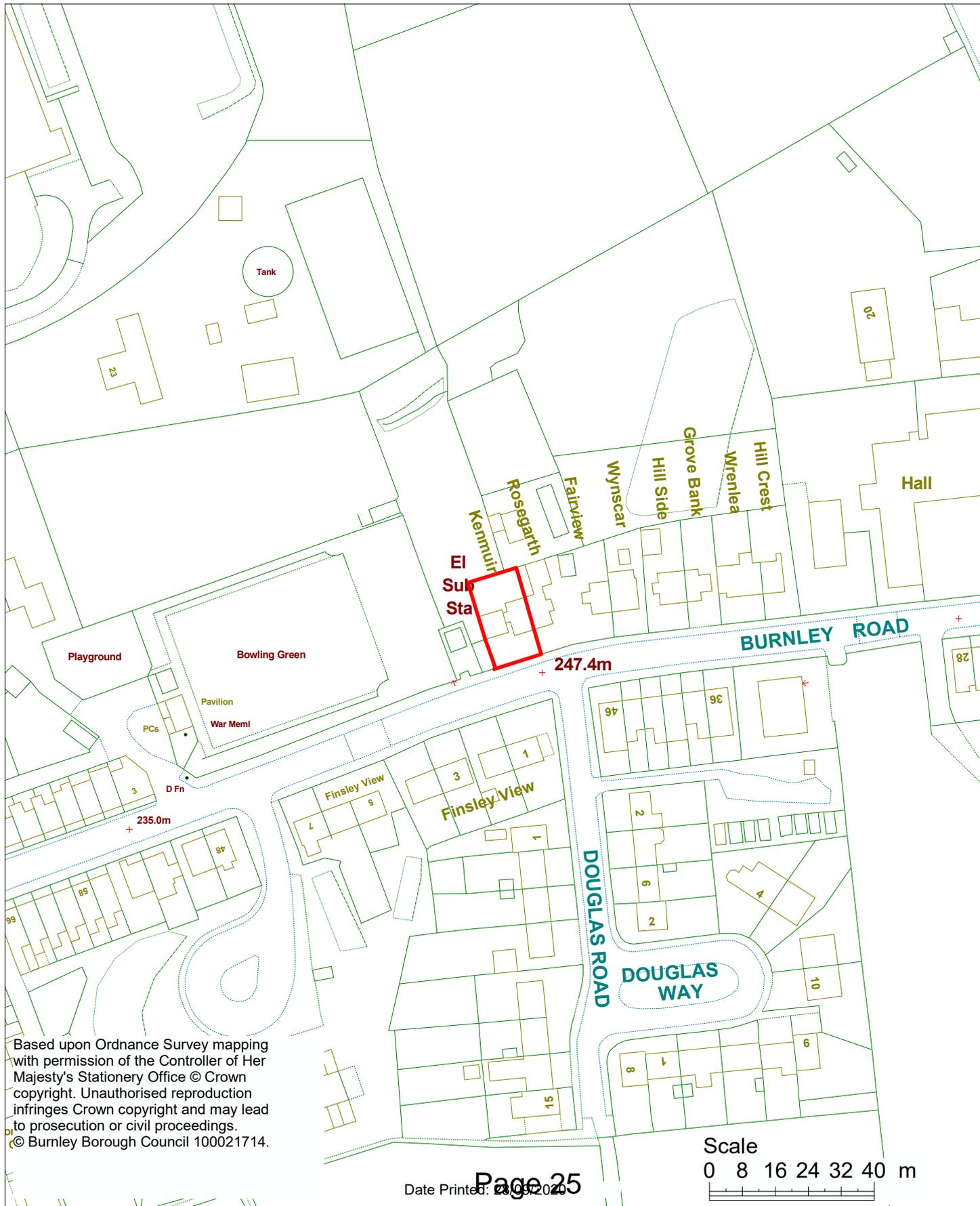
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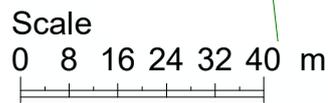


Kenmuir, Burnley Road, Briercliffe

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Application Recommended for Refusal

HOU/2020/0275

Town and Country Planning Act 1990

Proposed Three Storey Side Extension, Rear Dormer Extension and Internal Alterations

Kenmuir Burnley Road Briercliffe Lancashire BB10 2JJ

Briercliffe Ward

Background:

The application site is located within the defined development boundary as designated in Burnley's Local Plan. The site comprises a part two-storey part three storey two bedroom semi-detached house in poor condition within a sloping, medium sized rectangular plot. The house has not been previously extended and is characterised by pebbledash walls and brown upvc windows below a hipped slate roof. There is a curved bay window to the front with a pitched roof over. The garden is bounded by a combination of fencing and walls. There was previously a detached pitched roof garage to the side of the house which has recently been demolished. There is a dropped kerb and parking to the front.

Ground levels slope down towards the rear and to the west side. Beyond the rear boundary is a grass paddock, whilst to the west side is a public footpath, small substation and strip of woodland, with a bowling green further beyond. Adjoining to the east is the mirrored semi-detached house, this having a single storey rear extension.

The Burnley Road street scene is in this part characterised by a mixture of semi-detached and terraced dwellings. The site is however one of six properties of the same style to the north side of the road. Two of these have been moderately extended at double storey to the side.



Photo 1: Front of Kenmuir from Burnley Road



Photo 2: Rear of Kenmuir and adjoining Rosegarth



Photo 3: Rear of Kenmuir, with Burnley Road beyond

Proposal:

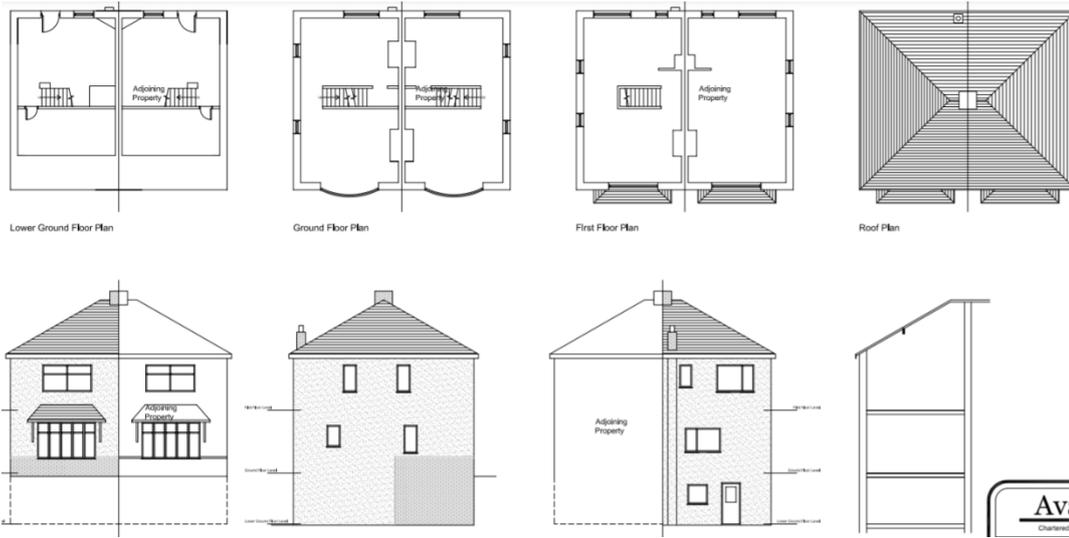
Plans show the erection of a part two storey part three storey side extension together with a second floor rear dormer across the existing and extended roof. The extension measures 5.5 metres width by 7.5 metres depth and is set back 0.7 metres behind the original existing principal elevation. The eaves line is set at the same height as existing, with a ridgeline formed slightly below the existing apex. The roof has a matching angle hipped form. The distance between the new side elevation and the side boundary is 1.7 metres.

The falling ground level to the rear and west side is such that the extension measures greater height than the existing house and also measures higher at the rear than front. At the front a set of steps leads up to a newly positioned front entrance door with a small open canopy porch over, whilst to the rear the lower ground floor elevation is expressed, this housing a games room and storage.

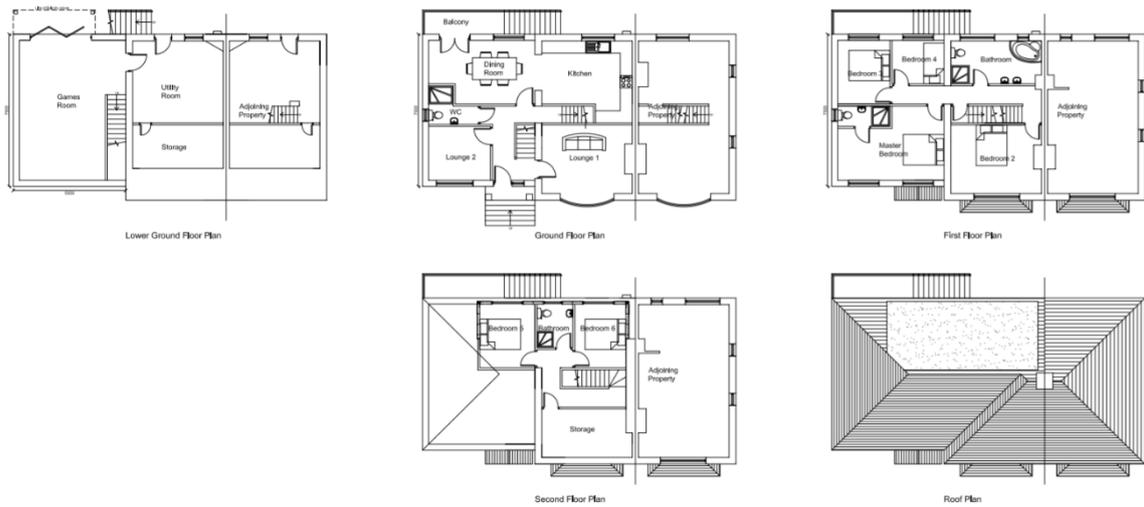
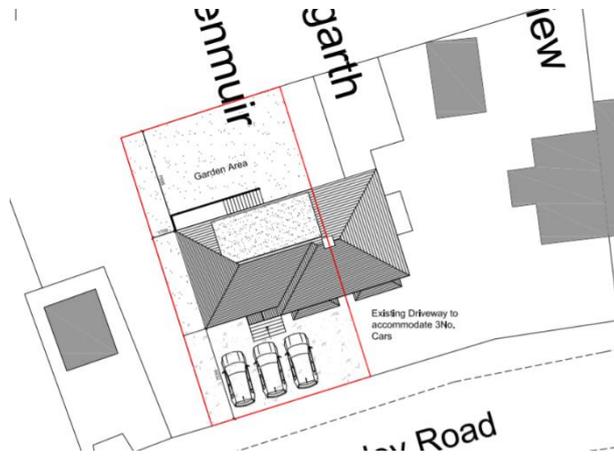
At upper ground floor are new dining and living spaces, together with a shallow rear balcony and a set of external steps leading from this down to garden level. At first floor are three new bedrooms and at second floor a further two bedrooms as found within the rear dormer. This dormer measures 7.3 metres width and has a box-like form, with a flat roof which is set slightly lower than the new ridgeline.

Materials are proposed as slate to the roof, dark slate cladding to the dormer, rendered finish walls and upvc windows.

Parking is shown as three spaces to the front.



Existing plans and elevations





Proposed plan and elevations

Relevant Policies:

Burnley's Local Plan 2018

- HS5 – House Extensions and Alterations
- SP5 – Development Quality and Sustainability
- IC3 – Car Parking Standards

NPPF 2019

Site History: None

Consultation Responses:

Highways: With respect to the proposed application we would not wish to raise any objections to the development. There is a concern that the widened drive will discharge surface water on to the highway, a method of controlling this is sort. Should you wish to support the application we would wish that the following condition is added to the decision notice

1. Prior to first occupation, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials. Reasons: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
2. No development shall be occupied until full engineering, drainage, and constructional details of the driveway has been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority. Reason: - In the interest of highway safety; to ensure that surface water does not drain on to the adjacent footway and carriageway.
3. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Further details can be found by contacting PROWplanning@lancashire.gov.uk

Neighbours – no comments received

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:

- 'a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;
- b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;
- c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);
- d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles; and
- e) The proposal does not lead to an unacceptable loss of useable private amenity space.'

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.

- Whilst the extension is appropriately set back from the principal elevation and as such benefits from a slightly lower ridgeline than the existing house`s apex, the overall scale and massing is nevertheless of concern.
- Criteria a) above requires extensions to be subordinate and b) requires scale to respect the host building. Policy SP5(2)a) requires all development to respect existing scale and massing. In this case, whilst it is recognised that the site is of considerable width, the width of the extension exceeds the width of the original house and as such would not comply with the above stated requirements. The scheme would turn a modest two bedroom property into six bedrooms, again a further indication of its insensitive and dominant scale.
- The inappropriate width is compounded by the design which places two front elevation openings at ground and first floor, whereas a key component of the existing and adjoining house`s character are the single window to the front at both floors.
- At present the building only has a very short ridgeline, whereas the proposal would introduce a lengthy ridgeline and would unbalance the adjoined pair of houses to such an extent that this would be harmful in visual terms to the street scene.
- Turning to the rear dormer, owing to its substantial width, height and box-like form, it would dominate the rear roof slope and as such would not represent good quality design and would not respect the simple architectural roof form of the existing building as required by

HS5 b) above. The placement of this feature to the rear does not excuse its incongruity and would be plainly visible from the adjacent public footpath. It should also be noted that it could not be constructed under permitted development rights given the amount of roof volume being added through the proposed side extension.

- The proposed materials are however deemed acceptable.
- With respect to the final two criteria of HS5 above, the amount of parking provision shown and the resulting rear amenity space are both deemed to be acceptable in size. As such the proposal does not conflict these requirements.
- Overall, the extension would therefore not be in keeping with the existing scale, form and character and is in conflict with the requirements of Policies 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 only neighbouring property deemed to be materially impacted by the proposal is adjoining Rosegarth. Given that the proposal does not include any extension of the house to the rear, no adverse impact upon existing outlook or light is identified. The impact rather concerns the additional overlooking to the rear garden which would arise from the various new upper floor habitable windows. The rear garden is however already overlooked to an extent and as such it is not considered that the additional impact would be significant / unacceptable.
- As such, the application is deemed to meet the above policy requirements as concern the protection of neighbouring amenity.

Conclusion

The proposed development is acceptable in principle, however its appearance would harm the character of the dwelling and street scene.

Recommendation: Refuse for the following reason:

1. By virtue of its excessive and dominant scale and design, the proposed development would not be subordinate or sympathetic to the character of the existing house or the wider character of the street scene. The proposals would appear as prominent and incongruously large additions which fail to appropriately respect the existing proportions and appearance. The application therefore conflicts with Policies HS5a) and b) and SP5(2)a) of the Burnley Local Plan (July 2018).

