

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 15th July, 2021  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## COUNCIL CHAMBER, BURNLEY TOWN HALL

Thursday, 15th July, 2021 at 6.30 pm

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

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

Due to Public Health guidance re social distancing there is limited space for members of the public to observe the meeting. Priority will be given to those who have registered to speak on an application. If you wish to attend the meeting we advise that you contact [democracy@burnley.gov.uk](mailto:democracy@burnley.gov.uk) in advance of the meeting.

### A G E N D A

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 10

To approve as a correct record the Minutes of the previous meeting.

**3. Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

**4. Declaration of Interest**

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

**5. Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

**6. List of Deposited Plans and Applications**

11 - 12

To consider reports on planning applications for development permission:

a)	<b>FUL/2020/0199 - Land to the north of Hurstwood Village, Hurstwood Lane, Hurstwood</b>	13 - 24
b)	<b>HOU/2021/0065 - Musty Haulgh Barn, Granville Street, Briercliffe</b>	25 - 32
c)	<b>VAR/2021/0214- 111 Thursby Road, Burnley</b>	33 - 38
d)	<b>COU/2021/008 - Lowerhouse Cricket Club, Lowerhouse Lane, Burnley</b>	39 - 50
<b>7.</b>	<b>Decisions taken under the Scheme of Delegation</b>	<b>51 - 56</b>
	To receive for information a list of delegated decisions taken since the last meeting.	

**MEMBERSHIP OF COMMITTEE**

Councillor Saeed Chaudhary (Chair)	Councillor John Harbour
Councillor Anne Kelly (Vice-Chair)	Councillor Alan Hosker
Councillor Gordon Birtwistle	Councillor Jacqueline Inckle
Councillor Frank Cant	Councillor Karen Ingham
Councillor Phil Chamberlain	Councillor Mohammed Ishtiaq
Councillor Scott Cunliffe	Councillor Neil Mottershead
Councillor Sue Graham	Councillor Mark Payne
Councillor Sarah Hall	Councillor Ann Royle

**PUBLISHED**

Wednesday, 7 July 2021

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 10th June, 2021 at 6.30 pm

### PRESENT

### MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, F Cant, P Chamberlain, S Cunliffe, S Graham, J Harbour, A Hosker, J Inckle and M Ishtiaq

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Alison McEwan	– Democracy Officer
Amanda Rumbelow	– Property Solicitor

### 1. Apologies

Apologies for absence were received from Cllrs Hall, Ingham and Mottershead.

### 2. Minutes

The Minutes of the last meeting held on \*\*\*\*\* were approved as a correct record and signed by the Chair.

### 3. List of Deposited Plans and Applications

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

Mr Brian Sumner – HOU/2021/0006- Kenmuir  
Cllr Shah Hussain- HOU/2021/0006 - Kenmuir

### RESOLVED

That the list of deposited plans be dealt with in the manner shown in these minutes.

#### **4. HOU/2021/0006 - Kenmuir Burnley Road Briercliffe**

**Town and Country Planning Act 1990 Proposed three storey side extension, rear dormer and internal alterations. Kenmuir Burnley Road Briercliffe BB10 2JJ**

**Applicant: Mr Mohammed Ali**

**Agent: Mr Brian Sumner**

**Decision: The application was refused for the following reason:**

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) and the NPPF.

#### **5. FUL/2020/0349 and LBC/2020/0499 - 66-68 Bank Parade Burnley**

**FUL/2020/0349 Town and Country Planning Act 1990 - Conversion of offices to House in Multiple Occupation with 19 bedrooms, including external alterations and;**

**LBC/2020/0499 Planning (Listed Building and Conservation Areas) Act 1990 Internal and external alterations to convert offices to House in Multiple Occupation with 19 bedrooms At 66-68 Bank Parade Burnley Lancashire BB11 1TS**

**Applicant: Mr G Kay, Kay and Sons**

**Decision: That the applications be granted subject to the following conditions:**

##### **Conditions and Reasons for FUL/2020/0349**

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

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

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

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

3. The approved House in Multiple Occupation (HMO) shall have no more than 19 bedrooms and occupied as single rooms only.

Reason: To ensure the satisfactory implementation of the proposal, to ensure an adequate level of amenity for occupants in respect of space, facilities and car parking/cycle parking provision, in accordance with Policies SP5 and IC3 of Burnley's Local Plan (July 2018).

4. No part of the approved House in Multiple Occupation shall be first occupied until a minimum of 13no. cycle lockers in a secure enclosure have been installed and made available for use by

occupiers, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be retained and available for use by occupiers of the approved development in perpetuity.

Reason: To encourage the use of cycles as a sustainable mode of transport, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

5. No part of the approved House in Multiple Occupation shall be first occupied until the car parking spaces as indicated on the approved plans, including a space suitable for disabled use, have been surfaced, marked out and made available for use by occupiers of the approved development only. The approved car parking spaces shall be retained and available for use only by occupiers of the approved development in perpetuity.

Reason: To ensure a degree of on site car parking is available for occupiers of the development, in order to minimise pressure on on-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

6. No part of the approved House in Multiple Occupation shall be first occupied until refuse/recycling storage facilities have been provided in a secure area of the courtyard, as indicated on the approved plans. The refuse/recycling storage facilities shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for the tidy storage of waste, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

7. Deliveries to the site during the construction period shall not be permitted or accepted other than between the hours of 9.30am and 2.30pm Monday to Friday.

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

8. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following:

- a. The parking of vehicles of site operatives and visitors;
- b. The loading and unloading of plant and materials;
- c. The storage of plant and materials used in constructing the development ;
- d. The erection and maintenance of security hoarding ;
- e. Measures to control the emission of dust and dirt during construction;
- f. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- g. Details of working hours; and,
- h. Routing of delivery vehicles to/from site.

The approved Construction Method Statement shall be implemented and adhered to throughout the construction period until the completion of the development.

Reason: - In the interests of the safe operation of the public highway and public amenity, in accordance with Policies IC1 and NE5 of Burnley's Local Plan (July 2018). The Construction Method Statement is required prior to the commencement of development in order that the agreed measures are put in place at the appropriate stage for the purposes that they are intended.

9. No works to the application buildings, including any clearance, demolition or preparation works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation which shall be first submitted to and agreed in writing by the Local Planning Authority. The programme of works shall comprise the creation of a photographic record of the buildings as set out in the 'Understanding Historic Buildings' (Historic England, 2016) and shall be carried out by an appropriately qualified person. A digital copy of the report and photographs shall be placed in the Lancashire Historic Environment Record prior to any part of the approved development being first occupied.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site, in accordance with Policy HE2 of Burnley's Local Plan (July 2018). The programme of building and recording is required prior to the commencement of any demolition or works in order that a proper and full recording can be made.

### **Conditions & Reasons for LBC/2020/0499: Listed Building Consent**

1. The works shall start within three years of the date of this consent.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed on this notice below.

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

3. The external and internal works to the buildings shall be carried out as specified in the supporting Planning and Heritage Assessment.

Reason: To ensure the satisfactory implementation of the proposal, to protect the fabric and special interest of these Grade II listed buildings, in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

4. No works to the application buildings, including any clearance, demolition or preparation works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation which shall be first submitted to and agreed in writing by the Local Planning Authority. The programme of works shall comprise the creation of a photographic record of the buildings as set out in the 'Understanding Historic Buildings' (Historic England, 2016) and shall be carried out by an appropriately qualified person. A digital copy of the report and photographs shall be placed in the Lancashire Historic Environment Record prior to any part of the approved development being first occupied.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site, in accordance with Policy HE2 of Burnley's Local Plan (July 2018). The programme of building and recording is required prior to the commencement of any demolition or works in order that a proper and full recording can be made.

<b>6. HOU/2021/0176 - 4 Park Avenue Burnley</b>
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**HOU/2021/0176 Town and Country Planning Act 1990 Single storey side and rear extension 4 Park Avenue Burnley Lancashire BB11 4RH**

**Applicant: Mr Jai Redman**

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

**Conditions & 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 shall be carried out in accordance with the approved plans listed on this notice below.

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

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

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

## **7. Decisions taken under the Scheme of Delegation**

Members noted the list of delegated items.

## **8. Thanks**

The Chair and Committee Members thanked Amanda Rumbelow for her work with the Committee during her time at Burnley Council, and wished her well for her new post.

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

15<sup>th</sup> July 2021

Housing and Development

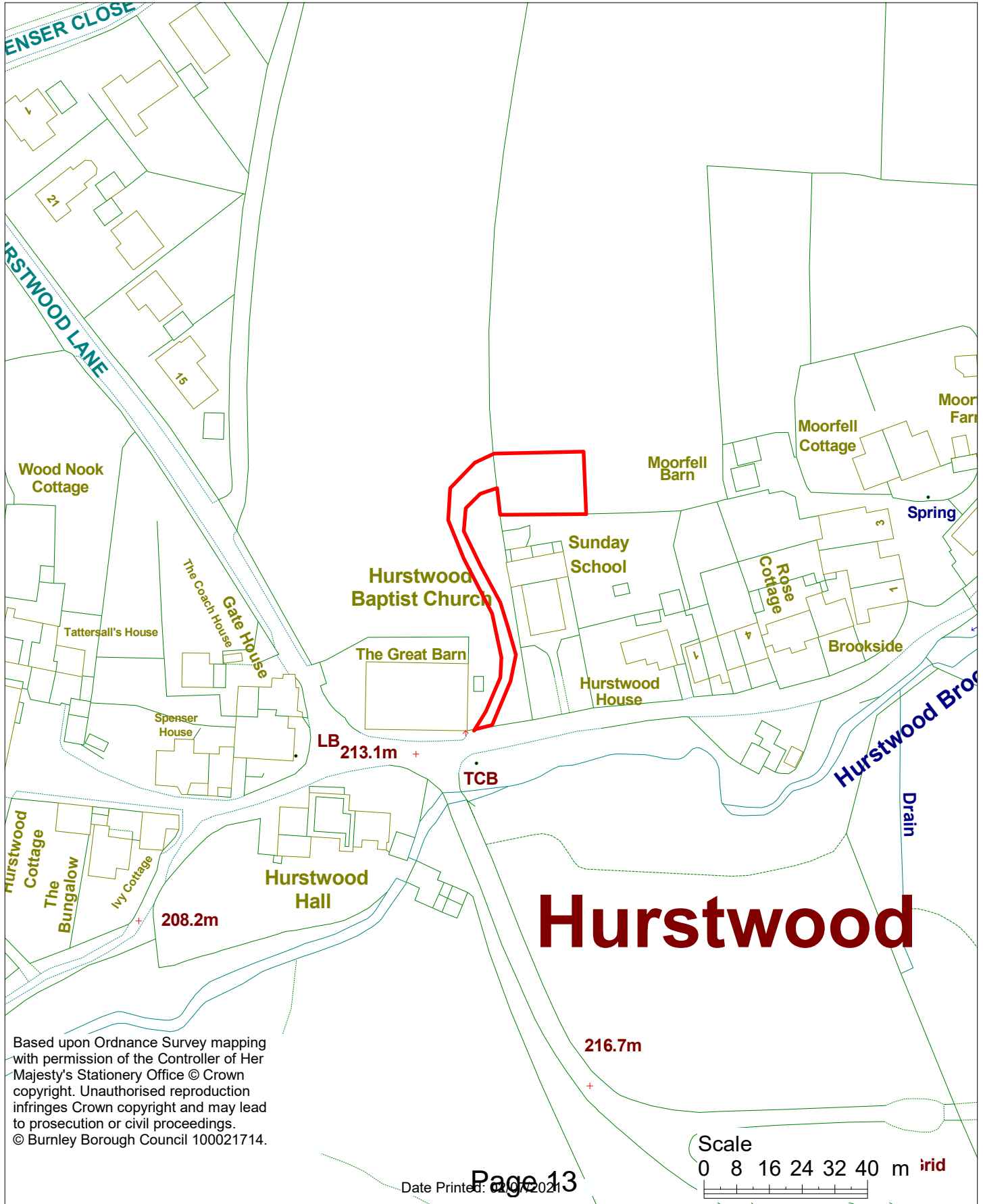
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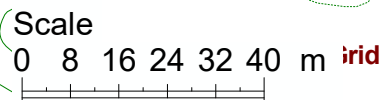


**Land To The North Of Hurstwood Village , Hurstwood Lane, Hurstwood**

1:1250



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**Application Recommended for Approve with Conditions**

**FUL/2020/0199**

Cliviger With Worsthorne

Town and Country Planning Act 1990  
Full Planning Permission

**Proposed Development:** General Purpose Agricultural Building

**Site Address:** Land to the North of Hurstwood Village, Hurstwood Lane, Hurstwood, Burnley

**Applicant:** Mr M Holmes

**Agent:** Mr Ian Swain

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

**Background:**

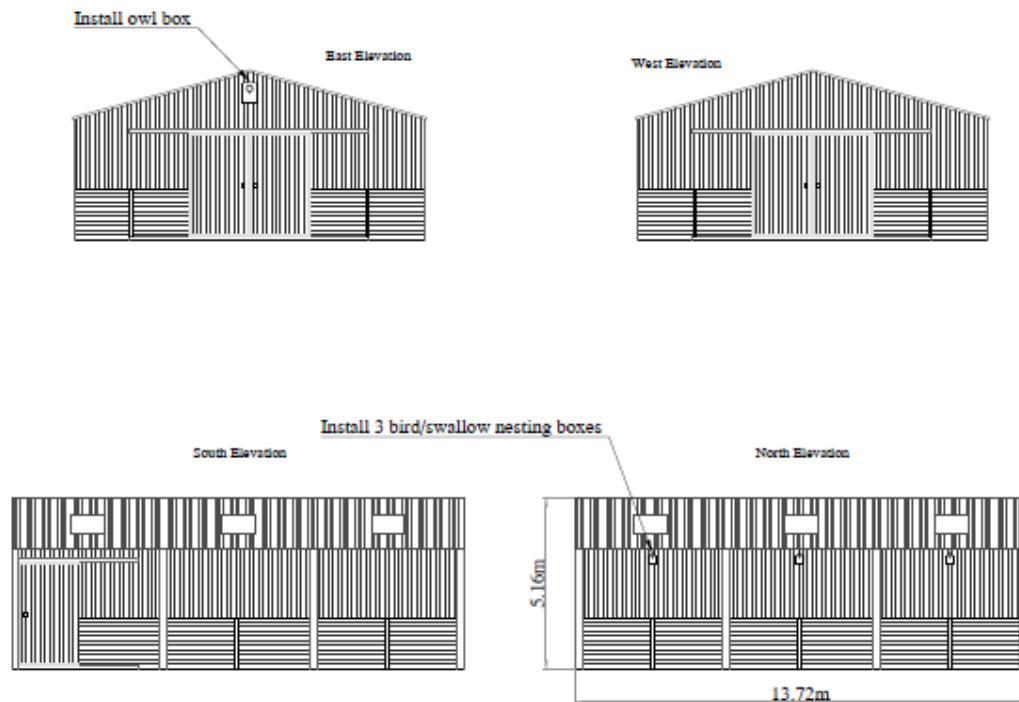
Planning permission is sought for the erection of a general-purpose agricultural building to serve a parcel of land to the North of Hurstwood village.

The proposed building is located to the North of Hurstwood Village outside the development boundary as identified in the Local Plan. The application site is also located outside the Hurstwood Conservation Area. Within the adjacent village there are several Statutory and Locally Listed buildings.

The site is relatively flat, although slopes gently upwards to the north. The total farm holding comprises 1236 ha (3054 acres) of land. The application site itself which is on an area of land to the North of Hurstwood Village comprises approx. 9.2 ha (23 acres).

During determination of the application amended plans have been received following discussions with the applicant which include some landscaping to shield the building from the view from the road when travelling along Hurstwood Lane into the village; the position of the agricultural building has also been moved slightly further to the west to tuck it more behind the church hall so that it will be less visible from neighbouring dwellings. Three swallow/ bird boxes plus an owl box have also been added to the proposals to increase biodiversity.

Proposed Plans:



*Proposed elevations*

**Relevant Policies:**

Burnley`s Local Plan July 2018

SP1 – Achieving Sustainable development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

NE1 – Biodiversity and Ecological Networks

NE3 – Landscape Character

HE2 – Designated heritage assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

NE4 – Trees, Hedgerows and Woodlands

National Planning Policy Framework - Feb 2019

**Site History:**

None.

**Consultation Responses:**

Historic England – Have no comments to make.

Highway Authority – The proposal utilises the existing field access and raises no highway concerns.

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 critical raw water main crosses the site access route. 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`.

They request that a condition to be attached to the decision stating that `No development shall take place until a Construction Management Plan, for the construction phase and also the lifetime of the proposed development, is submitted to and approved by the LPA` etc.

It is not considered necessary to include this as a condition but will be added as an informative note.

Neighbouring resident comments – 10 letters received objecting to the proposals for the following reasons;

- This is a historical hamlet that already suffers congestion on the lane into the hamlet and should not be blighted by further buildings
- The only access lane to the hamlet is often congested with vehicles from its many visitors.
- The application does not comply with NPPF p115 section 5.2.30 of Burnley`s Local Plan. The application does not support or promote sustainable growth, expansion or diversification of agriculture.
- The application does not meet EMP5 sec1d. The proposed building will be isolated from the existing homestead, the applicant`s main residence is approx. half a mile away.
- The application contravenes EMP5 Sec 1E and 1F, 5.3.35 of the Local Plan and HE2 Secs 1 and 2. The application does not contribute nor enhance the natural or local environment nor the surrounding landscapes.
- The proposed building will obstruct the view of the field.
- Concerned about the noise it will create with heavy farm machinery operating at all hours.
- Food storage will create a vermin problem.
- Surface water will be an issue as 200sq m of hard standing is being created; we struggle with water running off the field as it is.
- The applicant has adequate storage at his farm.
- The village is struggling with excess parking due to visitors. With the access being central to the great barn it will cause more problems for emergency vehicles gaining access.
- The village should be kept in its natural state, we have listed buildings, all stone-built properties and a modern farm building doesn`t seem right.
- It will be a scar on the landscape.
- It will attract thieves.
- The field is a wildlife pathway, and any disruption will have a detrimental effect.
- Farm buildings should be erected at the farm (the farm was originally a bungalow and is a great expanse of buildings).
- If the building is to be used for lambing, shearing etc. where will the waste sewage drain to. The smell of the waste will be off putting.
- If cattle are to be housed in the barn this will create noise pollution.
- It could lead to a change of use planning application in the coming years.
- The building is of a size and type that is not in keeping with the local vernacular and would have a negative impact on the local built environment.
- The building will be in a prominent position on the hillside.
- Question the need for an agricultural building of this type, considering several existing agricultural buildings have been granted permission for conversion into

residential use.

- The original farm, which was once attached to the parcel of land in question, is no longer active, Moorfell Farm was sold and redeveloped following the death of the owner. The bulk of the applicant's farmstead is situated separately. Why is a separate building required to service the smaller parcel of land?
- Could affect parking and be noisy for classes and services at the Church.
- The building will appear incongruous as not part of the farmstead.
- The proposal is in contravention of HE2 section1 as it will not enhance Hurstwood. It will also be in contravention of section 2 as it there will be no public benefit.
- Why would they leave a sick animal in a remote location, it would make more sense to keep it nearer to the farm.
- The building does not respect the Conservation Area.
- The building is too big for its proposed use.
- The building would obstruct our view of the pine forest and would be a blot on the landscape.