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2020/0137

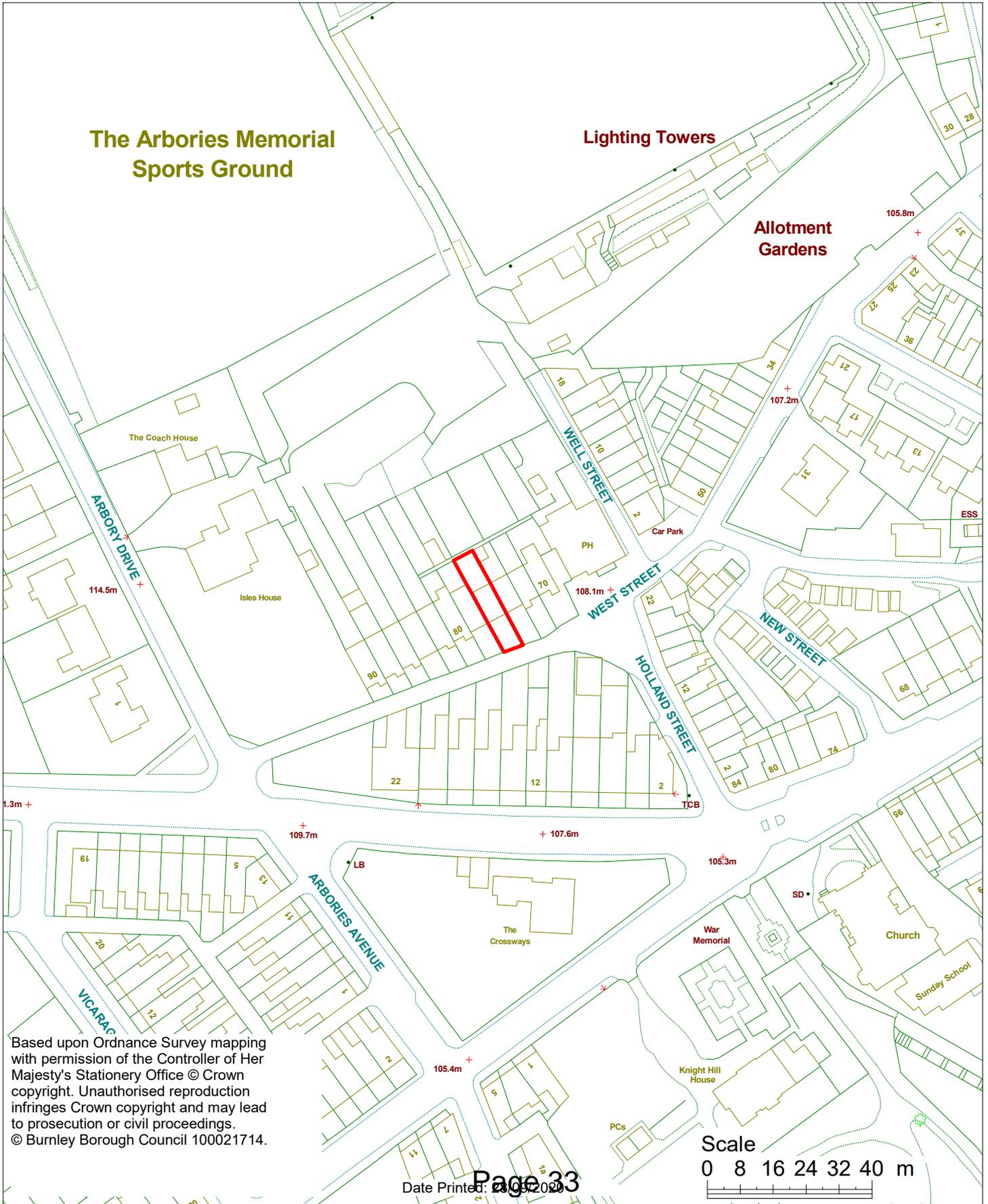
Paul Gatrell Head of Housing and Development

Location:



76 West Street, Padiham

1:1250



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Full Planning Application

Proposed part two storey and part single storey extension at rear of dwelling
76 WEST STREET PADIHAM

Site Description and Surrounding Area:

The application relates to a mid-terrace former handloom weaver's cottage located on the northern side of West Street and set back from the road with a walled garden. The two storey cottage dates from the early 1800s and is a simple vernacular building of coursed sandstone rubble with plain window and door surrounds under a shallow pitch slate roof. The rear elevation has a simple rendered finish and is devoid of any extensions. To the rear lies a relatively long north-east facing garden which acts as private amenity space. There is a pronounced change in levels at the rear of the site such that the garden is set at a higher level than the house. The garden is accessed directly from the rear of the property but its mid-terrace position is such that access arrangements are constrained. The cottage offers a modest level of accommodation with a lounge and small kitchen to the ground floor and a bedroom and bathroom to the first floor.

The application site lies within the development boundary as defined in Burnley's Local Plan with the immediate area being residential in character comprising mostly terraced dwellings. The terrace comprising the application property is identified as a non-designated heritage asset included in the Council's Local List of Heritage Assets. It is also located within the north-western part of Padiham Conservation Area which noted for its rural characteristics with buildings that relate to an earlier pre-industrial phase of development.



Front elevation to West Street



Rear Elevation



Rear of No 76 (left) and No 78 (right)

Summary of Heritage Significance:

The significance of the building as a heritage asset is derived from its simple vernacular style of architecture and its historic association with early domestic textile production. The terrace is described in the Padiham Conservation Area Appraisal as a relatively well preserved example of pre-industrial housing that illustrates the more organic plan form prior to the Victorian Health Acts which introduced the grid-iron layout and minimum standards of build quality.

The property makes a positive contribution to the character and appearance of Padiham Conservation Area, its attractive street scene and historic sense of place. The rear elevation can however only be seen in private views from the rear gardens and windows of adjoining properties. Though it is largely devoid of extensions, with exceptions at Nos 72 and 70 (to the east), it is not uniform in footprint as the properties that adjoin the cottage to the west project forward from its rear elevation creating a marked difference between the rear profiles. The rear of the property does not therefore contribute to any significant perception of the character and appearance of the conservation area and the architectural rhythm thus created is not so uniform that its preservation is an obvious priority.

Proposed Development:

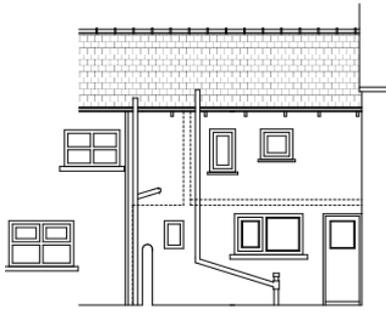
This application seeks planning permission for a part two storey, part single storey extension to the rear (north east facing) elevation of the cottages. This elevation is not visible from the streetscene and is neither prominent nor the most significant part of the building however it does display traditional vernacular characteristics. The proposed extension will increase the modestly sized accommodation to provide a kitchen/diner at ground floor and a small second bedroom at first floor.

The proposed extension will be built against the flank wall of No 78 (west) which projects forward of the application property by approximately 2.2m and would be set approximately 0.5 metres from the common boundary with No 74 (east).

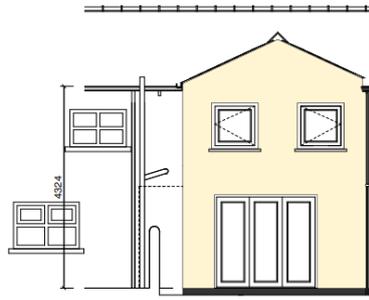
The single storey element of the extension will project 3.0m from the rear elevation and measure 4.0m in width (almost the full width of the property) and 2.7m in height. The first-floor element of the extension is positioned above and stepped back from the extension below. It will project 2.0m from the rear elevation and match the width of the extension below. The overall height will be 4.3m to eaves (in line with the existing) and 5.2m to the ridge (set down from the main roof ridge by 0.7m) with a shallow 25-degree roof pitch. The external walls will be finished in white render and the roof in welsh blue slate. Windows and bi-folding doors will be anthracite grey Upvc.

The sloping rear garden will be excavated to facilitate the extension, which occupies around a third of the area, and a new patio area created with 1.5m high retaining wall and steps up to the remaining amenity space.

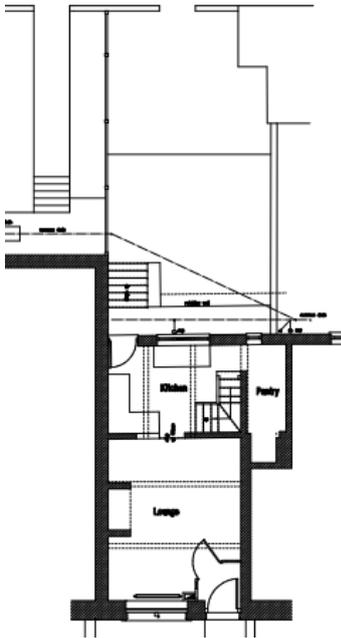
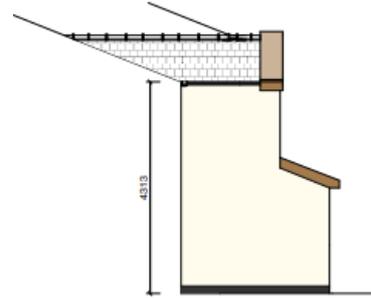
The extension would be positioned approximately 2m from the nearest habitable room window (kitchen) of No 74. During the assessment of the application and in response to the objections raised, the depth of the ground floor extension has been reduced taking into consideration the maximum degree of projection that would fall within permitted development rights (3.0m). The depth of the first floor extension has been reduced so as maintain sufficient outlook to the nearest habitable room window at No 74 using the 45 degree rule as a guide. I am satisfied that the revised scheme, with its reduced footprint and projection, has taken into consideration all the points that were raised during negotiation. The revisions were subject to a further round of neighbour consultation and objections remain, as summarised below.



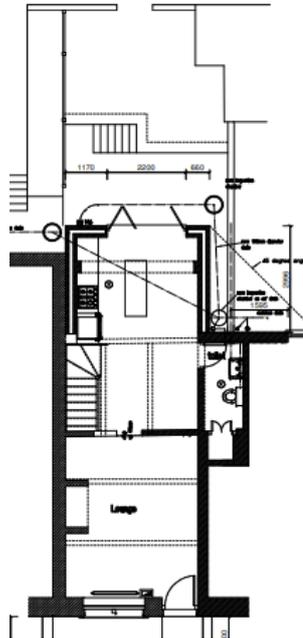
Existing Rear Elevation



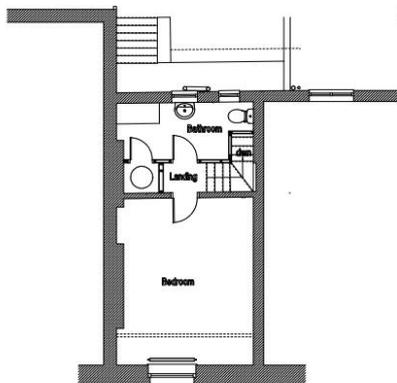
Proposed Rear (North East) Elevation and West (side) Elevation



Existing Ground Floor and Garden



Proposed Ground Floor and Garden



Existing First Floor

Proposed First Floor

Relevant Policies:Burnley Local Plan (July 2018)

SP4: Development Strategy

SP5: Development Quality and Sustainability

HS5: House Extensions and Alterations

HE2: Designated Heritage Assets

HE3: Non-Designated Heritage Assets

National Planning Policy Framework (2019)

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Recent Planning History: None**Consultation:**

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

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

- Scale, size and siting is disproportionate and not in keeping causing an overbearing impact and unsympathetic appearance
- Unacceptable overshadowing and loss of light to the neighbouring properties
- Loss of privacy
- Design not in keeping with the character of the historic cottages or conservation area.
- Loss of garden space and wildlife habitats
- Result in a poorly lit, heavily shaded and uninviting rear garden
- Materials and colours should be sympathetic
- Only access to the rear is through a communal garden and will cause damage from plant and building materials and impeded access to residents
- Disruption during the construction phase
- Risk of ground instability and damage to foundations of cottages
- Drains run through site and access should be maintained
- Loss of natural stone party wall and mature trees/shrubs in neighbouring garden

During the determination process the plans have been altered. The neighbours were reconsulted on the 16.09.20. At the time of writing this report one response has been received and the outstanding concerns summarised below. Any further responses received before the close of the consultation period (30.09.20) will be reported to Committee.

- Damage to the communal gardens and impeded access during the construction phase
- Unacceptable reduction in light to neighbours and prevent for further harmful extensions
- Not in keeping with the character of the conservation area

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. Party wall agreements, risk of damage to property and the impact of construction work are not material planning considerations. Matters of design, impact on the conservation area and impact on the residential amenities are considered in the report below.

Planning and Environmental Considerations:

Principle of Development:

The site is located within the development boundary as defined in Burnley's Local Plan which is the focus for development of an appropriate type and scale. Extensions to existing domestic property for residential purposes are acceptable in principle providing that their scale and design is compatible and proportionate to the existing dwelling and does not result in an intrusive form of building within its townscape/landscape setting.

For the reasons set out above, the principle of development is considered to be acceptable subject to consideration of the main issues as follows:

- Visual impact in terms of siting, scale and design
- Impact on the significance of the host property as a non-designated heritage asset
- Impact on the character or appearance of the Conservation Area
- Impact on neighbouring amenity with particular regard to Nos 74 and 78 West Street in respect of any unacceptable adverse impacts on privacy, outlook and daylight.

Visual impact (design and appearance):

Local Plan Policy SP5 requires development to be of a high standard of design; to respect their setting, scale and massing; and to use a palette of high quality materials which are appropriate to the local context. Local Plan Policy HS5 requires domestic extension to be high quality in their construction and design in accordance with Policy SP5. They should be subordinate to the existing building allowing the form of the original building to be clearly understood; and respect the architectural characteristics, scale, materials and detailing of the host building and its setting. This is detailed further in Policy HE3 which requires proposals affecting non-designated heritage assets to relate appropriately in terms of siting, style, scale, massing, height and materials.

The extension is of simple design with the eaves being in line with the main dwelling and the ridge being noticeably lower. This ensures that the extension retains its subservience in terms of its relationship with the host building. The roof has a shallow pitch with a simple clipped eaves detail and is to be finished with slates to match the host property. The existing fenestration is characterised by relatively small and horizontally emphasised openings without surrounds and the extension has been designed to reflect this style. The use of white render reflects the treatment across the rear elevation and is therefore acceptable.

Whilst the single storey element of the extension is relatively generous in dimensions, it has been designed within the limits of permitted development rights. Moreover, the two-storey element above is limited to a modest degree of projection and would be set down from the ridge of the host property such that when considered in tandem with the ground floor element it would meet the requirements of subordinate in that form of the original building would be clearly understood.

The scale and massing are considered to be at the upper limits of acceptability, and when balanced against the combination of the appropriate use of materials and architectural detailing, the secluded position of the extension, the non-uniformity of the rear elevation and the modest projection of the proposed structure it is considered that these factors would weigh in favour of support.

The proposed design, appearance and scale of the proposed extension would respect the character of the existing dwelling and would not result in any unacceptable adverse visual impact in the locality. Accordingly it is considered that the proposal would not detract from

the visual amenity of the site and surrounding area and would constitute high design quality in compliance with policies SP5, HS5 and HE3.

Impact on the significance of the host building as a non-designated heritage asset:

NPPF paragraph 197 states that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is supported by Local Plan Policy HE3.

The significance of the cottage as a non-designated heritage asset has been assessed and is found to hold interest at a local level for its simple vernacular style of architecture and its historic association with early domestic textile production. The extension is sited at rear of the terrace which has been found to make a negligible contribution to any significant perception of the character and appearance of the cottage such that its warrants preservation.

The proposed extension has been designed to maintain a traditional appearance and will appear subservient to the host dwelling. It is considered acceptable in scale, form, siting and design when considered against the significance of the building as a whole and would not be considered to result in harm. Furthermore, the proposal is considered necessary to enable a comfortable living environment and will ensure the future of the heritage asset at its optimum viable use, as a family home.

The proposal has been examined in relation to its impact on those values that contribute to significance, the conclusion being that the proposal would on balance be acceptable and, subject to a condition to ensure that the external materials and detailing respect local building traditions including fenestration of appropriate profiles and dimensions, would not result in harm to significance. The proposal is therefore in accordance with Policy HE3.

Impact on the character or appearance of the Conservation Area

As the site is located in a conservation area, special regard is to be paid to sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confers upon the local planning authority a duty to “have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.” Preservation in this context means protecting the character and appearance (significance) from harm as opposed to keeping it utterly unchanged.

The rear of the property can be seen only in private views from a limited number of rear gardens and windows in the immediate vicinity. The rear of the terrace does not therefore contribute to any significant perception of the character and appearance of the conservation area. Having regard to the design, appearance and siting it is considered that the proposal would, in its entirety, preserve the character and appearance of Padiham Conservation Area and would therefore comply with the Local Plan Policy HE2 and the relevant statutory duty.

Impact on Residential Amenity:

In accordance with Local Plan Policy SP5 and HS5 development should not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight. The nearest properties with the potential to be impacted by the proposal are those adjoining the application site to the east (No 74) and west (No 78).

No 74 West Street

The extension would be located approximately 0.5m from the shared boundary with No.74. It would project to the rear by 3.0m at ground floor and 2.0m at first floor. No side windows are proposed. The first floor projection would not breach the 45 degree splay from the centre of the nearest neighbouring habitable room window (ground floor kitchen) and though the

ground floor extension would encroach slightly into the splay, the impact is mitigated by the low rise nature of the building which will be cut into the slope of the land and sit approximately 1.5m lower than the garden at No 74 which is presently separated by a stone wall of around 1.0m in height. Taking these factors into account it is considered that on balance the proposal 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 the adjoining neighbour. With regards to privacy and overlooking, there are no windows proposed on the side elevation of the extension. The new windows to the first floor extension look over the rear amenity areas and repeat views already available from the rear elevation of the property such that they would not cause any appreciable difference to the existing levels of privacy and overlooking. Accordingly the proposal would comply with Local Plan Policies HS5 and SP5.