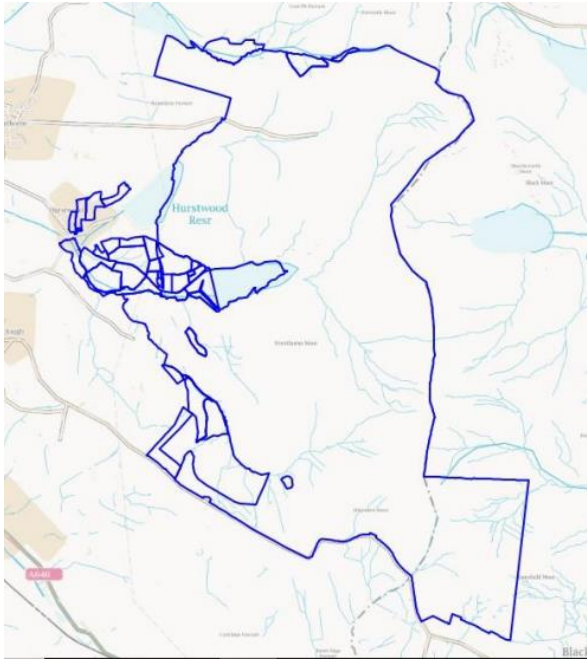
### **Planning and Environmental Considerations:**

The main considerations in regards to this application are:

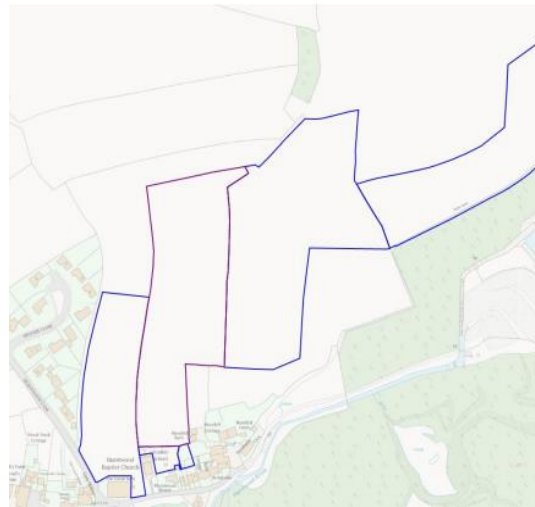
#### **Principle/agricultural need**

Paragraph 83 of the National Planning Policy Framework Feb 2019 under the section on `supporting a prosperous rural economy` states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural locations, both through the conversion of existing buildings and well-designed new buildings; including the development of agricultural and other land-based businesses. Furthermore, Burnley's Local Plan July 2018 under the section entitled `The Rural Economy` also states this.

The application puts forward a strong justification to demonstrate the need for the development. The proposed building is not of a size or scale that would seek to serve the entire farm holding. The building is needed to solely serve the parcel of land to the North of the Village as mentioned above. The land is of better productive use than much of the moorland that is farmed; however, access to the land has become increasingly difficult.



Total area (1236 ha) of land farmed



The 9.2 ha of land to the North of Hurstwood.

The popularity of Hurstwood Village, to visitors who come to walk and exercise, is the key factor behind the requirement for the building. The applicant was once able to herd livestock from this separate parcel of land, back to the main farmstead at Cant Clough Farm; that is now unworkable. The high number of dog walkers means that herding animals in such an environment is impractical; livestock are prone to panic, separating and running in the wrong direction, leaving the applicant the only real option of transporting animals by trailer. Either process is very time consuming and adds to the stress levels of the livestock (which can lead to mis-mothering etc.). The provision of a building on this parcel of land would resolve this operational problem.

The agricultural building is to be a general-purpose structure, but a key use for the building will be for accommodating and handling livestock. The building will be used during lambing and will provide temporary accommodation for other animal welfare reasons (for e.g., when an animal is sick) and during extreme weather conditions. The building will also be used for routine animal husbandry tasks such as shearing etc.

In addition to handling livestock the building will be used for the dry and secure storage of feed, machinery, and equipment required to serve this part of the farm holding. Dry storage for feed will assist with the running of the farm business and storing equipment internally will help to prolong its lifespan by reduced exposure to the elements. Theft is a risk for any item stored remotely from the main farmstead and the building would reduce the chances of this occurring and allow on-site storage improving the efficiency of the operation.

**Local Plan policy EMP5 – Rural Business and Diversification** – which is mentioned by objectors, relates to proposals to expand existing or new businesses, including local retail uses and tourist facilities within the open countryside or within villages being supported where they meet certain criteria. This policy is not considered to be of any particular relevance in respect of this application as the farm business is not being expanded nor a new business being established.

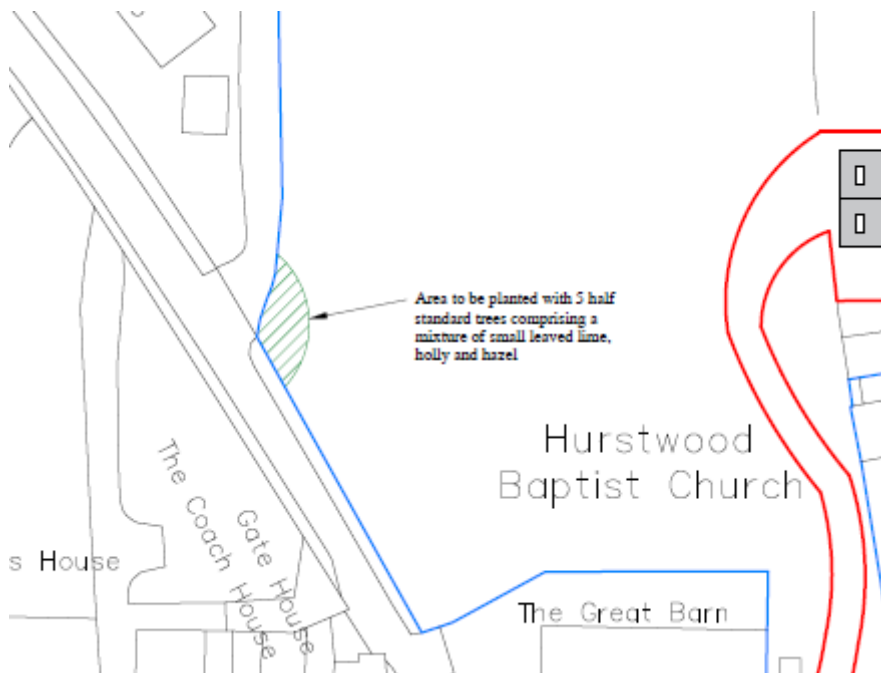
Taking into consideration the above it is considered that the principle of the development is acceptable.

### Proposed landscaping

Local Plan policy NE3 states that development proposals are expected to respect and where possible enhance and restore landscape character, as appropriate to their nature and scale. Development proposals should relate well to local topography and built form and be of an appropriate scale, siting, layout, design, density and materials to minimise the impact on the landscape character of the site and its surroundings.

The proposed site, which is to the north of the village is relatively flat, although gently sloping upwards to the north. The building is to be located to the rear of the church/Sunday school, careful consideration has been given to the siting and design in order to minimise impact on the landscape. The building is to be timber clad with timber clad doors which will blend more easily into the landscape.

The agricultural building will be partially visible when travelling along Hurstwood Lane into the village with the most prominent viewpoint being from the stretch of the road/footway just after the lane which goes along the back of no.15 Spencer Close. In order to minimise the visibility of the building the applicant has agreed to plant some trees in the field adjacent to this area of the road; five half standard trees, comprising a mixture of small leaved Lime, Holy and Hazel. This is considered to be an acceptable solution.



*proposed tree planting to screen the view from Hurstwood Lane*

### Residential amenity

The building has been sited away from residential properties within the field behind the church building; the position of the building has been revised taking it further away from residential properties and tucking it in behind the church building. The building would be slightly visible from some residential properties; however, the nearest dwelling is approx. 40m away from the proposed building and is not directly behind any residential property.

## Noise

The applicant states that it is not envisaged that any noise nuisance issues will arise as the intended uses of the building are highly unlikely to give rise to any unacceptable impacts. Careful consideration was given to the siting of the building; and in order to reduce the risk of any possible unacceptable noise nuisance complaints a location was chosen to the rear of the church and away from residential dwellings.

It is unlikely that the intended use of the building will give rise to any significant noise issues with regard to the adjacent church and dwellings in the vicinity. Access to the church is from the front, with any potential noise from animals at the rear and access to the field/ agricultural building via the existing field access.



Church/Sunday School

*Existing/ proposed access*



*Approx. position of the agricultural building looking towards the village*

## Siting and design

Careful consideration has been given to the siting and design of the proposed building by the applicant. The building is to be timber clad with a fibre cement roof and rather than use concrete sectional panels or blockwork to the plinth of the building, the applicant proposes the use of timber stock panels. Additionally, the doors to the building are to be timber clad rather than have a steel sheet finish. The aim has been to ensure that there is no unacceptable impact on the character and appearance of the adjacent village and historic environment.

Tanalised timber boarding is to be used for the building, although initially the timber boarding may look bright, it weathers quickly and will soon blend into the locality.

The materials proposed are considered appropriate and typical of this type of development.

### **Heritage assets**

The proposed building is located outside the Conservation area Boundary. The nearest Listed Buildings are The Great Barn which is Grade II\* statutory listed and adjacent to the existing/proposed access and Hurstwood Baptist Church/Sunday School which is Locally Listed and located to the front of the proposed building.

The proposed agricultural building would be located a considerable distance from The Great Barn. The proposed building would be sited behind the church which would offer partial visibility. It is therefore, considered that the proposed agricultural building would not be read in context with the Grade II\* listed building. Taking into consideration the separation distance between the proposed agricultural building and the Grade II\* listed building it is considered that the development would not adversely impact upon the character or significant of the listed building.

It is considered that the agricultural building will not have a significant adverse effect on the Listed Buildings nor the character and appearance of the Conservation Area.

### **Highway issues**

The proposal utilises the existing field access which is already in use by the applicant; the access will not affect parking; cars should not be parking outside the field gates (blocking access to the farmer`s fields) as is the current situation.

The Highway Authority have no objections to the proposals on highway grounds.

### **Biodiversity**

The applicant (farmer) has commented that due to some barns and other buildings in the locality (not in his ownership) having been converted to housing, he has noticed that the local biodiversity in the area has significantly dropped off. As it is something he feels strongly about he has added 3 swallow/bird boxes and an owl box to the scheme to help increase biodiversity in the area.

### **Trees**

Protected trees will not be affected by the proposed access (there is an existing access from Hurstwood Lane).

### **Drainage**

United Utilities have no objection to the proposals stating that 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. Surface water issues should not therefore be an issue.

## **Conclusion**

Intaking the above matters into consideration, on balance, the proposed agricultural building is considered to be acceptable and in accordance with the Local Plan policies listed above.

## **Recommendation:**

Grant subject to the following conditions:

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

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

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

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

- 3 The three swallow/bird nesting boxes and the owl box shall be in situ within 3 months of the building being erected.

Reason: In the interests of increasing biodiversity in the locality and in accordance with policy NE1 of Burnley`s Local Plan July 2018.

- 4 The landscaping scheme shall be implemented within 3 months of the building being erected, and the trees shall be maintained and replanted within 3 months if they die.