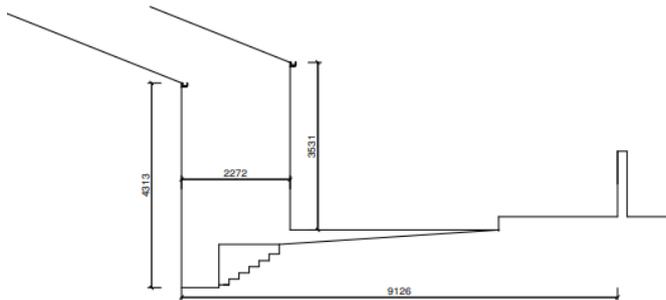
Kitchen window Bathroom Window



Relationship with windows at No 74

No 78 West Street

It is proposed to build the extension against the flank wall of No 78 (west) which projects forward of the application property by approximately 2.2m. The degree of projection is such that only 0.8m length of the proposed single storey extension would be visible against the common boundary with No 78. Furthermore, this low rise element of the extension will be cut into the slope of the land and sit approximately 1.5m lower than the garden at No 78 which is presently separated by timber fencing around 1.0m in height. Taking these factors into account it is considered that the proposal would not create an over-bearing impact or result in loss of privacy, light or outlook sufficient to cause unacceptable harm the residential amenity of the occupiers of the adjoining neighbour. Accordingly the proposal would comply with Local Plan Policies HS5 and SP5.



Other Matters:

Highway Safety

This aspect of the proposal has been assessed by the Highways Authority and has been considered acceptable subject to the imposition of a condition to restrict deliveries associated with the construction phase to before 9.30am and after 3.00pm in order to avoid conflict with traffic (vehicular or pedestrian) in the interest of highway safety.

Conclusion:

On balance, it is considered that the extension is of a sufficiently high standard of design. It would have a neutral impact on the character and appearance of the conservation area and not cause harm to the significance of the host property as a non-designated heritage asset. Moreover, it would not have a significant detrimental impact on neighbouring amenity. Subject to conditions the development is considered to comply with the relevant plan policies as set out above and is recommended accordingly.

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: Drawing No 19/2351/05 (Proposed Floor Plan, Site Plans and Elevations Revised Scheme at 1:50 scale) dated 29.09.20

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

3. Prior to the commencement of any development above slab level, samples of all external facing and roofing materials including precise details of all new and replacement window frames and glazing 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 that the development will be of a satisfactory appearance and to comply with Policies SP5, HS5 and HE2 of Burnley's Local Plan (July 2018).

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading, unloading and storage of plant and materials used in constructing the development; measures to control the emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties in accordance with Policy SP5 of Burnley's Local Plan (July 2018) and in the interests of highway safety.

5. 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 be made before or 0930 hours and after 1500 hours to avoid conflict with traffic (vehicular or pedestrian). Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

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

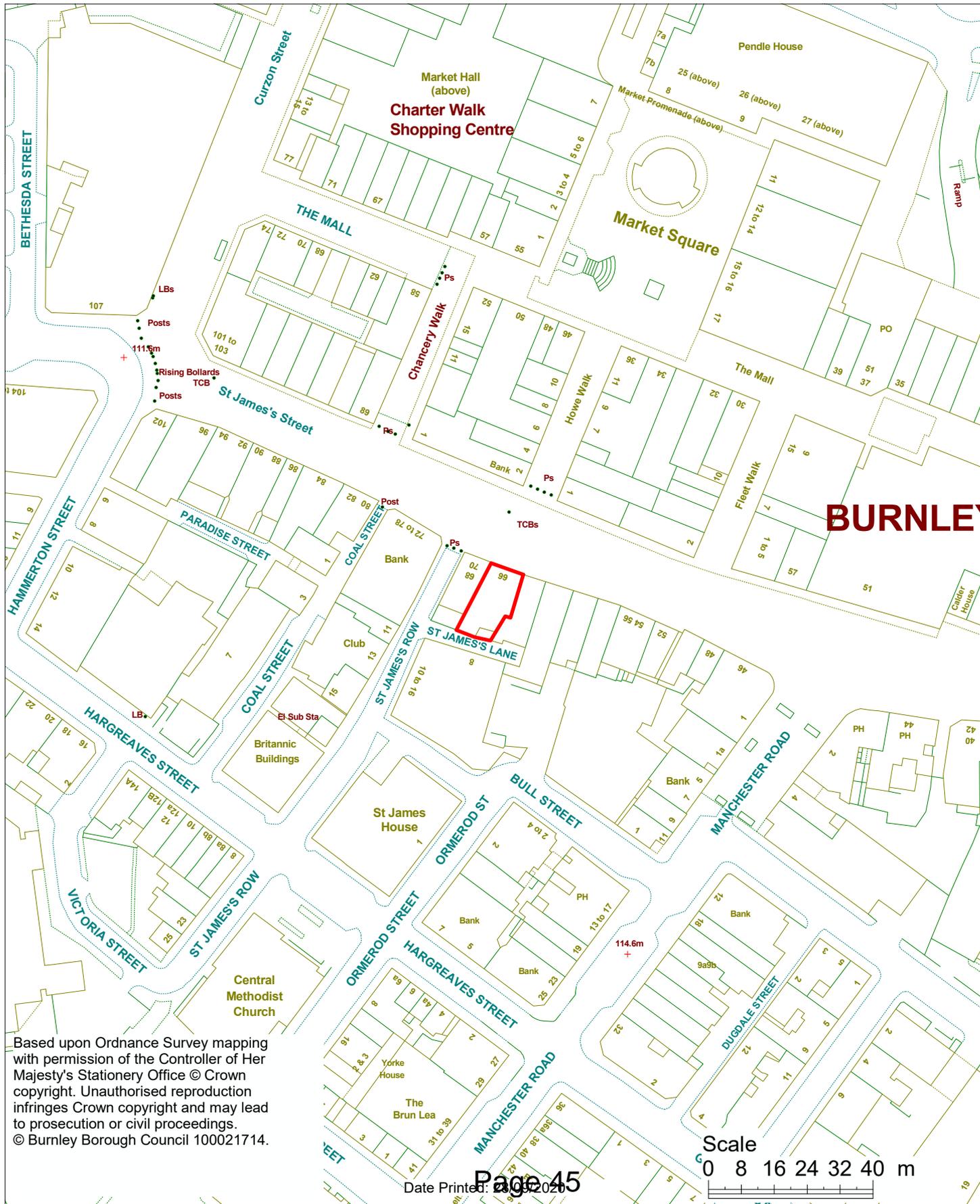
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Location:



66 St James's Street, Burnley

1:1250



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Recommendation: Application Recommended for APPROVAL
Daneshouse with Stoneyholme Ward

COU/2020/0280

Proposed change of use of ground floor from Vacant A1 (shop) to a flexible A1 (shop), A2 (financial and professional services), A3 (café/restaurant) and A4 (drinking establishment) use pursuant to Schedule 2, Part 3, Class V of The Town and Country Planning General Permitted Development (England) Order 2015.

66 ST JAMES'S STREET BURNLEY

Site and Surrounding Area:

The application site comprises the ground floor and associated yard area of a vacant retail unit positioned within a parade of commercial units on the south side of the St James's Street within Burnley town centre. The site falls within the primary shopping area and is defined as primary retail frontage with Nos 46-70 St James's Street. This frontage consists of a mix of uses, including use classes A1, A2 and A3.

The unit has been vacant since August 2018, having been previously occupied by a menswear shop. Internally the accommodation includes a front sales area with staff facilities and storage areas to the rear. The current lawful use of the unit is A1 (retail) however the application property benefits from an unimplemented deemed prior approval for A3 use (café/restaurant) under application PAA3/2020/0163 effective from June 2020.

The property lies within the Burnley Town Centre Conservation Area.



St James Street Elevation

Location within the primary frontage (highlighted in green)

The Proposal

This planning application seeks permission for the change of use of the ground floor unit from Class A1 to a range of flexible uses including A1, A2, A3 and A4. The application is pursuant to Schedule 2, Part 3, Class V of The Town and Country Planning General Permitted Development (England) Order 2015 which allows planning permission for separate uses that can be used flexibly and interchanged over a 10 year period following the grant of permission. Whichever use is in operation at the end of the period becomes the established lawful use of the property.

There is presently no operator identified for the proposed use. The application states that the unit has been marketed for A1 use since August 2018 and all attempts to market the premises to a retailer over this period have been unsuccessful. The marketing agents are of the opinion that the proposed mix of uses will allow the premises to be marketed to a wider pool of potential occupiers in what are very challenging market conditions, thereby reducing the likelihood of the unit remaining vacant.

No external alterations are indicated. This application is speculative with no end user identified and as such the proposal does not make any provision for external extraction system. The building is serviced from the rear, via St James's Lane, for refuse storage and collection and this will remain unchanged. There is no provision for off-street parking. The proposed opening hours are 07:00hrs to 23:00hrs Monday to Sunday including bank holidays.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1: Achieving Sustainable Development

SP5: Development Quality and Sustainability

TC2: Development within Burnley and Padiham Town Centres

TC3: Burnley Town Centre – Primary and Secondary Frontages

HE2: Designated Heritage Assets

IC1: Sustainable Travel

IC3: Car Parking Standards

NE5: Environmental Protection

National Planning Policy Framework (2019)

Planning Practice Guidance: Town Centres and Retail (September 2020 update)

Planning (Listed Buildings and Conservation Areas) Act 1990

Recent Relevant Planning History:

PAA3/2020/0163: Proposed change of use from A1 to A3 – Deemed Prior Approval

FUL/2019/0476: External alterations and new shopfronts to form three retail units and one apartment - Pending determination

APP/2011/0363: Display of internally illuminated fascia and projecting signage - Granted

APP/2011/0182: Change of Use from Class A1 to Class A2 (financial services) – Refused

APP/2010/0643: Proposed change of use from Class A1 to Class A2 – Refused

Consultation:

LCC Highways: No objection subject to a condition requiring the provision of external lighting to the rear of the premises on St James's Lane for the reasons of highway safety.

Environmental Health: No response

Publicity: Three letters of objection have been received in relation to the proposed A3 and A4 use with the main points summarised as follows:

Only 20% of the frontage should be for coffee shops (*officer comment: meaning none-A1 uses*)

Similar outlets have been refused in the past

Approval would not be in accordance with policy

Loss of high street to endless food and drink establishments would put investors off

Comments regarding competition with other similar food/drink outlets are not considered to be material planning considerations and therefore do not form part of the assessment of this application.

Planning and Environmental Considerations:

Principle of Development

The application site falls within the town centre boundary and is identified as primary retail frontage within the primary shopping area. The fundamental purpose of the town centre and primary shopping area is to meet the needs of their catchment communities. In order to do this, they must

be 'vital' (full of reasons for people to visit) and 'viable' (attractive to both visitors and investors in the longer term).

NPPF 85 advises the long term vitality and viability of town centres should be promoted by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries. Moreover, the Local Plan acknowledges the importance of recognising that the traditional role of the town centre is changing, particularly in relation to retailing. In relation to the protection of primary frontages it also recognises that changes to permitted development rights will reduce the ability to exercise control over some changes of use that will result in the loss of retail.

The application proposes a range of town centre uses that fulfil an important and complementary function to the shopping experience and would be acceptable in principle under Policy TC2. The main issue being the effect of the proposal on the vitality and viability of the primary shopping area and town centre, having regard to the Local Plan and any other material planning considerations. Other considerations include the impact on the character and appearance of the conservation area; neighbouring amenity; and highway safety; and the adequacies of the refuse and recycling provision.

Impact of Vitality and Viability of the Primary Shopping Area and Town Centre:

Local Plan Policy TC2 highlights the importance of Burnley town centre as the sub regional centre and describes the town centre as providing a broad retail offer with a good range of public services and established theatre and music venues. It advises that the vitality and viability of the town centre would be enhanced by broadening the relatively narrow night-time economy offer to include entertainment and café/restaurant uses. Moreover it is recognised that the role and function of the town centre is continuing to evolve, particularly in light of COVID-19, and we will continue to see an increase of town centres being used for an all-encompassing retail, leisure, business and social experience.

The application site falls within the primary shopping area of the town centre and is designated as primary frontage, under Policy TC3, with Nos 46-70 St James's Street. Policy TC3 seeks to ensure that retail (Class A1) remains the principal and dominant land use within primary frontage in order to underpin the vitality and viability of the town centre. The policy allows the introduction of non-A1 town centre uses within the primary frontage where they would not cumulatively amount to more than 20% of the total length of the frontage.

Currently non-A1 uses already make up 36% of the total length of the frontage 46-70 St James's Street and include a credit union office, opticians, amusement arcade and two coffee shops and a café. The proposed A2, A3 and A4 uses would lead to a further increase in the over-concentration of non-A1 uses (43%) where the current proportion already exceeds the maximum 20% allowed. The proposal therefore conflicts with Policies TC2 and TC3 which is a significant consideration in the assessment of the proposal's impact on the vitality and viability of the town centre.

In this case however, the principle of the loss of the A1 use has been established by the deemed prior approval for A3 use (café/restaurant). The main issue is therefore whether there are any other material considerations that would indicate a different decision should be reached. With the main issue being the effect of the proposal on the vitality and viability of Burnley town centre and primary shopping frontage.

Other Material Considerations:

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant local plan policies regarding the principle of change of use have been considered above. The following are considered significant material planning considerations that should be regarded in the overall planning balance.

NPPF (2019) and Associated Planning Guidance and New Permitted Development Rights

The need to revive our town centres and high streets has become one of the Government's most pressing planning issues and there is now significant recognition for the need to view town centres and high streets in a different way if they are to survive in the future. The Government's commitment to this is evident through the updated NPPF and changes to the Use Classes Order which provides an increasingly important planning context in the consideration of this application as set out below.

NPPF (2019) and Associated Planning Guidance

The NPPF (2019) recognises that town centres are becoming more diverse in their uses and flexibility is needed in decision making to enable a response to rapid changes taking place in the sector. The revised NPPF post-dates the adoption of the Local Plan, in respect of town centres it has a greater emphasis on responding to the changes in retail and leisure industries and in doing so no longer directs LPAs to identify primary and secondary retail frontages. This is in recognition that the main footfall drivers are often dispersed in primary shopping areas and are not necessarily now only A1 retail.

NPPF (para 85) states that planning decisions should take a positive approach to their growth, management and adaptation. The supporting, planning practice guidance advises that evening and night-time activities have the potential to increase economic activity within town centres and provide additional employment opportunities. They can allow town centres to diversify and help develop their unique brand and offer services beyond retail

New permitted rights under the new Use Class E (Commercial, Business and Service)

This application was submitted in advance of the changes to the Use Class Order that came into effect on the 1st September 2020. The changes are intended to allow a greater flexibility for changes of use from retail to other town centre uses under the policy objective of supporting and rejuvenating the vitality and viability of town centres. Under these changes the former use classes of A1, A2 and A3 (amongst others) now fall under one new use class referred to as Class E (Commercial, Business and Service). Therefore the proposed change of use from A1 to A1, A2 and A3 is no longer classed as development and does not require planning permission.

Whilst this change would not directly affect this proposal in respect of the proposed A4 use, it provides an increasingly important planning context in the consideration of this application, signalling a clear statement of intent from the Government that there is a need to treat town centres in a more flexible way if they are to remain viable. Accordingly it is treated as a material consideration in respect of how it would affect local plan policies for the town centre and in particular the aims of retaining primary retail frontages (Policy TC3).

Property Vacancy, Duration and Marketing Efforts

The supporting information sets out that since August 2018 the property has been the subject of proactive marketing at a competitive asking rent including widespread advertising and subsequent rent reductions and marketing incentives, including rent free periods and flexible lease terms. Despite these efforts, the agent confirms that there has been no interest from retail A1 users with the only tentative interest being from A3/A4 users suggesting that a change of use would increase the marketability of the unit.

The application evidence has shown that despite over 24 months of active marketing there is no reasonable prospect of viable demand for the continued A1 use. In situations where there is a demonstrable lack of demand for continued A1 use leading to prolonged periods of vacancy, significant favourable weight has been given to similar applications and appeals across the country. It is seen to be preferable to have a unit occupied, trading and providing employment than to keep it vacant in the seemingly unlikely chance that it may be occupied by a retail user in the future.

Other Considerations:

Impact on the character and appearance of the Conservation Area

No external alterations are proposed and as such the proposal would preserve the character and appearance of the conservation area. Moreover, the re-use of vacant floorspace within the building is likely to have a positive impact on the conservation area. The proposal is therefore in accordance with Local Plan Policy HE2 and the relevant statutory duty.

Impact on Neighbouring Amenity

Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. The nature of the proposed range of uses are such that the impact on neighbouring amenity has been assessed by reason of noise, disturbance and odour as set out below.

Opening Hours: The proposed opening hours are 07:00hrs to 23:00hrs Monday to Sunday including bank holidays which are intended to meet the operational needs of A3 and A4 uses to appeal to the largest number of potential operators. The proposed opening hours are not considered to be unreasonable given the mixed-use nature of the area, its town centre location and established late night economy.

Noise and Disturbance: An A4 use (drinking establishment) would result in an increase of noise and disturbance in the locality as expected, however the nearest neighbouring properties are predominantly commercial and situated in part of the town centre where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day including other drinking establishments and town centre traffic. Accordingly, some degree of noise and disturbance would not be unreasonable. With the nature of the town centre location taken into consideration, it is not considered that the proposed change of use would result in any further significant impacts in terms of noise or disturbance.

Odour: The proposal does not make any provision for odour extraction, though it is likely that any future A3/A4 use would require some form of commercial kitchen extraction/ventilation system, and as such it is not possible to assess the potential odour impacts and whether adequate extraction can be achieved. However it is considered that such matters can be satisfactorily controlled through a condition requiring a detailed scheme of odour control prior to the occupation of any A3 or A4 use. Subject to this control it is considered that the change of use would not give rise to detrimental impacts in terms of odour. It is to be noted that any externally mounted equipment associated with a future extraction system would require a separate planning permission.

On balance, given its town centre location the proposed range of uses would not result in levels of noise and disturbance over and above that already experienced which would warrant the refusal of the application. Conditions are recommended to ensure adequate noise mitigation measures and adequate odour suppression as appropriate. Subject to these controls, the proposal would have an acceptable impact on levels of amenity in this town centre setting and would therefore comply with Policy SP5.

Highway Safety and Parking

The site is located within the pedestrianised area of the town centre and is serviced at the rear by St James's Lane. The site is unable to offer any off-street parking however given this is a highly accessible and sustainable town centre location with good public transportation links and parking within reasonable walking distance, it is accepted that no off-street parking can be provided. The Highways Authority do not raise any objections to the proposal subject to a condition requiring the provision of external lighting to the rear of the premises on St James's Lane for the reasons of highway safety. Subject to this control, the proposal is not considered to cause or exacerbate congestion, highway safety issues or on-street parking problems. It would therefore satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse

development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Refuse and Recycling

Policy SP5 requires refuse and recycling to be appropriate to the scale and type of premises. The proposed uses will utilise the existing commercial waste/refuse storage facility in the rear yard which will be serviced via St James's Lane. Whilst an A1 or A2 use is likely to have no greater impact in the storing and handling of waste than currently exists, an A3 and A4 use may exceed the provision. Accordingly a condition is recommended to ensure the submission of a detailed scheme for the storage of waste and refuse. Subject to this control, the proposal would comply with Policy SP5.

Planning Balance:

The conflict with Policies TC2 and TC3, which seeks to ensure that retail (Class A1) remains the principal and dominant land use within primary frontage, weighs heavily against the grant of planning permission. In this case however, the principle of the loss of the A1 use has been established by the deemed prior approval for A3 use (café/restaurant). Moreover through the recent changes to use classes the unit could change use to A1, A2 and A3 without the need for planning permission and whilst this change would not directly affect this proposal in respect of the proposed A4 (drinking establishment) use it is a significant material consideration in respect of how it would affect local plan policies for the town centre and in particular the aims of retaining primary retail frontages (Policy TC3).

In relation to the aim of Policy TC3, the NPPF has a greater emphasis on allowing town centres to diversify to respond to rapid changes in the retail and leisure industries and in doing so promotes a move away from the protection of primary frontages in recognition that the main footfall drivers are often dispersed across the shopping area and are no longer focussed exclusively on A1 retail.

A prolonged period of time has elapsed since the unit made any meaningful contribution to the local economy and the vitality of the town centre and it has been proven that there is no reasonable prospect of viable demand for the continued A1 use. Allowing a change to an alternative range of town centre uses would increase the appeal of the premises to a wider pool of potential occupiers thereby increasing the prospects of the re-use of the unit, an approach which is consistent local and national policy. It would also contribute to the wider objectives of the area, including the potential to broaden the evening/night-time economy, and form an important part of the town centre offer thus increasing its vitality and viability.

On this basis the proposal would make use of a long term vacant unit consistent with town centre uses and would fulfil many of the functions of a retail unit by retaining an active ground floor frontage and generating footfall along the street which would help support and sustain other retail uses within the primary shopping area. The A3 and A4 use has the potential to broaden the evening economy and create some employment opportunities therefore supporting the vitality and viability of the town centre in accordance with general aims of local and national policy.

Although significant weight is placed on the Local Plan, in this instance it is found that there are other material considerations that outweigh the conflict with the development plan. This indicates that permission should be granted notwithstanding that the development does not accord with policies TC2 and TC3 which seek to retain the retail emphasis of the primary retail frontage.

Recommendation: Approve with conditions

Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the ground floor layout in the following approved plan: Proposed Ground Floor at 1:50 Scale dated March 2020.

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

3. Before any A3 or A4 uses hereby permitted takes place, a scheme for the storage and disposal of refuse (including segregated waste recycling and disposal of food waste) shall have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The implemented scheme shall be retained as approved thereafter.

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

4. Before any hot food preparation equipment is used on the premises, a scheme to control the emission and dispersal of fumes, vapours and odours from the premises including details of the appearance, technical specification and siting of any external ventilation ducting and/or plant shall be submitted to and approved in writing by the Local Planning Authority. The implemented equipment, measures and specifications shall be retained and maintained as approved thereafter.

Reason: To protect the surrounding environment, including occupiers of nearby premises from nuisance from cooking odours in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

5. Before any fixed plant and/or machinery is used on the premises, it shall have been acoustically insulated/designed in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The implemented measures and specifications shall be retained and maintained as approved thereafter.

Reason: To protect the surrounding environment, including occupiers of nearby premises from noise nuisance in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

6. This planning permission is granted for the duration of ten years from the date on which the permission was granted.

Reason: To clarify the terms of consent and in accordance with Part 3 Class V of the General Permitted Development Order 2015 (as amended).

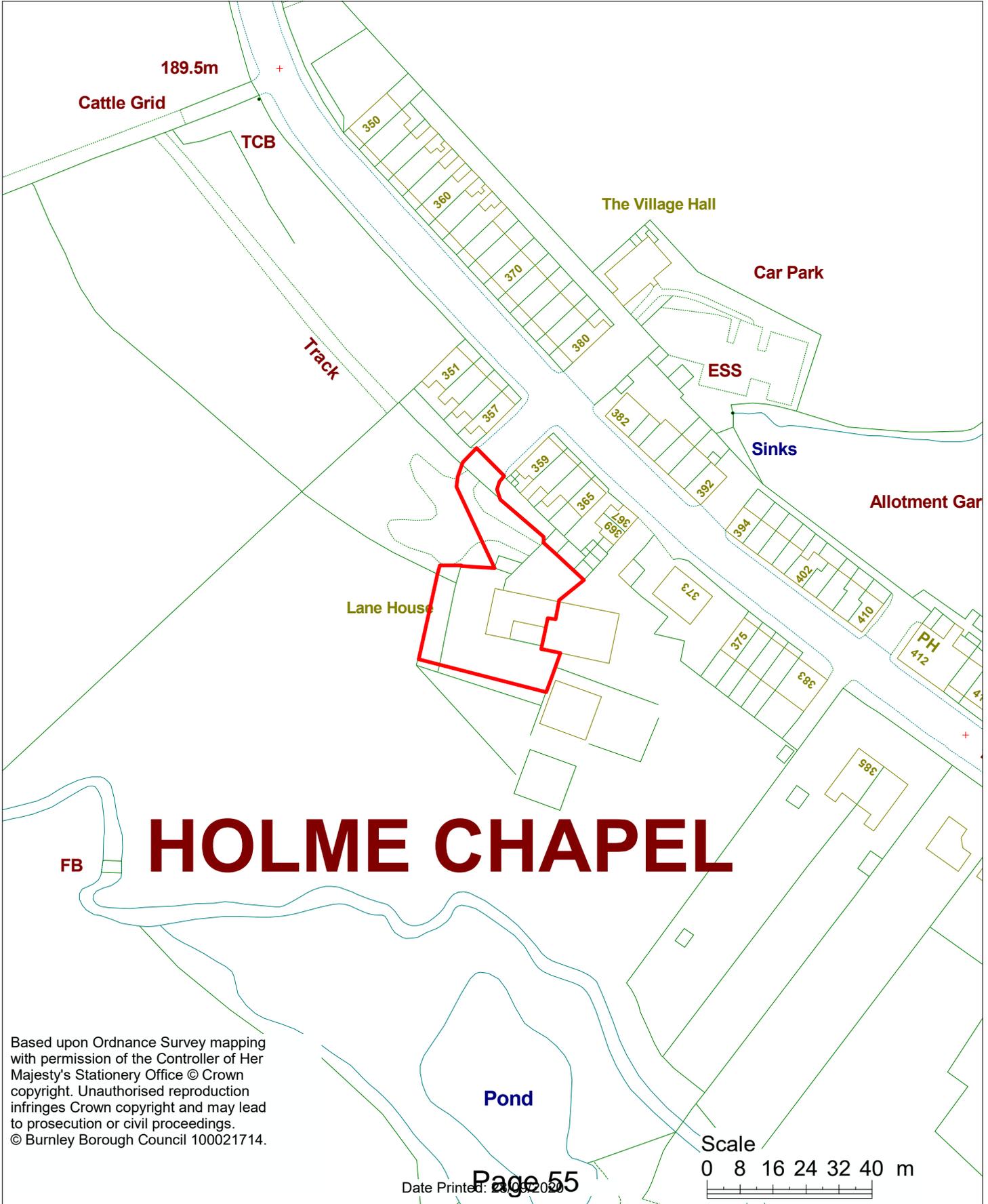
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Location:



Lane House Farm, Burnley Road, Cliviger

1:1250



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**Application Recommended for Approve with Conditions
Cliviger With Worsthorne**

FUL/2020/0092

Town and Country Planning Act 1990

Proposed partial demolition of existing house together with alterations and rebuild of new element

Lane House Farm Burnley Road Cliviger Lancashire

Background:

The application site is located off Burnley Road, Holme Chapel within the designated development boundary as stated in Burnley's adopted Local Plan.

The farmhouse is currently accessed from Burnley Road (between 373 and 367) 5situated approximately 23m from the main road. It is of traditional design and materials and attached is Lane House Barn which has been the subject of recent prior approvals under Class Q for the change of use of the agricultural buildings to create two dwellings.

The farmhouse has had some modifications over the years with the creation of a rear lean to/conservatory. The rear garden area marks the edge of the development boundary with wide open views to the open countryside. The garden area also warps around the side of the property.



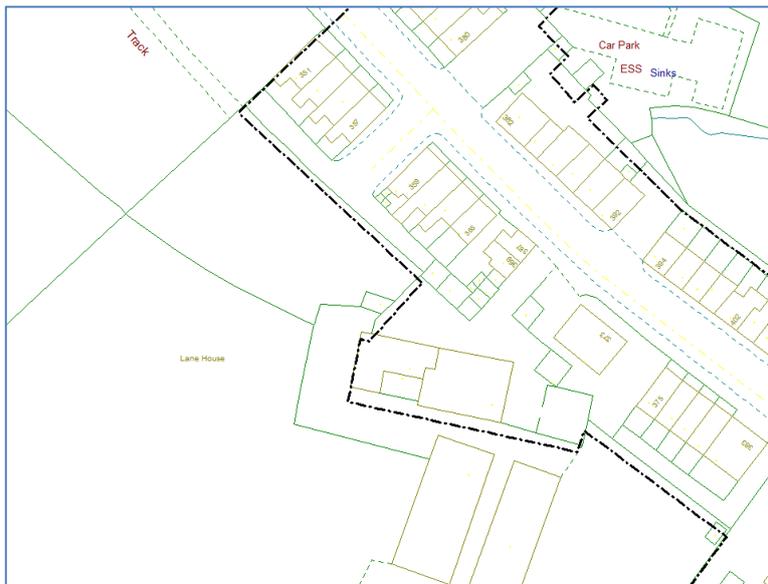
Photo 1 Existing rear elevation showing the 2005 2 storey extension



Photo 2 Existing rear elevation showing the former garage



Photo 3 Existing front elevation south east elevation



Extract from the proposal map showing the defined development boundary

Proposal

The application seeks consent for the partial demolition of the existing farm house and the extensions and alterations to create a larger dwelling. The current farmhouse has 3 bedrooms and the proposal does not intend to increase the number of bedrooms but increases the size.

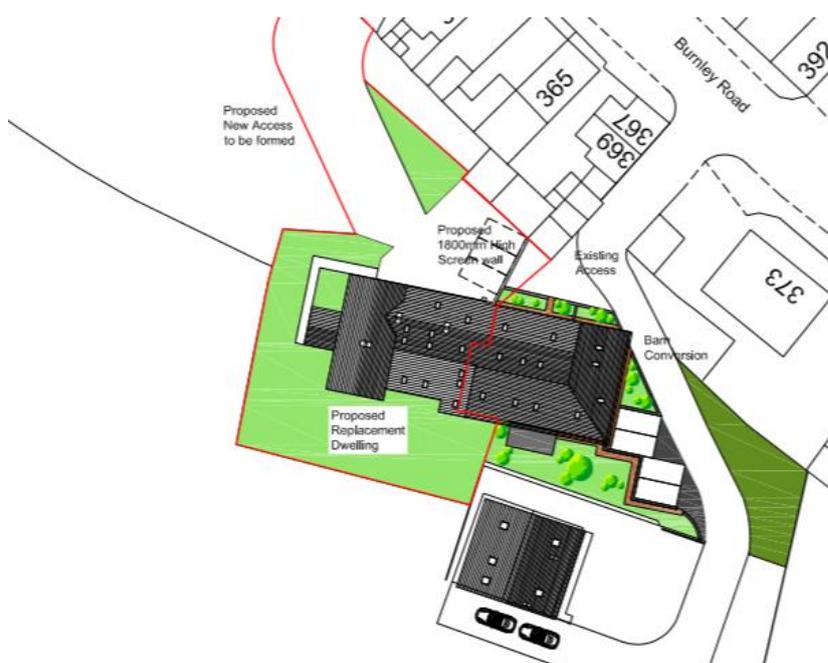
Amendments have been sought during the consideration of the application due to concerns over the design and dominance of the proposed rear elevation. Amendments were received on the 14/9/20 and involve the following;

A new projecting gable will be created in the north elevation (the existing front of the property) measuring 6.5m in length, 6.5m to the ridge and 5m to the eaves. A new porch will be created on the western elevation will become the new front and principal elevation of the property measuring approximately 13m in length.

To the rear a new projecting gable will be created measuring approximately 6.5m in length and will follow the existing building of the attached barn. The height of this gable has been reduced from the initial plans to 6,5m to the ridge and 5m to the eaves, falling slightly above the existing ridge line. The rear elevation will include a 'juliette' style balcony with glazing as creating a feature along the way to the ridge. A series of velux roof lights will be inserted to the rear roofslope.

The dwelling would be constructed of natural stone, natural slate roof, heads and cills, and timber effect upvc windows.

An existing access onto Burnley Road between numbers 359 and 357 will be used to serve the remodelled property. The existing use of the access from 373 Burnley Road will be permanently closed off with a 1.8m high stone wall created. Three dedicated car park space has been shown on the proposed layout plan which meet the parking standards based on the number of proposed bedrooms.



Extract: Proposed block plan

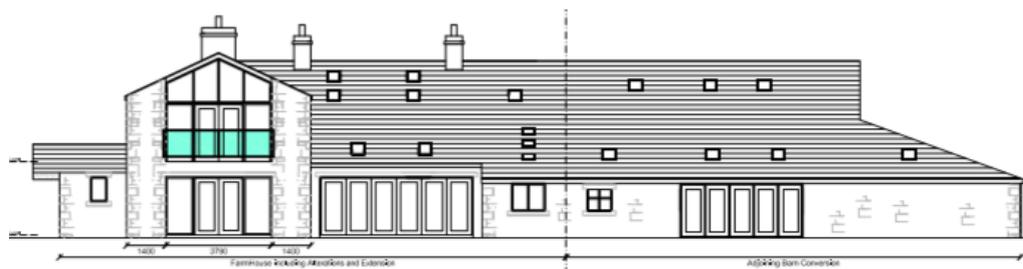
Plan Extract: Proposed elevations



Front (North) Elevation



Side (West) Elevation



Rear (South) Elevation



Side (East) Elevation

Notes:

All work is to be carried out to the latest current British standards Codes of Practice and recognised working practices.

All work and materials should comply with Health and Safety legislation and to be approved by the Local Authority Planning / Building Control Officer.

All dimensions are in millimetres unless where explicitly shown otherwise.