Reason: In the interests of visual amenity, to help screen the building from Hurstwood Lane and in accordance with policy NE3 of Burnley`s Local Plan July 2018.

LB  
Planning and Compliance Officer

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Housing & Development  
Town Hall, Manchester Road

Ref.

**HOU/2021/0065**

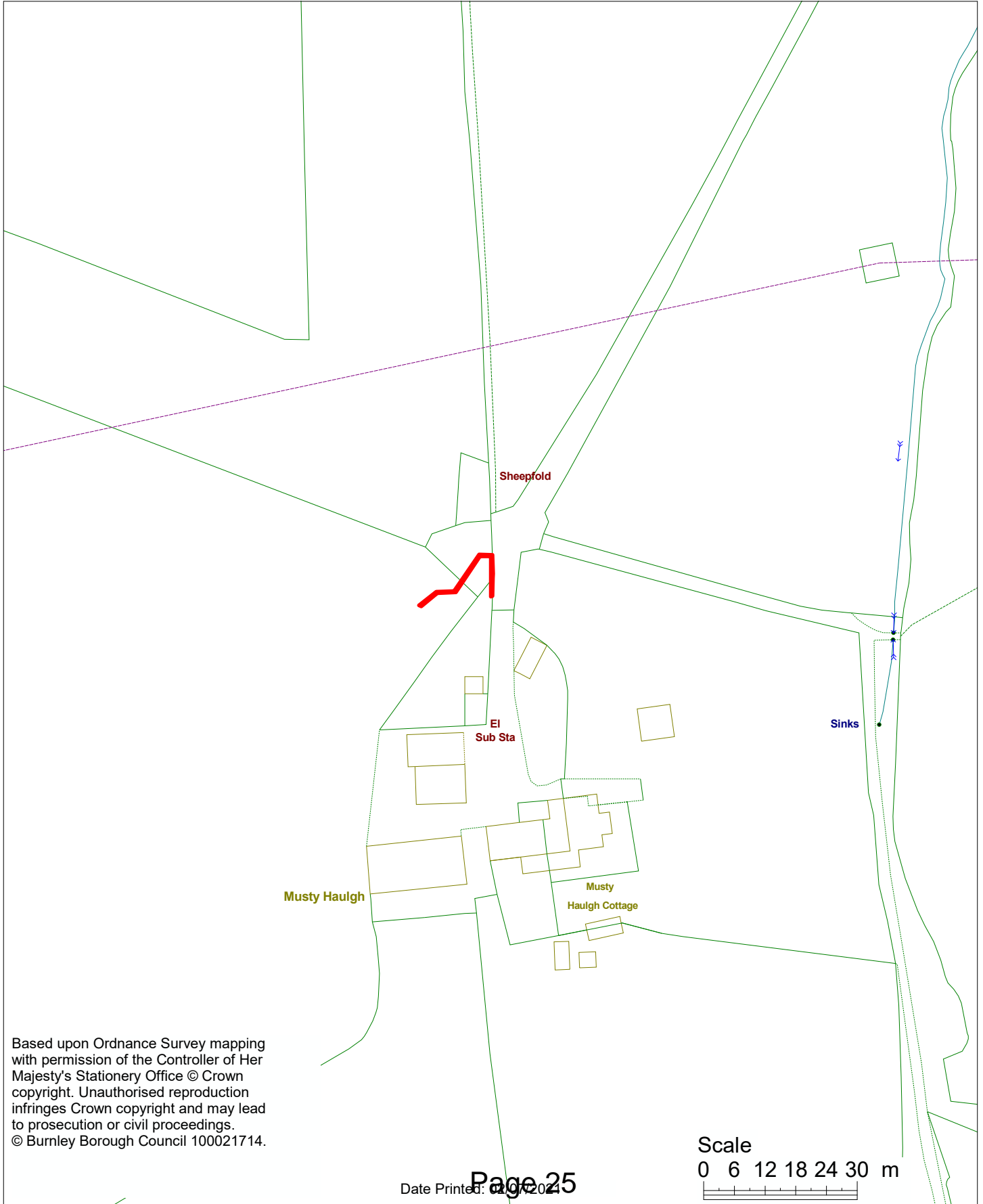
Paul Gatrell Head of Housing and Development

Location:

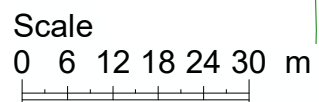


## Musty Haulgh Barn, Granville Street, Briercliffe

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Town and Country Planning Act 1990  
Retention/Construction of dry stone walls and diversion of Public Footpath No. 163.  
Musty Haulgh Barn Granville Street Briercliffe

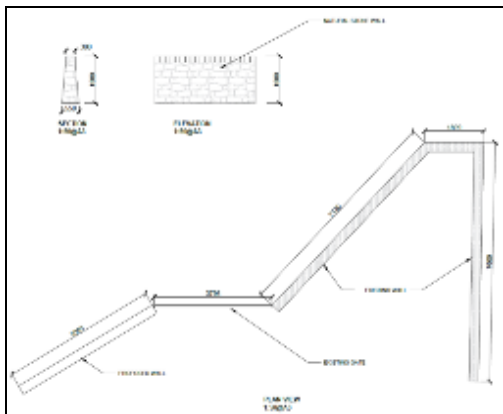
**Applicant:** Mr Brent Frankland

The application is before the committee following receipt of objections.

**Background:**

The proposal is to retain a dry stone wall, which has already been constructed at the entrance to Musty Haulgh Barn, and to construct a further section of wall adjacent to it, on the opposite side of the entrance gates.

The section of drystone wall which has already been constructed roughly forms a u-shape measuring 7.12 metres long by 1.5 metres high, returning along the frontage for a length of 1.899 metres by 1.5 metres high and then returning for a length of 7.6 metres by 1.5 metres high. It is built in a traditional manner with a base of 0.55 metres reducing to 0.30 metres at its top. It includes a slate name plaque directing visitors to Musty Haulgh Barn and the nearby Musty Haulgh Farm and Cottage.



Plan View of Wall



View of entrance to Musty Haulgh Barn from Granville Street

The additional section of wall to be constructed on the opposite side of the entrance gate to replace the existing timber fence, would be 5 metres long, matching the wall already built, in height and width.

The wall affects Public Footpath No 163 and it is proposed to divert the Public Footpath. This is currently being dealt with by the Lancashire County Council Public Rights of Way Officer. Until any diversion is approved, the built section of wall has been adapted to allow access through it, to avoid blocking the Public Footpath in the meantime.



Cut out in wall to accommodate Public Footpath

Up to four Leyland Cyprus trees would be removed to accommodate the proposed new section of the wall. A Tree Survey is submitted in support of the application.

The proposal has been the subject of public consultation and a site notice and press notice have been produced.

Objections have been received to the proposal.

### **Relevant Policies:**

#### Burnley Local Plan

Policy SP1 – Achieving Sustainable Development  
Policy SP4 – Development Strategy  
Policy SP5 – Development Quality and Sustainability  
Policy HS5 – House Extensions and Alterations  
Policy NE1 – Biodiversity and Ecological Networks  
Policy NE3 – Landscape Character  
Policy NE4 – Trees, Hedgerows and Woodlands  
Policy IC1 – Sustainable Travel

### **No Relevant Site History:**

### **Consultation Responses:**

1. Highway Authority: the proposal would not raise any highway concerns. The proposed diversion appears to be following the correct procedures and no objections are raised to the proposal on highway grounds.
2. The Ramblers Association: It appears that the present footpath has been unofficially diverted for around 8 years. The proposed line of the new path is to be upgraded to a bridleway, to join up with one already running through Heasandford. No objections are raised to the diversion of the footpath as this will evidently be on a firm surface, will avoid passing through the farmyard and will be of much the same length giving access between the same points. The official path diversion will have to be made with the Definitive Maps being brought into line.
3. Briercliffe Parish Council: The Council fully support this application and welcomes the donation of the land to connect the path to the bridleway.
4. Neighbour Objection: A neighbouring resident objects to the proposal making the following comments:

- Although it has been constructed well from good materials, it is far too high
- Traffic and pedestrians cannot be seen from the main entrance/exit which is a danger to public safety as young families regularly walk here.
- It is hard for walkers to see the public footpath as it is unclear and unmarked, and they often get lost
- The structure makes it impossible for lost delivery vehicles, etc to turn round safely at this point
- The wall extends further than before and impedes access
- The proposed line of the public footpath would be a health and safety nightmare and the path would be generally unsuitable for members of the public.

5. Neighbour Objection: An occupier of the adjoining land to the north of the site objects to the proposal and makes the following comments:

- The stone wall looks good but is not very practical and creates a blind spot when exiting our land in a vehicle. Vehicles approaching from the right are not visible
- The wall makes it difficult for delivery drivers, etc to manoeuvre to our land
- The proposed new route of the public footpath is not suitable for walkers

Comment on neighbour objections

*The wall is 1.5 metres high and is visually pleasing, in scale with its surroundings. The Highway Authority raise no concerns regarding traffic and pedestrian safety. The wall is constructed on land within the ownership of the applicant and other visitors/users of the track have no entitlement to encroach onto private land to manoeuvre vehicles. The suitability of the proposed alternative public footpath will be considered by LCC during the diversion procedure.*

**Planning and Environmental Considerations:**

Principle of the Development

The site is outside the Development Area and within the Open Countryside as defined in Burnley's Local Plan, where Policy SP4 states that development will be strictly controlled and will only be permitted where there is a need to be located in the countryside and it is of appropriate scale and type.

The proposal is to provide boundary treatment at the entrance to the dwelling for security and privacy purposes which, in principle, is an acceptable development in the countryside area, providing it is of appropriate quality and in scale and keeping with the locality.

Main issues for Consideration

The issues for consideration relate to the design and materials of the wall and its impact on the visual amenity and character of the surrounding landscape; the position of the wall and its impact on highway/ pedestrian safety and access to neighbouring property; loss of trees; and the impact of the proposal on the public footpath.

Design and Materials

Policy SP5 expects development to be of a high standard of design, construction and sustainability. In respect of its design and materials, such development should respect local scale and massing and contribute positively to the public realm. Materials should be high quality and appropriate to the local context.

The wall is of a high quality construction and design. It is built from local reclaimed natural stone and constructed in a traditional manner by a skilled craftsman. The scale is compatible with its surroundings and the materials are appropriate to the context.

#### Impact on Highway / Pedestrian Safety



Neighbouring access point

The Highway Authority raise no objections to the development. This section of Granville Street is an unmade track and vehicles generally would need to negotiate the track quite slowly. Pedestrians would be aware of the entrance as they pass and the need to be mindful of vehicles exiting the site. The entrance is wide where it meets Granville Street.

The wall should have no impact in terms of the manoeuvring or turning of visiting / delivery vehicles at the entrance as it is constructed on private land, where there would be no right of access or encroachment for other users. If neighbouring access is not suitable for purpose it would be up to the occupiers whether or not they wish to improve it on their own land.

#### Loss of trees

The section of wall not yet constructed would sit close to existing trees on the site. A Tree Report sets out that the roots of up to four low quality Leyland Cypress trees may be affected and the trees lost. The trees are not protected by Tree Preservation Orders and are not suitable for such protection.

The applicant is keen to minimise the loss of trees and proposes that only one tree, nearest to the proposed wall, will be removed initially, with root protection measures undertaken to enable the retention of the remaining trees. The remaining trees would only be lost in a worst case scenario.



Position of tree/s to be removed

It is proposed to require by condition that replanting of a heavy standard tree of native species takes place for each tree which is lost by the development which will provide a net gain in biodiversity in line with Policy NE1.

A condition is proposed requiring that no tree works should be undertaken during the bird nesting season from March to August in order to protect potentially nesting birds, having regard to Policy NE1 and the Wildlife and the Countryside Acts.

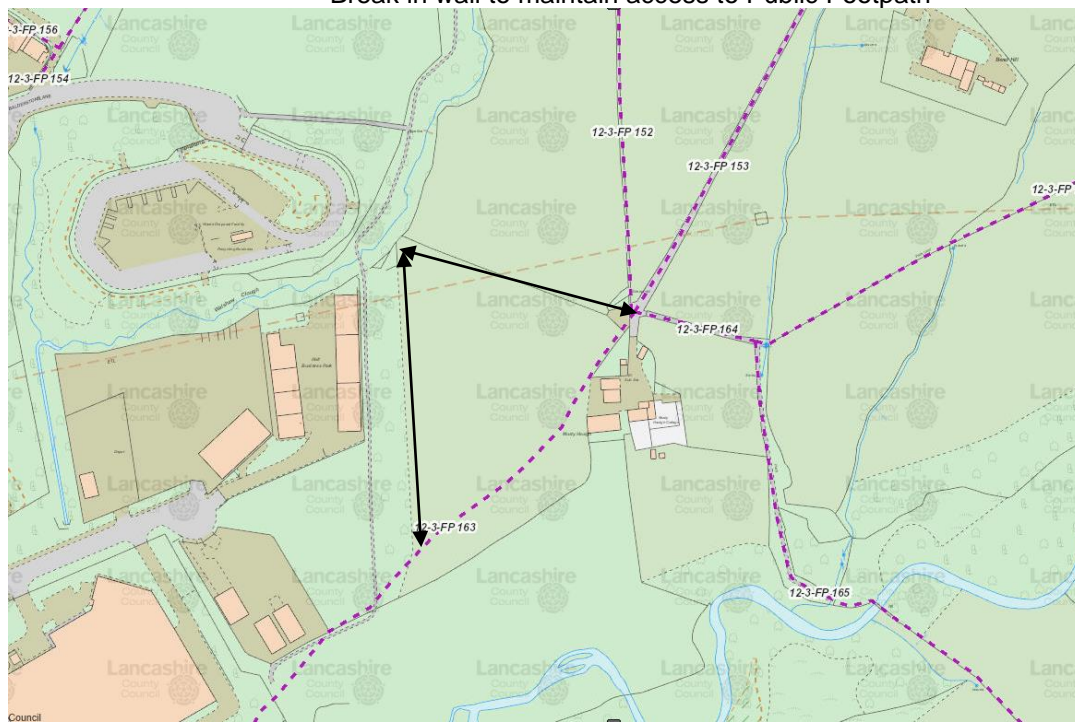
#### Impact of the Proposal on the Public Footpath

The proposed diversion of the Public Footpath is a matter for Lancashire County Council and interested parties will have the opportunity to comment on the new route during the course of the formal procedure for the diversion.

Until a Diversion Order is made, the applicant has taken steps to retain the existing public footpath by providing a break in the wall to maintain access. The Public Right of Way Officer considers this solution to be acceptable.



Break in wall to maintain access to Public Footpath



It is proposed that Footpath 163 would be diverted along the lines marked with an arrow as shown.

## Conclusions

The proposal satisfies the policies of the Local Plan and is acceptable in terms of design, materials and impact on the character of the locality, in line with Policy SP5 – Development Quality and Sustainability.

No issues of highway safety have been raised by the Highway Authority and the proposal provides for safe pedestrian and vehicular access into the site in line with Policy IC1 – Sustainable Travel. The public footpath is maintained at present until the appropriate procedure is followed to secure a diversion, which will be actioned by Lancashire County Council.

Any trees which will be lost will be compensated for by replanting with native species, giving a net gain in biodiversity in line with Policy NE1 – Biodiversity and Ecological Networks.

## Recommendation:

It is recommended that planning permission is granted for the development subject to the following conditions:

## Conditions

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

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

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

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

3. All materials and dimensions to be used for the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

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

4. One heavy-standard, native tree shall be planted within the curtilage of the dwellinghouse for each tree that will be removed or lost as part of the approved development. The planting of the replacement trees shall be carried out within the next planting season following the felling of the tree/s and shall thereafter be maintained in accordance with good horticultural practice and replaced within 3 months if they die within three years of their planting.

Reason: In order to maintain tree cover in the area having regard to Policy NE4 of Burnley's Local Plan (July 2018)

5. No works to the trees shall be carried out within the bird nesting season from March to August of any year.

Reason: To protect biodiversity having regard to Policy NE1 of Burnley's Local Plan (July 2018).

## Approved Plans:

Location Plan 1:1250; Site Plan 1:500; Site Plan with wall 1:500; Existing and Proposed Wall details 1:50 all received 22 February 2021.

## Article 35 Statement

Some negotiation was carried out to advise on the procedure for the diversion of the public footpath, the requirement for the submission of a planning application and a Tree Report. The application as submitted is in accordance with the local plan policies and the National Planning Policy Framework and there was no need for further negotiation with the applicant.

CR  
Senior Planner



# Part One Plan

Housing & Development  
Town Hall, Manchester Road

# Agenda Item 6c

Ref.

## VAR/2021/0214

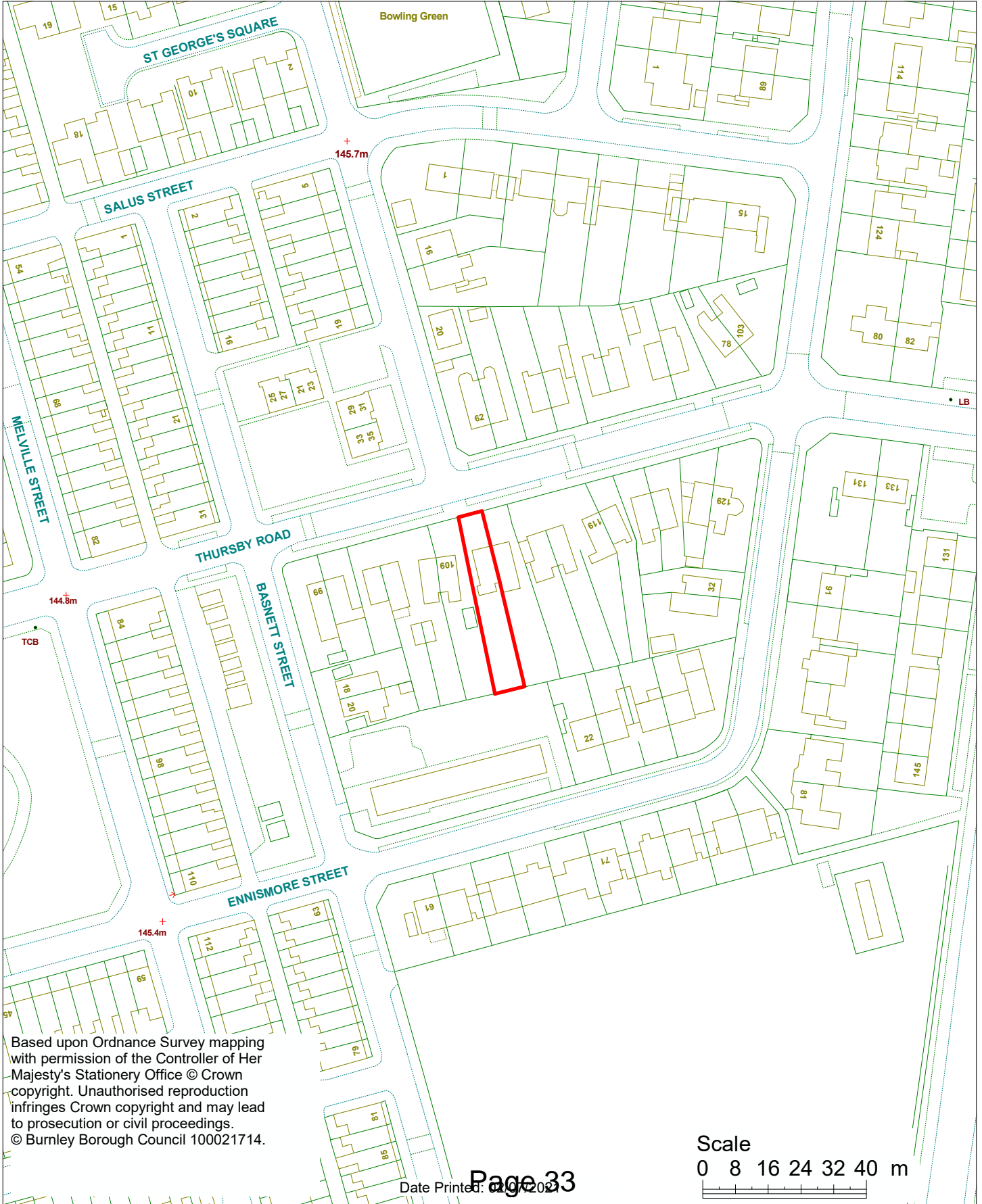
Paul Gatrell Head of Housing and Development

Location:

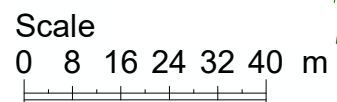


## 111 Thursby Road, Burnley

1:1250



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**Application Recommended for Approve with  
Conditions**  
Lanehead

**VAR/2021/0214**

Town and Country Planning Act 1990

**Proposed Development:** Variation of Condition No 2 pursuant to planning application HOU/2019/0531 to amend the roof design and proposed exterior materials to be used.  
**Site Address:** 111 Thursby Road, Burnley

**Applicant:** Mr Umair Khan  
**Agent:** Mr Hamaad Anwar

The application is before the committee following receipt of objections.