The contractor should check and clarify all dimensions as work proceeds and notify the design team of any discrepancies.

Do not scale off the drawings, if in doubt ask.

Amendment A: 08.09.20 General Planning Officers Comments

Aval
Chartered Town
Town Planning - Architectural Design
2 Reddy Business Centre, Reddy Row
Phone: 01262
Blackburn Road
Barnley, West Yorkshire

PROPOSED PLANS A

Site: Lane House Farm
Burnley Road
Clayton
BB10 4SU

Client: Richard Storton/SHMey M

Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- HS3 – Housing Density and Mix
- HS4 – Housing development
- IC3 – Car parking standards

National Planning Policy Framework 2019

Site History:

PAR/2019/0192 – prior approval from agricultural barn to a single dwelling. Prior Approval not required 12/7/19

Wider site history relating to new build development

APP/2018/0577 - Erection of building to provide two holiday cottages, access, parking and ancillary works no decision

NOT/2014/0431 - Prior notification of proposed change of use of agricultural building to 2no. two-storey dwellings Approved 29/1/15

Consultation Responses:

LCC Highways – no objections

Environmental Health – no comments

Publicity

Parish Council – object on the grounds of over development and parking issues

Neighbour comments – none received

Planning and Environmental Considerations:

The principle of development

Main issues

The main issues in the consideration of this application are;

- Design and appearance including materials
- the impact of the development on residential amenity
- traffic/parking
- ecology

Design and Appearance

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

HS5 House Extensions and Alterations is relevant to this application. Amongst other things the extensions and alterations should be subordinate to the existing, the design

respects the architectural characteristics and materials, no detrimental impact to the amenity of neighbours and does not lead to loss of parking or loss of amenity space.

The proportions of the glazing to the rear elevation has been rationalised, and whilst not typical of the vernacular in rural areas, the Council does not oppose to more contemporary designs and use of materials. With the reduction in glazing and slight reduction in ridge height, it is considered that the overall scale and massing is appropriate. The new front and principal elevation of the property is the west elevation with the introduction of a porch which is typical of a rural dwelling.

The proposed palette of materials is considered to be appropriate and match that of the attached barn.

Residential Amenity

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

The closest property to the application is the attached barn which has been the subject of a recent prior approval for 2 separate dwellings. With the creation of the dividing wall, this will ensure that there is no conflict in the traffic to and from the site between the 3 dwellings. It is not considered that there will be any issues over overlooking between the properties given the layout and design and the presence of an established hedgerow.

To the rear of the property is the terraced row 367 – 359 Burnley Road. There is approximately 22m from the rear (north elevation) of the application site with the rear of the properties along Burnley Road. This is considered to be sufficient enough distance so as not to cause any over looking issues.

Traffic and Parking

LCC highways have provided comments on the application and do not object. The proposed site layout plan shows that 3 parking spaces will be provided within the curtilage.

The access will involve an area of land which is currently defined as out of the development boundary, as the plan below shows. The current garden area to the west of the property is currently outside the defined settlement boundary. There will not be an extension to the garden area, but there will be an amount of land which is outside the development boundary which will be taken up for the access. Given the area is relatively small it is not considered there will be detrimental impact on this part of the open countryside.

Ecology – bat survey

A bat survey (carried out in February 2020) was submitted with the application. It concluded that there was no evidence that bats occupy the building and that the proposed changes are unlikely to cause any significant disturbance to bats or result in the loss of breeding, roosting or hibernating habitat.

Conclusion

The application property is within the development boundary, and the alterations are considered to be proportionate to the existing property. The small element of the land that will be used for access is considered to be minor and it is not considered will have a detrimental impact on the open countryside.

Approve subject to the following conditions:

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

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

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

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on the 24/1/20 and shall not be varied without the prior written approval of the Local Planning Authority.

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

4. The development shall not be occupied until the car parking areas to serve the development have been laid out and hard surfaced in accordance with approved drawings and made available for use and retained as such thereafter.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification):
 - (i) no external alterations, including roof alterations, or extensions shall be carried out to the building
 - (ii) no garages or outbuildings shall be erected within the curtilage of the building; unless planning permission for such development has been granted by the Local Planning Authority.

Reason: Reason: To enable the local planning authority to consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan.

6. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development,

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

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

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0371

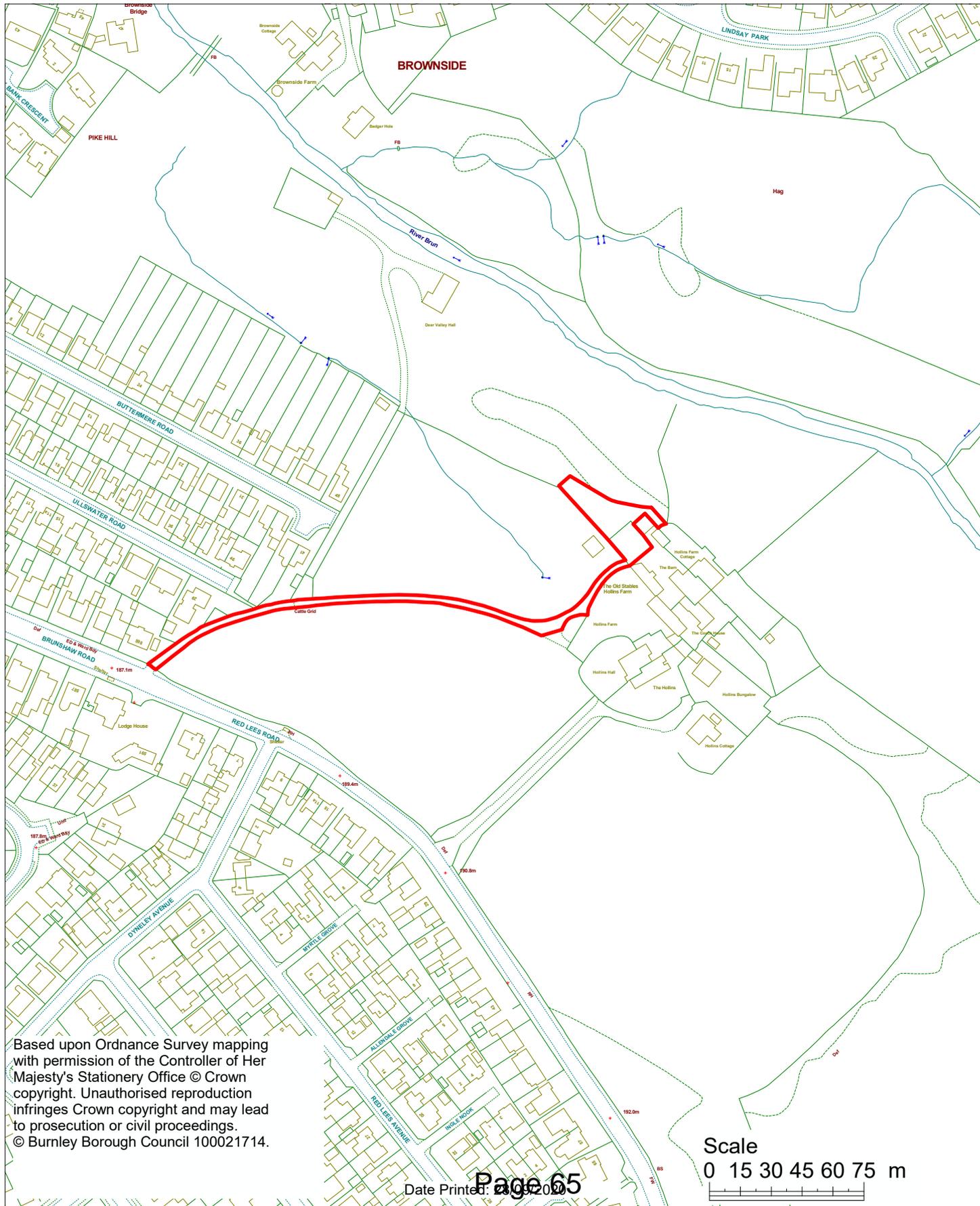
Paul Gatrell Head of Housing and Development

Location:



The Barn, Hollins Farm, Red Lees Road, Cliviger

1:2500



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Full Planning Application
Erect a single bungalow
THE BARN HOLLINS FARM RED LEES ROAD BURNLEY

Site and background

This application is a resubmission of a previously refused application at the site in August 2020 (FUL/2020/0167). The main differences in this resubmission is the removal of the integral garage and the resultant gap from the southern boundary, of approximately 3m.

The application site is located within a small hamlet to the east of Red Lees Road comprising a grouping of stone-built traditional vernacular agricultural and domestic outbuildings that formed the historic estate of The Hollins and which have subsequently been converted into dwellings. The historic buildings date from the early 19th century and include a small country house known as The Hollins (Listed Grade II) and its former Coach House (Listed Grade II) which lie within their own private grounds to the south-east of the site; and a grouping of buildings focussed around a shared yard that include a former barn and attached cottage and listed former stable block (Grade II) and associated domestic outbuildings and garden paraphernalia.

The site comprises an area of trees and grassland (0.05 ha) to the northern end of the shared yard which provides a garden area for the Barn positioned around 20m to the south east across the yard. The site is relatively flat and is surrounded by mature hedgerow and conifers which screen the site from the surrounding farmland to all but its southern boundary which overlooks the yard area and is contained by an attractive stone wall. Whilst the site is physically separated from the Barn but has a strong visual relationship, by virtue of its direct outlook.



View north towards the site enclosed by the stone wall



View north east towards the site



View south towards the barn and listed stable block View to western boundary hedge

The application site is accessed via an unadopted single track which runs between open fields east of Red Lees Road. The hamlet is surrounded by farmland which includes open fields with small areas of deciduous woodland and displays a relatively strong sense of openness and rural character. It is located some 250m outside the development boundary for Burnley, as designated in Burnley's Local Plan, being regarded as open countryside.

The site includes five individual trees, the most notable being a group of 3 mature limes identified in the supporting arboricultural assessment as trees with material conservation or other cultural value. An area of deciduous woodland lies at the eastern boundary of the site and is covered by a TPO that extends into the application site taking in a young oak tree. The site also forms part of the Lancashire Ecological Network as woodland habitat.

Proposal

This application seeks consent for the erection of a three-bedroom bungalow. The bungalow will be positioned to the front (south) of the site overlooking the communal yard. The proposed built footprint will occupy most of the width of the site at around 11.3m and will extend into the current garden area by a depth of around 8.5m. The remaining grass and wooded area towards the rear of the site will be enclosed by the building and form a private garden area facing north-west.

The proposed bungalow will have dual-pitched roof to a ridge height of 4.9m and eaves height of 2.4m. The principal (south) elevation will feature a shallow projecting gable to a ridge height of 4.1m. The external walls will be faced with natural stone laid in random courses with natural stone cut detailing including lintels, mullions, cills and quoins. The roof would be natural Indian stone slate with soffits and rainwater goods; windows and doors in dark grey coloured Upvc.

The existing site access from Red Lees Road will be utilised. Provision is made for two on-site parking places and space is allocated for refuse storage within the communal yard area. The proposed block plan shows the site will retain a reasonable garden space to the north and western side of the proposed dwelling.

As noted the main difference in this application from the previous refusal FUL/2020/0167, is the removal of the integral garage and the repositioning of the western elevation by approximately 3m.



Proposed Front (south) Elevation

Proposed Side (east) Elevation



Proposed Rear (north) Elevation

Proposed Side (west) Elevation

The proposed bungalow will have dual-pitched roof to a ridge height of 4.9m and eaves height of 2.4m. The principal (south) elevation will feature a shallow projecting gable detail to the middle bay to a ridge height of 4.1m. The external walls will be faced with natural stone laid in random courses with natural stone cut detailing including lintels, mullions, cills and quoins. The roof would be natural Indian stone slate with soffits and rainwater goods; windows and doors in dark grey coloured Upvc.

The existing site access from Red Lees Road will be utilised. Provision is made for three on-site parking places and space is allocated for refuse storage within the communal yard area.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS4: Housing Developments
- HE2: Designated Heritage Assets
- NE1: Biodiversity and Ecological Networks
- NE3: Landscape Character
- NE4: Trees, Hedgerows and Woodland
- IC1: Sustainable Travel

IC3: Car Parking Standards

National Planning Policy Framework (2019).

Planning (Listed Buildings and Conservation Areas) Act 1990.

Relevant Recent Planning History:

FUL/2020/0167: erection of detached bungalow Refused 5/8/20

APP/2002/0312: Proposed Conservatory [The Barn] – Granted

12/98/0520 – Application for full planning permission change of use of stable/store into dwelling and agricultural land for erection of double garage Approved 13.1.99

Article 4 Direction Land at Hollins Farm: The site is subject to an Article 4 Direction covering a larger area of land at Hollins Farm issued in August 2007 to prevent the erection of gates, fences, walls or other means of enclosure; to prevent the sub-division of the land and protect the character and appearance of the countryside.

Consultation Responses:

LCC Highways: no comments received at the time of writing this report

Environmental Health: No comments received at time of writing this report

United Utilities: No comments received but accept the previous comments made to FUL/2020/0167

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Publicity: No comments received at time of writing this report

Planning and Environmental Considerations:

Principle of Development

Paragraph 59 of the Framework states, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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.

The site is located outside the development boundary (by approximately 250m) in an area of open countryside. Policy SP4 part 4 of the adopted Local Plan, states that development in the open countryside will be strictly controlled. The supporting text states that development will only be permitted where it has a genuine need to be located in the countryside and is of an appropriate scale and type.

Previously developed land

NPPF defines previously developed land as; *land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes amongst other things land in built-up areas such as residential garden.*

The proposed site is greenfield site having never been previously developed and serving as the residential garden space for The Barn. Paragraph 70 of the NPPF states, plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Furthermore, the Council's newly adopted Local Plan shows that it not only has a 5 year housing land supply but a full developable supply until 2032. In these circumstances the provision of new housing per se does not weigh in favour of the proposal and the applicant has not demonstrated that the dwelling would meet any identified housing need to otherwise indicate acceptability.

The application fails to demonstrate that there is a genuine need for a new dwelling in this location however, this in itself is not sufficient grounds to resist the principle of residential development, particularly as the NPPF (paragraphs 78 and 79) is supportive of rural housing providing that it avoids the introduction of new isolated homes in the countryside; and is a sustainable form of development in the rural area. In considering the site as a 'greenfield site and outside the development boundary the principle of a new dwelling on the site is contrary to current local and national planning policy and is therefore not acceptable.

Main issues

- Impact on the setting of listed buildings:
 - Design and appearance including materials
- the impact of the development on residential amenity
- Impact on individual trees
- Impact on ecology and biodiversity
- traffic/parking
- other considerations

Impact on the setting of listed buildings and group value of

(*The application was not supported with a Heritage Statement. For the determination of the previous application FUL/2020/0167, the case officer produced a summary of significance which has been added as a supporting document to this application).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving the setting of the listed building where it is considered to contribute to significance. The NPPF identifies what is meant by the term "setting" as the surroundings in which a heritage asset is experienced.

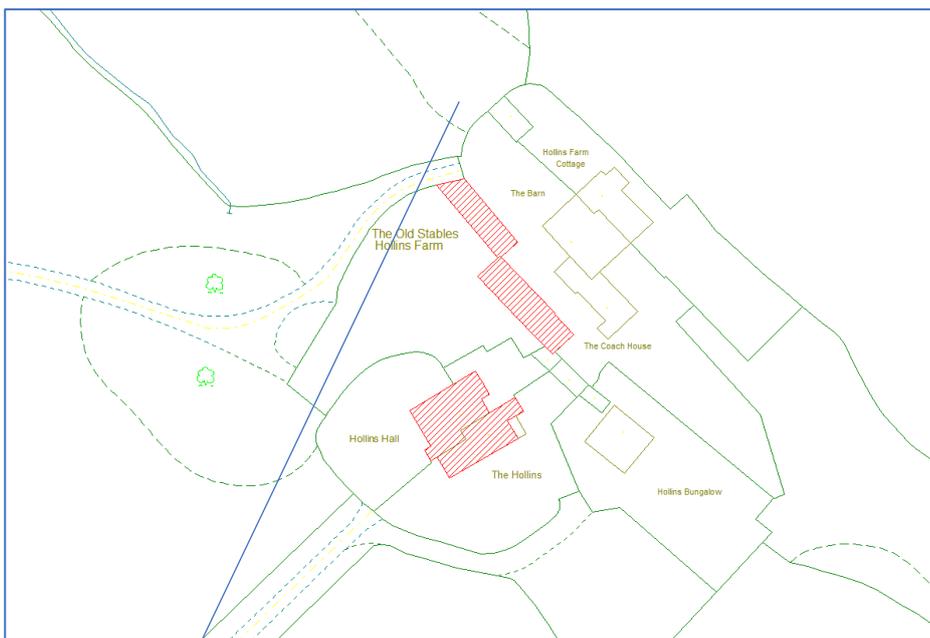
Whilst the group of buildings individually vary in their levels of heritage significance and in terms of their architectural interest and integrity and the relationship to their former form and function, there is also group value in that the buildings, including that of the spaces around them, cumulatively form an attractive grouping with historic interest as a surviving part of what was once an important local country house estate notable for its association with prominent local gentry. Their survival allows an understanding of the various ancillary operations, functions and relationships between the Hall and its associated buildings and farmland. The buildings and their immediate surroundings have an intrinsic historic relationship that is experienced within the same context as the application site, contributing to how the buildings are experienced and reinforcing their rural location, identity and setting.

The application site retains its rural character and, due to its relatively close distance and relationship, it falls within and makes a positive contribution to the setting of the historic buildings that were once part of the small country house estate. It forms a verdant edge to the north of the communal yard and is integral to the historic relationship of the buildings within contributing to how they are experienced and reinforcing their rural location, identity and setting. The historic

relationship between the surviving historic estate buildings, including the listed stable block, and its open and agricultural surroundings has been largely retained in the conversion of the historic buildings around the communal yard however, the relationship and significance will be undermined by the prominent and permanent siting of a modern bungalow enclosing the northern side of the yard.

Given the above, the proposed development will result in an unacceptable encroachment of the built form into the undeveloped northern part of the courtyard which contributes to the setting of the listed stable block and other non-designated heritage assets positioned within. It would therefore have an unacceptable impact on their setting resulting in harm to significance. Due to the scale of the proposal the level of harm to the significance of the listed building would be less than substantial. Where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. It is considered the benefits of this proposal are solely private and do not therefore outweigh the resulting harm and there is no evidence submitted by the applicant to indicate otherwise.

It is considered that the proposed development would fail to preserve the setting of the listed stable block, alongside other non-designated heritage assets within the group, and would result in less than substantial harm to significance. The applicant has not demonstrated public benefits to outweigh this harm and as such has failed to provide a clear and convincing justification for the harm to the significance of the listed building. Approval of the application would therefore be contrary to Policy HE2 of Burnley's Local Plan (July 2018), the NPPF and the relevant statutory duty.



Plan Extract: the lined buildings represent those which have statutory listing. The approximate site of the site

The effect of the proposal on the character and appearance of the area

Local Plan Policies SP5 requires, amongst other considerations, development that is of an appropriate scale and form and that respects local characteristics and setting. Paragraph 127(c) of the NPPF requires designs to be visually attractive and sympathetic to local character and history, including landscape setting. This is detailed further in Policy NE3 which requires development to minimise its impact on the landscape character of the site and its surroundings such that it would not result in an unacceptable adverse impact.

The site, an area of residential garden and trees, is surrounded by open fields with small areas of deciduous woodland to all but its southern boundary and displays a relatively strong sense of rural character. The buildings that surround the site are characterised by stone-built traditional vernacular agricultural and domestic outbuildings. The proposed dwelling being relatively low rise, finished in natural materials and displaying some traditional architectural elements would be reminiscent of surrounding buildings. However, elements of the elevational language, notably the projecting gable to the principle elevation and elements of finer detail are not sympathetic to local character and would appear incongruous within the setting.

The proposed dwelling, by virtue of its siting, scale and elevational language would interrupt the visual harmony and historic layout associated with the existing group of buildings. The proposal would introduce a discordant form of development encroaching into the open countryside which would be of significant detriment to the visual amenities and character of the immediate setting and the open countryside contrary to the aims of policies SP4, SP5, NE3 of Burnley's adopted Local Plan and NPPF 127(c).

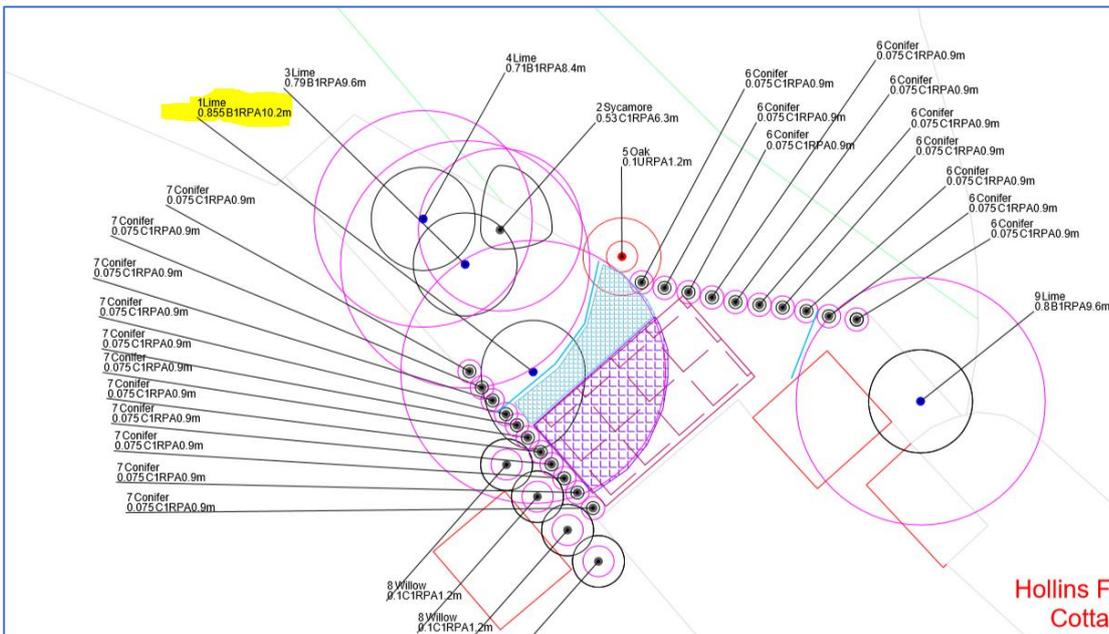
The effect of the proposal on residential amenity

In accordance with Local Plan Policy SP5 and HS4 development should not have an adverse impact on the amenity of neighbouring occupants or result in unacceptable standards of amenity for occupiers of the development. Due to the orientation and the distance between the neighbouring properties and the application property, the proposal is not considered to result in any significant adverse impact on the residential amenity. Furthermore, the proposal raises no significant concerns with respect to the amenity of future occupants of the new dwelling. The proposal is therefore in accordance with Policies SP5 and HS5.

Impact on individual trees

Local Plan Policy NE4 supports the conservation and protection of existing trees and woodlands and requires consideration of the value of trees affected by development proposals and the potential damage any development may cause. The site includes five individual trees, the most notable being a group of 3 mature limes (T1, T3 and T4) identified in the supporting arboricultural assessment as trees with material conservation or other cultural value and are considered to contribute positively to local landscape character. An area of deciduous woodland lies at the eastern boundary of the site and is covered by a TPO that extends into the application site taking in a young oak tree identified as having low quality value and structural defects.

The proposed dwelling is sited within close proximity to a mature Lime tree (identified on the submit-tee tree constraints plan as T1). Even with the reduction in width of the property and removal of the integral garage, the proposed dwelling would significantly breach the root protection area of the tree and conditions could be imposed to ensure adequate protection during construction and to ensure a specialist engineered foundation design. Nonetheless it is considered that the siting of the proposed dwelling is such that there would be a limited gap (around 3.0m) between the tree and the building and which would breach the indicative crown spread as shown on the Tree constraints Plan. The arboricultural assessment identifies the need for a crown lift to give clearance above the proposed roof. The proximity of the tree to the windows of the rear of the proposed dwelling would be such that it would have the potential to curtail natural daylight and result in pressure for additional pruning works. There would also be the potential for other nuisance including leaf fall. It is also noted that the proposed amenity space is dominated by the tree which could potentially limit the enjoyment of this area by the future occupiers. This is likely to result in pressures for further significant works or felling from future occupiers.



Plan extract: taken from page 27 of the Tree Report T1 Lime tree highlighted in yellow on the plan

The proposed development is positioned such that it would result in undue pressures for felling or excessive pruning of a mature Lime Tree (T1) to the detriment of its visual amenity and conservation value as identified in the arboricultural assessment. Accordingly, the proposal would conflict with the aims of Policy NE4.

Impact on ecology and biodiversity

The site is located wholly within the Lancashire Ecological Network (Woodland Habitat 3km Corridor). Local Plan Policy NE1 seeks to protect the effective functioning and connectivity of the Network. The corridor is reasonably wide and whilst the proposed dwelling would result in the loss of an area of amenity grassland within the corridor, it would not sever or unduly restrict movement within the corridor. Given the domestic activity that already exists within this part of the corridor; and the nature and location of the proposed dwelling, it is considered that the proposal would preserve the prime function and value of the Ecological Network in this location.

Furthermore, no significant ecological issues were identified in the submitted preliminary ecological appraisal. Issues relating to nesting birds and to measures to ensure opportunities are created for biodiversity gains as recommended in the ecological appraisal can be resolved via condition and/or informative. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species.

Highway Safety and Parking

It is highly likely that existing and future occupants of the proposed dwelling would be heavily reliant upon the use of the private motorcar for day-to-day living, however, by virtue of its modest scale, vehicle movements are not considered to be to the detriment of highway safety and the safety of users of the existing public rights of way along the access road. Adequate car parking is provided for the proposed dwelling. LCC Highways has assessed the application and raise no objection to this development.

As set out above the proposal is not considered to lead to any significant harm to matters relating to highway safety and has demonstrated that adequate on-site parking can be provided.

Conclusion

For the reasons set out above the proposal is contrary to the objectives of securing sustainably located development and the protection of the character of the countryside and existing trees considered worthy of retention contrary to the overall aims of Local Plan Policies SP5, SP5, NE3, NE4 and the NPPF. Furthermore, the proposal would fail to meet the statutory requirements under Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and there are no other material considerations that would weigh in favour of granting planning permission.

Recommendation: It is recommended that permission be refused for the following reasons:

1. The proposed development is located on land outside the development boundary and is not considered to be in a sustainable location; and by virtue of its modest scale it would not contribute in any meaningful way to the enhancing or maintaining the vitality of the rural community. Accordingly this would be contrary to Policy SP4 of Burnley's Local Plan (July 2018) and NPPF Para 78 and is contrary to the presumption in favour of sustainable development in the NPPF.
2. The proposed development would fail to preserve the setting of the listed stable block, alongside other non-designated heritage assets within the group, and would result in less than substantial harm to significance. The applicant has not demonstrated public benefits to outweigh this harm and as such has failed to provide a clear and convincing justification for the harm to the significance of the listed building. Approval of the application would therefore be contrary to Policy HE2 of Burnley's Local Plan (July 2018), the NPPF and the relevant statutory duty.
3. The overall visual impact of the proposed development would materially alter the character and appearance of the site such that it would cause an unacceptable adverse impact on the immediate setting and the open countryside contrary to the aims of Policies SP5 and NE3 of Burnley's Local Plan (July 2018) and NPPF 127(c). Furthermore the development would result in the loss of the rural character of the site and would result in the encroachment of the urban form into the open countryside contrary to Policy SP4 of Burnley's Local Plan (July 2018).
4. The proposed development is positioned such that it would result in undue pressures for felling or excessive pruning of a mature Lime Tree (T1) to the detriment of its visual amenity and conservation value as identified in the arboricultural assessment. Accordingly the proposal would conflict with the aims of Policy NE4 of Burnley's Local Plan (July 2018).

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2020/0214

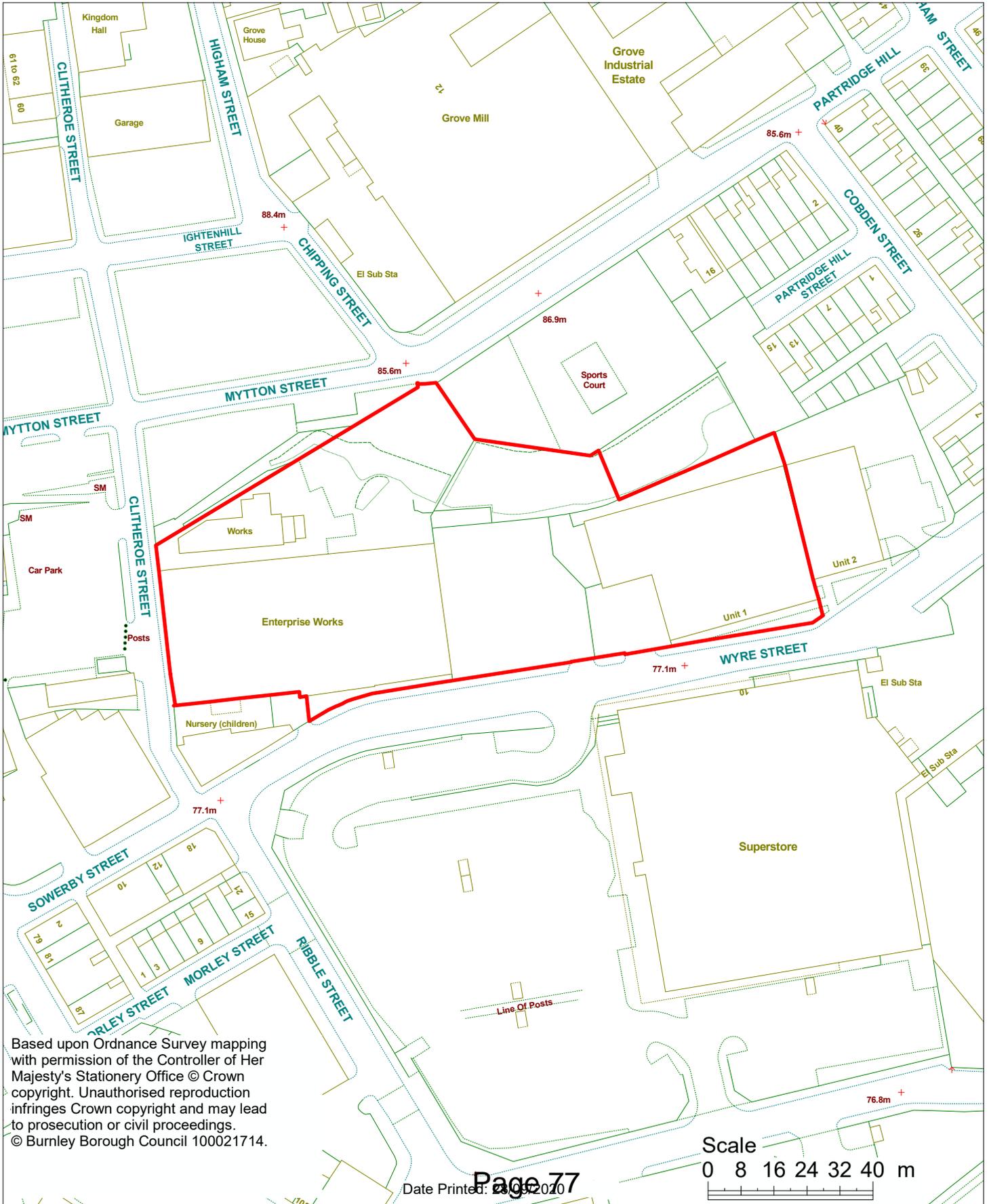
Paul Gatrell Head of Housing and Development

Location:



Land off Wyre Street, Padiham

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Town and Country Planning Act 1990
Erection of foodstore (Class A1) with associated car park and new vehicular access following demolition of existing buildings
Land Off Wyre Street Padiham BB12 8DQ

Background:

The proposed site on the north side of Wyre Street amounts to 0.8ha and is assembled from the existing Enterprise Works (last occupied as Sensible Price van hire), a small building accessed from Clitheroe Street (tripe factory) and Unit 1 (currently occupied by Padiham Carpet Mill). The proposal is for the demolition of these buildings and the re-development of the site with a single storey Class A1 foodstore, measuring approximately 68.6m long by 37.5m wide with a monopitch roof up to 6.7m high. The proposed store would have a net sales area of 1,256sqm. A 20% proportion (251sqm) of the store would be used for non-food sales. The applicant is Lidl and the assessment is based on Lidl as the occupier.