**Background:**

Planning permission was granted for the erection of a 2-storey side and rear extension and a single-storey rear extension in May 2020 under planning application HOU/2019/0531.

It was brought to the Council's attention that the development had not be built in complete accordance with the approved plans. Following discussions with the Councils Enforcement Officer, the applicant decided to submit a variation of condition application to legalise the development built.

This application seeks to vary condition 2 (plans compliance) pursuant to planning application HOU/2019/0531 to amend the roof design and proposed exterior materials to be used.

Condition 2 states:

The development hereby permitted shall be carried out in accordance with the following approved plans; 20190704- nos.1, 2, and 5 and 7 received 21<sup>st</sup> Oct 2019, nos.6A and 8A received 6<sup>th</sup> March 2020 and nos.3A and 4A received 9<sup>th</sup> March 2020.

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

**Relevant Policies:**

Burnley's Local Plan July 2018:

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

National Planning Policy Framework (NPPF)

**Site History:**

- APP/2017/0198 – Proposed two storey extension to side and rear – withdrawn
- APP/2017/0610 – Proposed 2 storey extension to side and rear – refused/appeal dismissed

HOU/2019/0531 – Proposed 2-storey side and rear extension and single-storey rear extension – approved with conds.

### **Consultation Responses:**

*Neighbouring resident* – Objects to the proposals for the following reasons;

- The steeper pitch of the kitchen roof provides a significantly increased overbearing effect and reduces the amount of light into our conservatory and kitchen from mid-afternoon.
- The flat roof, behind the kitchen pitch, could/will be transformed into a balcony which will invade out right to privacy in both our conservatory and back bedroom.
- The proposed render (off white K) will significantly affect the outlook of the whole block, whereby all the other properties have visibly maintained the stone and pebbledash look when viewing from the street.

### **Planning and Environmental Considerations:**

The principle of the development has already been established by the approval of planning application HOU/2019/0531 which was granted permission for the erection of a 2-storey side and rear extension and a single-storey rear extension.

This application seeks approval for the amendments made during construction to the approved extension consisting of amendments to the roof design affecting the pitch and shape of the roof of the single-storey rear extension and changes to external materials; areas where stone and pebble-dash render were proposed to be changed to k-render above the stonework at the front and the entire side and rear elevations.

#### **Change to external materials**

Approval was given for stonework to the lower section of the front, side and rear elevations with pebbledash above; to match the existing dwelling. It is proposed to keep the stonework to the lower section of the new front elevation, to k-render above this and to k-render the side and rear elevations of the extension.

The rear elevation is not visible from the street and k-render is acceptable on this elevation. With regard to the side elevation, this is not easily visible from the streetscene and the adjacent dwelling no.109 is rendered on the full side elevation therefore it is unreasonable to insist on stone and pebbledash for this elevation as it is not easily viewed from the road.

On the front elevation stone is still proposed on the lower section to match the existing front elevation; k-render is proposed above this on the front of the extension and the existing front elevation; as the stonework is being retained on the front elevation it is considered that k-render above this will not significantly affect the appearance of the front elevation providing that an appropriate colour of k-render is used. The applicant has agreed to use a light grey K-render which will blend in better than off-white as proposed.

#### **Change to the roof design at the rear**

The pitch of the roof of the single-storey extension has been changed slightly, this is understood to have been carried out because a greater slope, than that approved, was needed for the roof tiles. So that the height of the roof of the single storey extension was not significantly increased a flat roof has been carried out on the

section which is to the right of the 2-storey extension. The height of the approved and proposed (as built) single-storey extension to the eaves is 2.55m and the height to the highest part of the roof of the single-storey section as approved is 3.325m and as proposed (as built) is 3.65m; which is a slight increase of 0.325m at its highest point (see drawings below).



*elevations as approved*



*elevations as proposed*

The neighbour has stated that the steeper pitch of the kitchen roof creates an overbearing effect and reduces light to their conservatory and kitchen from mid-afternoon. The slight change to the roof slope will have a minimal effect on the conservatory and kitchen of no.113 and not significant enough to refuse the application on this basis.

The neighbour is concerned that the flat roof will be transformed to a balcony. There is no reason to suggest that the flat roof will be used as a balcony; there is a window to the roof above the flat roof and not patio type doors.

### **Conclusion**

The proposed changes to the original consent are considered to be acceptable and in accordance with the Local Plan policies listed above.

### **Recommendation:**

Approved subject to the following conditions:

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

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

2. The car parking provision shown on Dwg. No 20190704 – 4A shall be provided as approved before any part of the extension hereby permitted is brought into use.

Reason: To ensure that adequate parking provision is in place in the interests of highway safety and in accordance with policy IC3 of Burnley's Local Plan July 2018.

3. All windows on the side elevations of the extensions hereby permitted shall be obscurely glazed before the extensions are brought into use/occupation. The obscure glazing shall thereafter be maintained to the satisfaction of the local planning authority.

Reason: To protect the amenities of the adjoining residents having regard to Policy HS5 of the Burnley's Local Plan July 2018.

4. Before the driveway is used for vehicular purposes, 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 pavements, or other approved materials.

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.

5. The K-render to be used for the elevations shall be a light grey colour.

Reason: In order to blend with the adjacent dwellings in the interests of visual amenity and in accordance with policy HS5 of Burnley's Local Plan July 2018.

6. The flat roof on the single-storey rear extension shall not at any time be used as a balcony.

Reason: In order to protect privacy for neighbouring residents and in accordance with policy HS5 of Burnley's Local Plan 2018.

LB  
Planning & compliance Officer

Housing & Development  
Town Hall, Manchester Road

Ref.

## COU/2021/0008

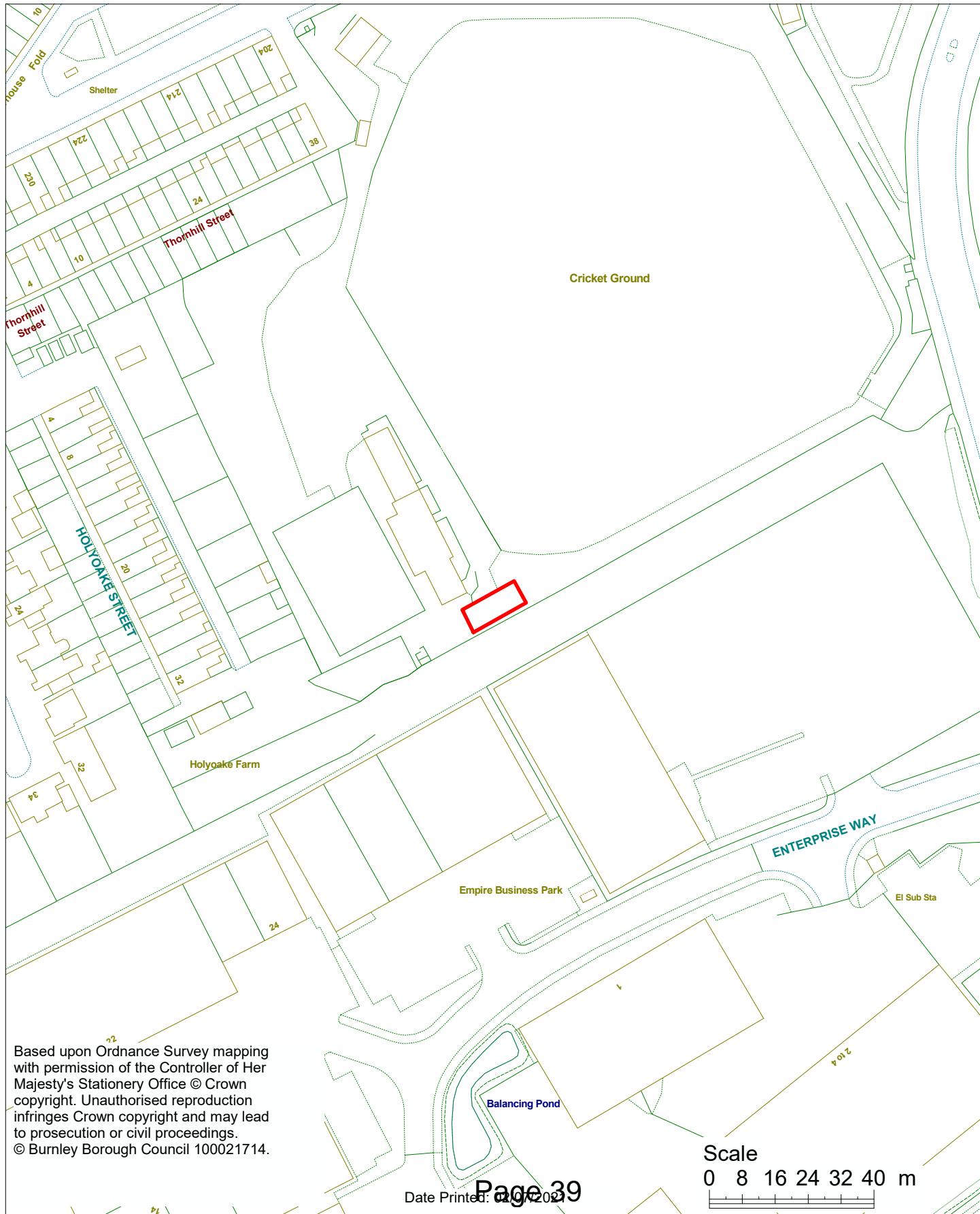
Paul Gattrell Head of Housing and Development

Location:



## Lowerhouse Cricket Club, Lowerhouse Lane, Burnley

1:1250



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**Application Recommended for APPROVAL**