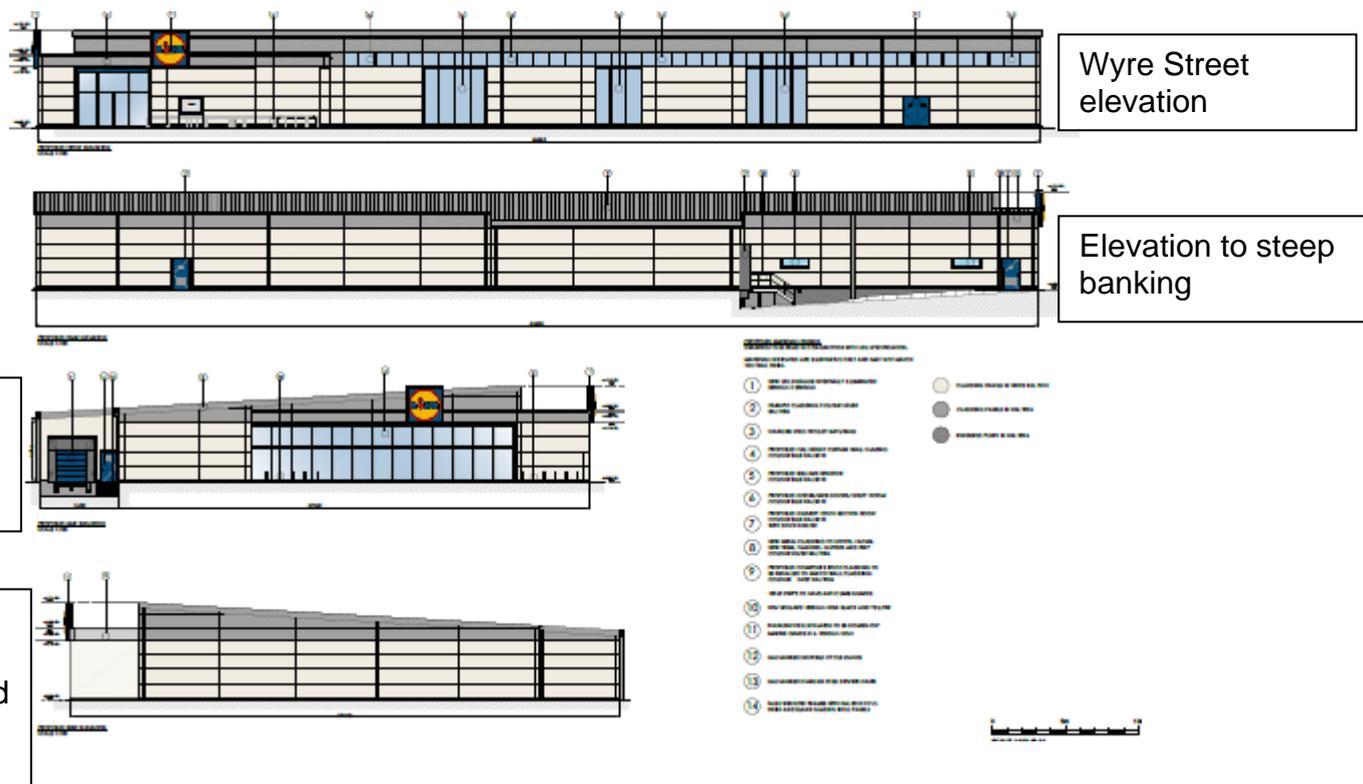
The application site bounds the edge of Padiham Town Centre on its western side where it is close to town centre car parks, retail shops and commercial uses. The western boundary of the application site is approximately 38m from the nearest edge of the Padiham Conservation Area. Adjoining the south west corner of the site is a childrens day nursery, to the north side is a steep landscaped bank and a sports courts and an area of landscaping at Mytton Street. Directly to the east of Unit 1 is an adjoining industrial unit (Unit 2) which would need separating and making good and further beyond are built-up residential streets up to the former Baxi site at the end of Wyre Street. A Tesco supermarket and car park is located to the south side of the site.

Proposed Site Layout



The proposed store would be sited towards the eastern side, along the horizontal axis of the site with the main car park area on the western side. The existing access points on Clitheroe Street and Wyre Street would be removed and a new vehicular access for customers and deliveries would be formed to the west side of the store and a further vehicular access serving a small staff car park would be formed on the east side of the store. Pedestrian access to the site would be from both Clitheroe Street and Wyre Street. The car park would provide 108 car parking spaces, including six disabled spaces, ten parent and child spaces and two electric vehicle charging spaces.

Proposed Elevations



The elevation facing Wyre Street has been improved since the application was first submitted by the addition of glazing. The portal framed structure consists of cladding in white to the main walls with grey to the upper level and roof.

The proposed opening hours are 8am to 10pm Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays. There would be 40 employees (full time).

The following documents have been received in support of the application:-

- Design and Access Statement
- Planning and Retail Statement
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Phase 1 Desk Study Assessment
- Ecological Impact Assessment
- Noise Assessment
- Air quality Assessment
- Flood Risk Assessment and Drainage Strategy

Energy Statement
Heritage Statement.

In respect of the Statement of Community Involvement, this reports that 8,301 leaflets were distributed to surrounding addresses prior to the application being made. The leaflet sought feedback either on-line or by way of a dedicated phonenumber. No event was organised due to Covid-19 restrictions. There was a total of 398 respondents, of which 98% supported the proposal in principle.

Relevant Policies:

Burnley`s Local Plan (July 2018)

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

TC1 – Retail hierarchy

TC2 – Development within Burnley and Padiham town centres

HE2 – Designated heritage assets

NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

IC4 – Infrastructure and planning contributions

The National Planning Policy Framework (2019)

Site History:

APP/2010/0066 – Proposed change of use from warehouse to retail (Class A1) at Warehouse (Units 1 and 2), Wyre Street. Approved May 2010 with conditions, including restrictions to a primary use for sales to the trade and the sale of non-town centre goods.

PDEM/2020/0224 – Prior notification for demolition of buildings. Prior approval granted 27/8/2020.

Consultation Responses:

LCC Highways

Would not wish to raise any objections to the development.

Following further discussions with the developer the parameters of a section 278 agreement have been discussed. These cover the provision of a pedestrian island on Wyre Street and the associated alterations to the footway where new access points are created and existing ones reinstated. There will also be a requirement for alterations to the street lighting to be incorporated, as required. This is primarily prompted by the addition of a pedestrian island on Wyre Street and by the increased footfall on Clitheroe Street.

Further plans showing the scale and position of the proposed traffic island have been

received. It is noted that these are generally below the favoured sizes by Lancashire County Council, however the existing right turn lane marked on Wyre Street is of a similar width the proposed traffic island, and were a vehicle to be held waiting to turn right into the superstore then the existing running lanes would be similar. Whilst there is some available footway opposite the proposed entrance that could be altered to allow for a widening of the carriageway to enable wider running lanes and a wider pedestrian island, these gains would need to be offset against the misalignment of the running lane towards Sowerby Street. The traffic turning right into the super store will be placed closer to the line of the running lane, which apart from the risk of collision at the right turn may also lead to a reluctance to fully commit to the right turn lane and leave the right turning vehicle in the running lane of the traffic passing further along Wyre Street.

It is noted that a robust and comprehensive Traffic Assessment has been undertaken to accompany this application, this is based on the theoretical expected outcomes of the proposed Public Realm Scheme that is to be undertaken on Burnley Road Padiham, construction work is expected to begin in autumn 2020. It is not expected that the additional traffic generated by the completed food store will create a significantly detrimental effect on the traffic movements at the surrounding junctions. It is also expected that some of the existing traffic movements to the adjacent supermarket will merely migrate to the new food store. The application makes reference to the number of linked journey's and potential for customers to shop at both the adjacent food stores.

Should you wish to support the application, recommend conditions relating to the construction of the site access and the off-site works of highway improvement; a construction method statement; and wheel washing facilities during construction.

Environment Agency

In principle, we have no concerns regarding the flood risk to this development or about its potential to increase the flood risk elsewhere. Some inconsistencies in the submitted Flood Risk Assessment were identified but these have now been corrected. The EA affirm that they have no concerns regarding the flood risk to this development or about its potential to increase the flood risk elsewhere but state that it is for the developer to accept the residual risk to their development and have a suitable plan in place in case the development is affected by flooding.

In respect of contamination the EA advise as follows:

The previous use of the proposed development site as a mill with above ground storage tanks presents *high* risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located over a secondary A aquifer.

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Lead Local Flood Authority (LLFA)

No objection subject to the inclusion of a condition to require an appropriate surface water sustainable drainage scheme based on sustainable drainage principles.

United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Whilst United Utilities acknowledges the Flood Risk Assessment Ref: AMO/190844/FRA, Rev: A, Dated: 12.05.2020, By: SCP, we believe the drainage hierarchy needs to be investigated in further detail and the surface water discharge rate to the culverted watercourse directly or indirectly requires further discussion with the Lead Local Flood Authority. As a result, United Utilities recommends that the following pre-commencement conditions are associated with any planning approval:

Condition 1 – Surface water

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). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); 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.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

Management and Maintenance of Sustainable Drainage Systems

Recommend a suitable condition regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

A water main crosses the site. As we need unrestricted access for operating and

maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. Further advice and informatives are provided for the benefit of the developer.

Greater Manchester Ecology Unit (GMEU)

The Ecology report submitted to inform the application (*Enzygo, May 2020*) has been carried out by suitably qualified ecologists and was to appropriate and proportionate standards, given the overall character of the site.

The site is in a busy urban location and is dominated by existing buildings and hard standing. There is a small area of woodland immediately adjacent to the site on a steep embankment to the north, but the current plans show this woodland as being retained. The only potentially significant ecological consideration is the possibility of bats roosting in some of the buildings and structures currently on the site.

The Ecology survey was undertaken in mid-March, too early in the year for meaningful bat activity surveys to be undertaken. But the buildings were inspected for signs of bats and assessed for their potential to support bats by experienced ecologists. In general the site, and the buildings, were assessed as having negligible-low potential to support bats and the report states that "*due to the sites location and surrounding habitat, it is considered unlikely to support a roost of high conservation significance*". While some areas were assessed as having moderate potential to support bats (mainly cracks and crevices in stonework) this was mainly because there were access limitations and the surveyors have taken a precautionary approach to the assessment. They state that "*although it is likely considering the construction type, conditions and location that in truth this area is either of Low or Negligible suitability [for bats]*"

Given the location of the site, the type of buildings occupying the site and the scarcity of bat records in the area I would agree with the assessment that the site is unlikely to support a bat roost of any significance. Mitigation and compensation for any lost bat roosting potential would be possible by erecting bat roosting boxes in nearby woodland and/or installing features of value to bats into any new structures. I would conclude that if permission is granted to the application the conservation status of bats in the area is capable of being retained and that, in the unlikely case that bats are found to be roosting on the site, a license for disturbance to bats is likely to be granted by Natural England. In addition I would take into account the unique (exceptional) circumstances of the restrictions placed on movement during the Covid-19 emergency which made it very difficult to carry out bat survey work during the optimum bat activity period.

I would therefore raise no overall objections to the application on ecology grounds, but given the highly protected status of bats I would consider that further precautions as regards bats are justified. I would recommend that –

- Features identified as having some potential to support roosting bats (notably

the former foundry chimney) should not be demolished until further surveys and assessments for bats have been carried out. New surveys must be carried out by suitably qualified persons and to appropriate standards.

- New roosting features for bats should be required to be installed on nearby trees and/or as integral features in new buildings and structures. I would recommend at least four new bat roosting boxes should be installed.
- The small area of woodland on the northern embankment should be suitably protected during the course of any demolition works, site clearance or construction (with suitable fencing).
- Direct lighting of the adjacent small area of woodland adjacent to the site should be avoided.

Following the submission of an updated assessment, GMEU advise that due to the surveys that have been undertaken which found no evidence of bats that there is no need for conditions in respect of bats, although it would still be beneficial to put some bat boxes in the trees to the rear of the site.

Contaminated Land Consultant

No comments received to date.

Environmental Health

No comments received to date.

Publicity

A letter has been received from Steven Abbott Associates on behalf of the owners of Unit 2, Wyre Street. The letter explains the owner of Unit 2 does not object to the principle of the redevelopment or the erection of a foodstore, but has some concerns in relation to how the demolition and construction proposed could impact on their building and operations. The letter explains that Unit 2 was originally part of a single warehouse building. Planning permission was granted for a change of use and its sub-division in 2010 (APP/2010/0066) and a further permission was granted for the change of Unit 2 to Class B2 (general industry) (APP/2015/0325). The owner of the sub-divided Unit 2 is concerned that the application does not provide details of how the proposed development would be undertaken in a manner that ensures that Unit 2 is not damaged, or how the property would be remediated or how the Unit 2 can safely operate whilst the demolition works are taking place. As works will also be required to the roof and gutters, there is concern that no details are provided or details of any new boundary treatment. [the applicant has been made aware of these comments and has indicated that there is a dialogue between the parties concerned in order to resolve these party wall issues].

No other comments received.

Planning and Environmental Considerations:

Principle of proposal

The site is located within the urban area of Padiham and bordering the edge of its Town Centre. Padiham is identified at Policy SP4 of Burnley's Local Plan as a Key

Service Centre where development is expected to be of an appropriate scale. Padiham has a supporting role to Burnley in the retail hierarchy, where more modest development would be focussed. This proposal seeks to re-develop an existing site which would focus investment on regeneration within the urban area. The main issues relate to the suitability of the site and the proposal, having regard to town centre policies on retail development; its impact on traffic, accessibility and highway considerations; the visual impact of the proposal (including the loss of the former stone mill), its impact on the risk of flooding, on ecology, ground conditions, local amenity, noise and air quality.

Suitability of site for retail use and impact on Town Centre

Policy TC1 of Burnley's Local Plan places Padiham below Burnley in the retail hierarchy. The explanatory text states that it performs a supporting role to Burnley and comprises a range of independent and specialist shops, banks and professional services and a Tesco store which opened in 2012. Policy TC2 seeks to maintain and enhance the retail offer and service function of Burnley and Padiham Town Centres by focussing development within the Town Centre boundaries as defined on the Policies Map and applying a sequential test to site selection and impact assessment.

Policy TC2 states that convenience goods retailing (Class A1) is required to be located in Town Centres but where suitable sites are not available, they are required to be located in accordance with the following sequential test: Edge of Centre locations (330m of the Town Centre boundary); out of Centre. It also states that preference will be given to accessible sites that are well connected to the Primary Shopping Area/Town Centres and that applicants will be expected to demonstrate flexibility on issues such as format and scale. The requirement for a sequential search of sites is consistent with the NPPF. Policy TC2 also requires in this instance, where the proposal for retail development is outside of the defined Padiham Town Centre, for impact assessment to be carried out for proposals greater than 500sqm which is considerably less than the threshold of 2,500 sqm that is generally applied by the NPPF. The NPPF allows for local thresholds to be applied through an adopted local plan where applicable. The applicant has submitted a Planning and Retail Statement to comply with these requirements.

The Planning and Retail Statement explains that the proposed foodstore (Lidl) is a deeply discounted store which has a top-up shopping and complementary role to conventional food shopping. It performs a local or neighbourhood shopping facility, normally within a five minute drive time. A Lidl store will sell a limited range of discounted, primarily own brand goods, providing a comparatively limited offer with more limited opening hours which is distinct from mainstream retailers. As such, it affirms that it will be able to provide increased competition and consumer choice that would improve convenience shopping in Padiham.

The Planning and Retail Statement addresses the sequential test by setting out the minimal requirements for a new store which include a site large enough (minimum 0.6ha) for the format of the store, deliveries, parking etc. With the exception of the Tesco site, the Town Centre boundary is compact and defines the linear frontage of small, individual shops along Burnley Road and Church Street. There are no opportunities within this compact Town Centre for a new foodstore of the size that is required for the proposed operator. The sequential test therefore requires sites that are on the edge of the Town Centre to be considered (within 300m) with preference for accessible sites that are well connected to the Town Centre. The western

boundary of the application site on Clitheroe Street bounds the edge of the defined Town Centre boundary and provides a convenient pedestrian link with the Town Centre. The Statement concludes that there are no suitable or preferable sites to accommodate the proposed development. Given the compact nature of the Town Centre and its immediate surroundings, there is no reason to dispute this finding.

In carrying out an Impact Assessment as required by Policy TC2, the Planning and Retail Statement has taken a 10 minute drive time to reflect the character of the Padiham settlement and in order to take into account the following centres: Padiham Town Centre, Burnley Town Centre, Accrington Road Town Centre, Coal Clough Lane District Centre, Rose Grove District Centre and Briercliffe Road District Centre. As required, it has also considered the effect of the proposal on existing, committed and planned public and private investment within the centres.