**COU/2021/0008**

Rosegrove with Lowerhouse Ward

TOWN AND COUNTRY PLANNING ACT 1990  
FULL PLANNING APPLICATION

Applicant: Mr Matthew Stansfield

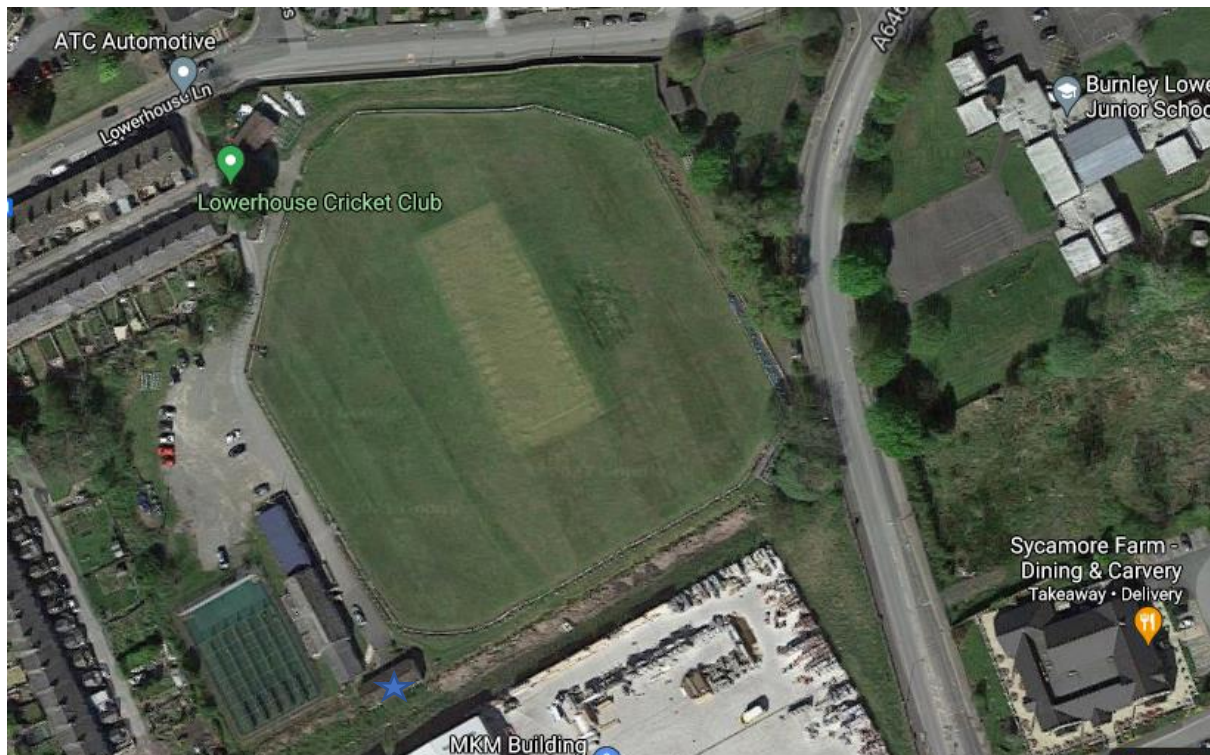
**Site Address:** Lowerhouse Cricket Club, Lowerhouse Lane, Burnley, Lancashire, BB12 6LP  
**Proposed Development:** Change of use of detached function room to Hot Food Takeaway  
(Use Class Sui Generis)

The application is before the committee following member call in.

Councillor Emma Payne  
Councillor Mark Payne  
Councillor Charles Briggs

**Background:**

This application relates to an existing building known as the tea-room which forms part of the small group of buildings facilitating the established cricket ground. The tear-oom is the most southerly building within the site and is detached from the main building. The cricket club is accessed off Lowerhouse Lane and benefits from a substantial size car park.





**Proposal:**

Planning permission is sought for the change of use of the detached function room to a Hot Food Takeaway (Use Class Sui Generis).

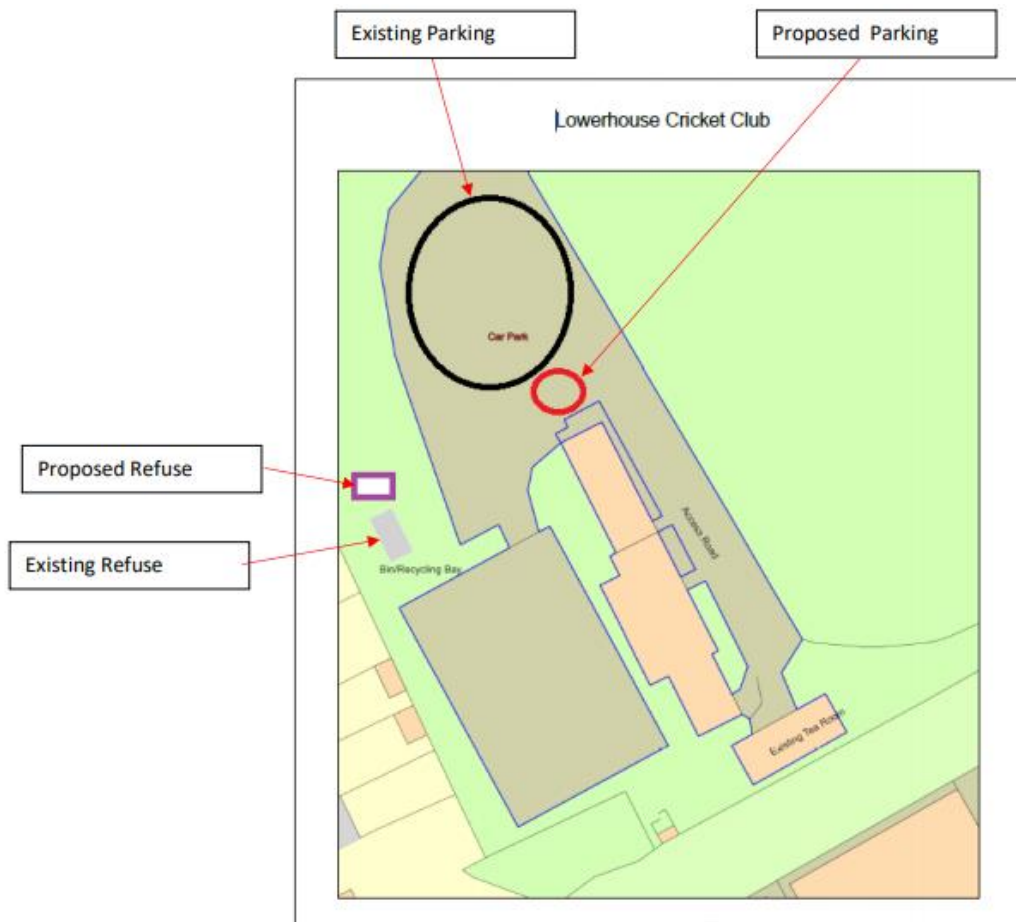
The existing floor plan comprises of an open plan room with a service counter. The proposed change of use will consist of the installation of a prep counter and a pizza oven. No external alterations are proposed to the building other than the installation of additional extraction equipment which will be sited on the rear of the application property.

Refuse will be sited adjacent to the current cricket club refuse area. The supporting statement confirms that in respect of welfare facilities for customers and staff, the facilities within the main clubhouse will be open at the same time as the proposed takeaway and full access to the facilities will be available to patrons.

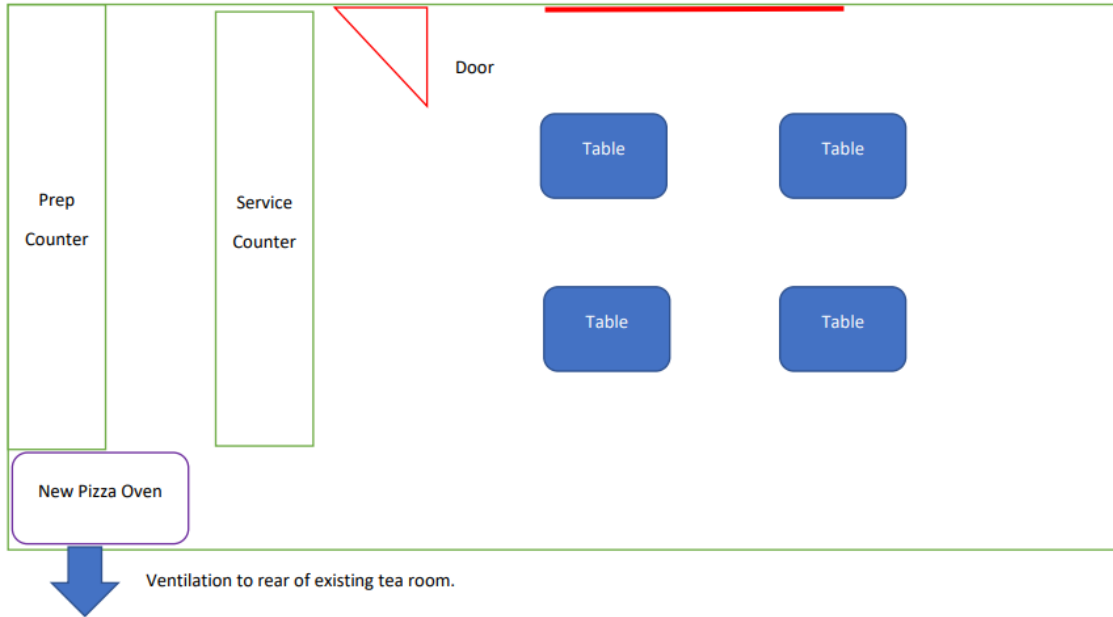
The application site currently provides circa 80 parking spaces, 8 of these existing spaces will be allocated solely for the use of the takeaway.