In respect of Padiham Town Centre, the assessment finds that there are no deep discount food retailers within the Town Centre and that they would be offering a complementary shopping facility. The direct impact on the more individual and independent shops would be very low and the assessment suggests that the proposal could promote more linked trips with the Town Centre that would be beneficial. It calculates a trade draw from the Town Centre shops (excluding Tesco) at 4% which would not be a significant impact. In the case of Tesco, it acknowledges that the trade draw could be up to 10% but is more likely to be around 5% due to a likely increased performance since the retail study that was carried out by Nathaniel Lichfield and Partners in 2013. The Tesco site was brought within the Town Centre boundary as drawn for Burnley's Local Plan (2018) and it therefore has protection of part of the vitality and viability of the Town Centre. The calculated trade draw would have an impact on Tesco but would not be so severe as to make the store unviable. Notably, the presence of a discounted food retailer close to Tesco would also promote some linked trips that would bring new customers to the store.

The Planning and Retail Statement has also carried out a health check on Padiham Town Centre, stating that the vacancy rate currently stands at 8% which is below the national average of 9.2% and is much improved from the figure of 20% that was reported in the Nathaniel Lichfield and Partners assessment in 2013. This indicates a significant improvement and a Town Centre that is performing well. The Statement acknowledges the public investment in Padiham over the next five years through the Padiham Townscape Heritage Scheme which will support growth and development in the Town Centre, funded by the National Lottery Heritage Fund. The scheme will provide conservation and public realm improvements, neither of which would be affected by the current proposal. The retail impact on Padiham Town Centre and on public and private investment is likely therefore to be less than significant which would indicate that the proposal succeeds both in terms of the sequential test and impact assessment in respect of Padiham Town Centre.

The impact assessment in respect of Burnley Town Centre and District Centres finds little impact, either due to the nature and retail offer within those Centres or the presence of competing choices outside of the Centres. The retail impact is therefore more likely to be confined to Padiham where it has been found to be an acceptable impact.

It is concluded therefore that the proposed site being contiguous with the Town Centre and highly accessible for linked trips is a sequentially preferred site and would have only a minimal impact on the vitality and viability of the Town Centre. The applicant

claims that the introduction of a discount retailer in Padiham will address the qualitative need for greater choice and competition in the town. Notably, the proposal will add to the range of shopping facilities in the market town which would improve the overall retail offer. The proposal has demonstrated compliance with Policy TC2 and the National Planning Policy Framework.

Transport, traffic and parking

Policy IC1 seeks to promote sustainable travel. It requires development schemes, as appropriate to their nature and scale, to be located in areas well-served by walking, cycling and public transport. It seeks to maximise opportunities for the use of sustainable modes of travel by placing pedestrians, cyclists, public transport above the use of private vehicles in the user hierarchy. It also requires schemes to provide for safe pedestrian, cycle and vehicular access to, from and within the development, including adequate visibility splays.

A Transport Assessment and Travel Plan are submitted with this application, as required by Policy IC2.

Policy IC3 sets out the parking expectations, including mobility parking, motorcycle and cycle parking and electric car charging points.

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF also requires proposals to provide safe and suitable access for all users and to create opportunities for walking, cycling and public transport.

The submitted Transport Assessment (TA) assesses the impact of the proposal on the capacity and safety of the highway network. In doing so, it has taken into account the planned public realm works in Padiham Town Centre which are being carried out by Lancashire County Council and Burnley Borough Council. These include the removal of the signalised junction at Burnley Road/Sowerby Street, in exchange for a less cluttered and more pedestrian focussed experience. The assessment also takes into account the potential development of the former Baxi site at the easterly end of Wyre Street. The site would be made easily accessible from the town centre by a new pedestrian and cycle access into the site from Clitheroe Street, accessed from Burnley Road (opposite Station Road). A pedestrian/cycle access would also be formed at a new priority T junction into the proposed car park to the west side of the proposed store. The nearest bus stop is located on the A671 Burnley Road within 100m of the site's entrance and provides services between Burnley, Nelson, Clitheroe and Preston. This would make the site accessible by public transport and by walking/cycling from the surrounding area. Five Sheffield style parking stands for up to ten cycles would be provided for customers whilst staff would be permitted to store cycles safely with the building.

The TA predicts the trip generation to the site, based on other existing Lidl stores and within the TRICS database (Trip Rate Information Computer System). Within the peak hour weekday period (4pm-5pm), it predicts 84 arrivals and 87 departures, whilst at the Saturday peak period (12pm-1pm) it predicts a 120 arrivals and 132 departures. From the experiences of similar sized convenience stores, the TA predicts that there

will be a high proportion of linked trips and pass-by trips. It states that smaller stores are likely to experience much higher rates of pass-by trips and that the average length of stay of a Lidl customer is 20-25 minutes. The applicant asserts that their discounted model shop with fewer product lines is the reason for shorter trips. There is also a strong likelihood of linked trips with some shoppers complimenting their shopping at the larger Tesco store with some shopping at Lidl. The TA finds that the total number of vehicle trips to the proposed foodstore will add to the nearby junctions on Burnley Road by 3.5% in the PM peak period and by 7.3% in the Saturday peak period. It concludes that this increase would be within the operating capacity of the existing road network and the road network as improved by the planned public realm improvements.

The proposed site access on Wyre Street has adequate visibility splays. Off-site works to create a traffic island to provide for safer pedestrian crossing between the Tesco store to the south of the site and the proposed foodstore as indicated on the proposed plans. The details and specifications for the off-site works of highway improvement would be dealt with by way of a s278 Agreement with the local highway authority. A condition is also required to secure these. A condition is also recommended to require details of improvements to the footways on Wyre Street and between Burnley Road and Clitheroe Street to ensure that these pedestrian routes are cleanly and neatly surfaced to encourage access on foot.

Deliveries to the site would use a 16.5m long articulated lorry and occur twice per average day, increasing to three deliveries during seasonal peak periods such as Christmas and Easter. Swept paths have been submitted to show that the lorries can enter and reverse into the loading bay and leave the site in forward gear. Refuse and recycling is taken away from the store by the same delivery vehicles to reduce trips. Deliveries are normally outside of daytime operational hours or at off-peak periods.

The site would provide a total of 108 car parking spaces. The car parking standards at Appendix 9 of Burnley's Local Plan set a minimum and maximum standard based on one space per 14sqm of gross floorspace which in this case is 1,842sqm (1,256sq net). Applying this rate would normally require 131 spaces. A shortfall of 23 spaces is unlikely in this instance to raise a parking issue due to the proximity of town centre car parks and the nature of the proposed discounted foodstore that has a relatively quick turnover of shoppers (20-25 minutes stay). From Lidl's experience of similar stores, it finds that the maximum parking demand would be 46 spaces during the weekday peak period and 58 spaces during the weekend peak period. It is anticipated therefore that the car park will operate far below its capacity of 108 spaces. LCC Highways is satisfied with the level of car parking that would be provided at the site as well as the level and layout of mobility parking, cycle parking and electric vehicle charging points.

A Travel Plan has also been submitted with the application which focusses on journeys made by employees with objectives, targets and measures to reduce car use. As this is a recognised tool for reducing car travel it is recommended that a condition be imposed to require a full travel plan to be submitted, monitored and reviewed over the initial five year period from the opening of the foodstore.

The assessment has demonstrated that there is good accessibility to the proposed site and sufficient capacity within the road network for the proposed development. The layout and design of the scheme would provide adequate and safe access and

parking to cater for the needs of the development. LCC Highways has no objection to the proposal subject to the inclusion of various conditions. Conditions are necessary to secure off-street works of highway improvement, to require the satisfactory implementation of the parking layout, to require a full travel plan and its implementation and to require a Construction Method Statement. Subject to these provisions, there would be no severe or significant impact on traffic or highway safety and the proposal would not conflict with Policies IC1, IC2 or IC3 or the National Planning Policy Framework.

Visual impact

Policy SP5 requires development to seek high standards of design. The proposed foodstore is appropriately sited towards the eastern end of the site and would be constructed in a design and cladding materials that is suitable for its purpose. The applicant has added glazed areas to the south elevation facing Wyre Street in order to provide an improved street appearance.

The steep banking on the north side of the site would require cutting into and the erection of a retaining wall. This would be largely out of view and trees at the top of the banking would not be adversely affected. A condition to require details of the external finish of the retaining wall is recommended.

Heritage impact

Policy HE2 states that proposals affecting designated heritage assets will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation and that all levels of harm should be avoided. Policy HE3 refers to non-designated heritage assets and requires proposals that affect such assets to be given due consideration to its significance.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the effect of a proposal on the setting of a Conservation Area.

The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and taken of the following:-

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF states that great weight should be given to the asset's conservation. Substantial harm should not be allowed but where a development will lead to less than substantial harm to the significance of a designated heritage asset then this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The site is a short distance (within 38m) of the Padiham Conservation Area and the site comprises part of the former Enterprise and Industry Mill which would be wholly demolished. The mill represents a non-designated heritage asset and its contribution to the setting of the Conservation Area should be considered.

There is however only limited visible connection between the site and the Conservation Area, due to the presence of other buildings. The mill itself has minimal physical presence and with little visual association, its removal would have no harm to the setting of the Conservation Area. Its archaeological interest should however be recorded and a suitable condition is recommended to secure this. Furthermore, the perimeter stone wall on Clitheroe Street has a street presence that reflects the history of the site and at a reduced height would provide a suitable boundary treatment. A condition is also recommended to require details of how the mill wall could be modified to form a boundary feature.

The proposal would not cause harm to the setting of the Padiham Conservation Area through the loss of a non-designated heritage asset but conditions are recommended to require a suitable recording and boundary details. The proposal would not therefore conflict with Policies HE2, HE3 or the National Planning Policy Framework.

Energy efficiency

Policy SP5 seeks high standards of design and sustainability. For non-residential developments over 1000sqm it requires a BREEAM Assessment with the expectation of achieving a `Very Good` rating. An Energy Statement has been submitted with this application to demonstrate the energy efficient measures that will be deployed and the types of renewable energy and other measures that have been considered and found to be unsuitable for the site. A further statement has been received to demonstrate why not all parts of the BREEAM assessment are applicable on this site due to site conditions.

The applicant states that the BREEAM assessment has ten environmental sections of sustainability, including management, energy, water, waste and ecology. The applicant has appointed an Sustainability and BREEAM Advisory Professional to ensure that realistic targets can be achieved but is recognised that it is unlikely to be possible to achieve a very high rating due to the ecology category where a higher standard will not be possible. This should however be seen in the context of the energy efficiency credentials in the submitted Energy Statement. This demonstrates that the proposed measures will result in a significant carbon reduction of 27.8% and energy reduction of 32.42% (over and above Part L requirements of the Building Regulations). The proposals would provide 13.37% of the site's regulated annual energy consumption delivered by a renewable source.

The energy efficient and renewable proposals would therefore provide an energy efficient development which would be in compliance with the objectives of Policy SP5. A condition is recommended to require the scheme to be implemented in accordance with the targets and measures identified in the submitted Energy Statement.

Flood risk

Policy CC4 seeks to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere. The NPPF (paragraph 157) states that all plans (eg Local Plan) should apply a sequential, risk-based approach to the location of development and that

(paragraph 163) when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The proposed site is located within Flood Zone 2 where there is a moderate risk from flooding. A Flood Risk Assessment has been submitted and has been assessed by the Environment Agency, the LLFA and United Utilities. Their comments and recommendations are reported above.

The proposed drainage would be by way of a piped system discharging into the existing surface water sewer. Attenuation would be applied to restrict flows which would be a benefit over the current situation. The EA has no objection and the LLFA and United Utilities also recommend conditions which are necessary to agree a detailed scheme and to provide for lifetime maintenance.

With these provisions, the proposal would not lead to an increased risk of flooding or lead to flooding elsewhere and would comply with Policy CC4.

Ecological impacts

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The proposal would have no direct impact on ecology due to the absence of such features at the site. Recent surveys have found no presence of bats in the trees that border the north side of the site but GMEU recommend the installation of bat boxes to improve future conditions for bats in the local area. There is limited landscaping potential for the site due to its built-up nature and presence of car parking, in which case it is accepted that a net gain is not possible in this instance. The proposal would not lead to harm of protected species and is acceptable in ecology terms and would not conflict with Policy NE1.

Local amenity and noise

Policy SP5 requires proposals to ensure there is no adverse impact on the amenity of neighbouring occupants. The nearest neighbours are to the east and north east of the site where there is potential for plant noise and servicing to increase background noise levels. A Noise Assessment has been submitted and this demonstrates that there would be only minimal noise output from the proposed foodstore but recommends an acoustic fence around the plant area. Subject to a condition to require the implementation of the mitigation measures in the Noise Assessment, there would be no significant impact on the amenities of neighbouring occupiers.

The issues raised by the owner of Unit 2 on Wyre Street are party wall issues and should be dealt with privately. However, the proposed demolition would lead to an exposed end wall and a condition is therefore recommended to require details of its appearance and finish, together with details of guttering/downpipes.

Ground conditions

The site is a Standing Advice Area for coal mining legacies and a risk assessment is therefore not required but an advisory note should be put on any permission. A phase 1 desk top study has been submitted to identify the historic uses of the site and potential contaminants. In this case where there are known contaminants, a conditions is required to require intrusive site investigations and a remediation strategy. Subject to these provisions, the proposal can be delivered without risk to human health.

Impact on air quality

Policy NE5 states that the Council will seek to ensure that proposals for new development will not have an unacceptable negative impact on air quality. An Air Quality Assessment has been submitted that shows only a negligible impact that would not be significant. Notably, two electric car charging points will be installed which are a means of lowering emissions and reducing air pollution.

Conclusion

The proposed development would be a suitable re-development of a site that borders Padiham Town Centre and provide benefits from increasing the range of shopping facilities for local people. The proposal has been assessed against retail policies that aim to protect Town Centres and in this instance, it is accepted that the site is suitable and would not lead to a significant impact on the viability or vitality of Padiham Town Centre or other Centres. Traffic impacts have also been considered and can be accommodated within the network without leading to a severe impact or adversely affecting highway safety. Issues in terms of heritage impact, visual amenity, noise, ecology, air pollution, flood risk and ground conditions have been taken into account and any identified impacts can be satisfactorily resolved by conditions. The proposal has been found to comply with the development plan and there are no material considerations that 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. Prior to the commencement of built development, representative samples and details of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

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

4. Details of surfacing materials to be used within the car park and areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of surfacing works within the application site. The development shall thereafter only be carried out in accordance with the approved details.

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

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking or re-enacting those Orders, the approved development shall be used as a Class A1 retail foodstore only with no more than 251sq of floorspace for non-food sales and shall not be used for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal where the proposal has been assessed in accordance with the details of the proposed use as submitted. Other proportions of food/non-food retail sales other uses within Class E of the Town and County Planning (Use Classes) Order (as amended) would also require a new assessment in respect of impacts on the Town Centre and on highway and parking considerations.

6. No development shall be commenced until a scheme for the means of protecting the trees to the north side of the application site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

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

7. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Layout (drawing number R/2356/1) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
8. Prior to the approved development being first brought into use, bat boxes shall be installed in accordance with details and locations to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable measures to provide for bats in the vicinity of the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

9. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

10. No dwelling shall be first occupied until the approved scheme referred to in condition 9 above has been constructed and completed in accordance with the scheme details.

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

11. The approved development shall not be first open for business until the car park areas have been constructed, drained, marked out and signed (as appropriate), including two electric car charging points and cycle parking and are available or use in accordance with the approved plans and any other details subsequently approved by condition 4 above. The car parking layout and provision shall thereafter be retained for the purposes of customer and staff car parking at all times.

Reason: To ensure adequate parking to cater for the needs of the development, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

12. Prior to any built development, details of improvements to the surfacing of pedestrian/cycle links to and from the application site at Wyre Street and between Clitheroe Street and the Town Centre shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian and cycle links shall thereafter be constructed in accordance with the approved details and be completed and available for use prior to the approved development being first open for business.

Reason: To ensure good quality pedestrian/cycle routes to and from the proposed development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

13. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.

The roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

14. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) details of working hour;
 - viii) contact details for the site manager; and,
 - ix) routing of delivery vehicles to/from the site.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

15. Within six months of the first use of the approved development, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months for a period of up to five years. The measures contained with the Travel Plan shall be adhered to at all times.

Reason: To promote and provide access to sustainable travel options, in accordance with Policy IC2 of Burnley's Local Plan (July 2018).

16. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

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

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

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

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

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

19. 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).

20. Prior to the demolition of Unit 1, details of the materials, appearance, finish and guttering/downpipes of the adjoining retained unit shall be submitted to and approved in writing by the Local Planning Authority. The retained unit shall thereafter made good in accordance with the approved details.

Reason: To ensure an appropriate appearance and condition for the retained unit, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Further conditions to be reported in Late Correspondence.

Janet Filbin
30th September 2020

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