Existing Floor Plan



Proposed Site Plan



Proposed Floor Plan

**Relevant Policies:**

Burnley Local Plan (July 2018) Policies:

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- EMP3: Supporting Employment Development
- TC7: Hot Food Takeaways
- NE5: Environmental Protection
- IC1: Sustainable Travel
- IC3: Car Parking Standards
- Appendix 9: Car Parking Standards

National Planning Policy Framework (NPPF)

**Relevant Planning History:**

N/A

**Consultation Responses:**

<p><b>Highways:</b></p>	<p><i>Response received 9<sup>th</sup> March 2021:</i></p> <p>With respect to this application we would wish to raise any objection to the principle of the application. There is however a concern over the intensification of the use of the site with poor visibility at the access from Lowerhouse Lane.</p> <p>In order to support this application we would look for a section of the wall at the entrance from Lowerhouse Lane to be lowered to a height of less than 1m. This shall start from a point 2m from the rear of the footway of Lowerhouse Lane along David Wren Way and running for a length of 20m towards Liverpool Road. Additionally no other structure or planting shall be allowed above 0.9m within the improvement line created by the lowering of the wall.</p> <p>In order to progress this application we would require that further submissions are made showing that this improvement line on a plan.</p>
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	<p>If this is not for coming we would not be able to support the application.</p> <p>Should you wish to support the application we would wish that this condition is added to the application decision.</p> <p>a) Highway frontage reduction. Before the development hereby permitted becomes operative, the existing wall on the highway frontage of the site to Lowerhouse Cricket Club shall be reduced to and be permanently maintained henceforth at a height not greater than 0.9m above the nearside carriageway level. As detail previously. Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.</p> <p>b) Landscaping &amp; maintenance of vegetation within the approved visibility splays. No development shall take place until details of a landscaping and maintenance scheme of the land within the approved visibility splays have been submitted to, and approved in writing by, the local planning authority in consultation with the highway authority. Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.</p> <p>Discussions between the Highways Officer and the Cricket Club representative took place and the Highways Officer agreed to re-look at the proposal following a rebuttal statement submitted by the representative. <i>Additional comments were received on the 19<sup>th</sup> April 2021:</i></p> <p>There are still concerns regarding this access.</p> <p>I have been looking at alternatives but there is not real alternative that would not involve some expenditure. Those who use the access regularly are aware of it's limitations however the intensification of the access is still a concern.</p> <p>The main concern is the lack of sight for emerging traffic especially those turning right onto Lowerhouse Lane.</p> <p>I will seek a second opinion</p> <p><i>Upon seeking a second opinion further Highways Comments were received on the 4<sup>th</sup> May 2021:</i></p> <p>I have sort a 2<sup>nd</sup> and 3<sup>rd</sup> opinion regarding this access, we are still of the opinion that the access is poor by moderns standards and there are highway safety concerns.</p> <p>Works to improve the access will need to be carried to enable us to remove our objection.</p>
<b>Public Consultation:</b>	No letters of representation have been received.

### **Planning and Environmental Considerations:**

When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

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

#### **Principle of Development:**

Local Plan Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth within the development boundary through the efficient use of land and buildings; and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling.

Policy SP4 states that development will be focussed on Burnley and Padiham with development of an appropriate scale.

The application site is located within the development boundary for the urban area, as defined in Burnley's Local Plan. It would therefore, be considered to be located within a sustainable location.

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

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

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

Policy TC7 of the Local Plan relates to the provision of Hot Food Takeaways. The supporting text of this policy states that hot food takeaways represent a popular service for local communities and an important complementary use in Town and District Centres. They can offer important economic development and employment opportunities. Nevertheless, it is recognised that hot food takeaways have a greater potential than retail uses to create disturbance and detract from residential amenity and environmental quality.

Policy TC7 supports the provision of hot food takeaways subject to relevant criteria being met as set out within this policy:

#### **Location**

- 1) Proposed for hot food takeaway will only be permitted in the following areas:**

- a. **Within the areas of Secondary Frontage or Burnley Primary Shopping Area;**
- b. **Within Padiham Town Centre; or**
- c. **Within a defined District Centre**

The application property is not located within one of the aforesaid areas.

- 2) **Outside of these areas hot food takeaways will normally only be permitted where the property does not physically adjoin residential properties or other sensitive uses outside of the applicant's control.**

The application site forms part of an existing cricket club and is sited a considerable distance from any nearby residential property.

- 3) **Proposals for hot food takeaways will only be permitted in the locations set out above where they satisfy other relevant policies of the Plan and the following criteria:**

Further assessment below.

### Clustering

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

The application site forms part of an existing cricket club and therefore, it is considered that the introduction of a hot food takeaway in this location would not create an unacceptable cluster or create an unacceptable concentration.

### Amenity

- b) **The proposal will cause detriment to the free flow of traffic or residential amenity**

The proposal has been assessed by the County Highways Officer who has offered an objection to the scheme on highway grounds. Series concerns have been raised by the Highways Officer due to the intensification of the use of the site with poor visibility at the access from Lowerhouse Lane.

The Officer confirmed that in order to support the application works would need to be carried out to the existing access to improve visibility from the existing access to ensure the free flow of traffic.

The Lowerhouse Cricket Club representative has been in discussions with the Highways Officer and do not believe that works to the access are required. The following supporting information has been submitted and assessed by the Highways Officer and submitted in support of this application:

*The braking distance for a car travelling at 30 mph is 75 feet. 105 feet is approximately a 35-mph stopping distance in length. Assuming that cars don't speed here , and it would be difficult to do so , approaching drivers should have sufficient time to brake. Emerging cars similarly so.*

*Allied to the fact that there appears to have been no more than 2 accidents in the last 15 years from over 400,000 emerging vehicles ( using the figures in the main reply ) we must raise these matters with you .*

*I would like to add some further information and revise a figure I presented in my previous email in which we outlined our case*

*In that original email I pointed out that the stopping distance available was 40 feet more than required under the highway code . I based this on the road being a 30-mph limit.*

*Lowerhouse Lane at that point is in fact a 20-mph zone . This therefore gives 75 feet more than the braking distance required ( 115 feet view for emerging and oncoming vehicles )*

*I would also like to point out the following .*

*On April 20th this year, and for the second year running , Lowerhouse Junior School conducted their cycling proficiency directly outside our junction . This involved cycling up and down the road and passing a parked vehicle and into oncoming traffic from the right as one emerges from the club . I spoke to the teacher , Dan Hoyle and the cycling proficiency officer , Hugh Doyle and both agreed to support our argument that the junction is awkward , but not dangerous . I think logic dictates that these gentlemen would not subject primary school children to a dangerous situation.*

The above information was accessed by the Highways officer who concluded that works to the access were required for Highways department to support this application. No information to date has been submitted for works to the access and discussions with the cricket club representative stated that they were reluctant to carry out such works as they did not deem them necessary.

The Highways Officer has confirmed that subject to a number of conditions requiring the submission of details for improvement works to the access the proposal would be acceptable. Therefore, the council consider these necessary for the application to be supported. The Cricket Club representative has confirmed that they do not consider the works necessary and do not intend to carry out the works. Therefore, the proposal is consider to be harmful to the free flow of traffic in regards to highways safety.

### **Accessibility and Parking**

- c) The location of the proposal is accessible by walking, cycling and public transport;**
- d) They provide or are served by adequate parking spaces;**  
The location is accessible by walking, cycling and public transport. 8 parking spaces are to be allocated solely for the use of the takeaway.

### **Extraction of Odours**

- e) They provide for appropriate extraction systems to effectively disperse odours. Such systems must:**
  - I. Have minimal impact on visual amenity, including location and external finish;**
  - II. Be acoustically attenuated; and**
  - III. Not have an unacceptable impact on the amenity of neighbouring occupiers**

Additional extraction is proposed to be installed. Discussions with the Environmental Health officer have taken place informally regarding the installation and the level of equipment required for a pizza oven is considered minimal and therefore, is considered acceptable in regards to omissions and noise.



The equipment will be sited to the rear of the property, further to this it will be minimal in nature and therefore, will not cause an adverse visual impact.

## **Waste**

- f) Their waste provision is appropriate to the scale and type of premises; and** Refuse and recycling bins would be stored adjacent to the existing refuse storage used by the main cricket club house.
- g) They provide appropriately sited bins for customers to use;** No details have been provided in respects of bins for customer use.

## **Hours of Opening**

- h) When determining the appropriate hours of opening, regard will be had to:**
  - I. the likely impacts on residential amenity;**
  - II. the existence of an established late-night economy in the area; and**
  - III. the character and function of the immediate area, including existing levels of background activity and noise.**

The proposed opening hours are Monday to Friday 16:00 to 20:30 and 10:30 to 20:30 Saturday, Sundays and Bank Holidays. Given that the application property is sited circa 56m from the nearest residential property and is sited within an established cricket club site it is considered the proposal would have no greater an impact than existing relationship the cricket club has with properties in the immediate vicinity.

- 4) Where appropriate, restriction will be placed on opening hours; however, this would not overcome the reason for refusal.** Should consent be granted the hours of opening will be conditioned as per the hours set out in the application form:

- Monday to Friday 16:00 to 20:30 and;
- 10:30 to 20:30 Saturdays, Sundays and Bank Holidays

Taking into account the above, it is considered that the proposed development fails to meet the requirements of Policy TC7 of the Local Plan due to the highway safety concerns raised by the intensification of the site and the visibility of the existing access. As set out above, these concerns could be addressed by the submission of an improvement scheme, however, the cricket club representative has confirmed they do not consider these works necessary and consider a scheme is not required.

Therefore, the principle of the development is considered unacceptable.

## **Visual Impact / Design:**

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. This is reiterated by Local Plan Policy SP5 which seeks high standards of design that positively address local context and characteristics.

No external alterations are proposed to the front façade of the application property. The alterations proposed to the rear are the installation of the extraction equipment. The proposed extraction equipment will be screened by the application property. Given the level of equipment required is minimal in nature it is consider that the proposed extraction

equipment would not adversely impact the character and appearance of the host property to an extent significant enough to cause significant harm.

It is, therefore, considered that the proposed development would accord with Policy SP5 of the Local Plan and Paragraph 124 of the NPPF.

### **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 proposed takeaway would be sited circa 56m from the nearest residential property and be read in association with an established cricket cub. The hours of opening are considered acceptable and will not operate outside of hours considered to be harmful.

Therefore, it is considered that the proposal would not impact upon the amenity of residential properties surrounding the site. The development, therefore, accords with Policy SP5 of the Local Plan.

### **Highways:**

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

The Highways Officer has not objected to the principle of this proposal however, has raised serious concerns regarding the need for a scheme for improvement works to the access due to the intensification of the site.

The cricket club representative has submitted evidence to support their argument that the scheme is not necessary which has been reviewed by the highways officer, who in this instance believes that the works are necessary to improve visibility.

In the absence of a scheme the proposal is consider harmful to highway safety and the safe and convenient means of access for all users contrary to IC1 of the Local Plan.

### **Conclusion:**

The proposed use, therefore, is consider unacceptable in terms of principle and highways safety in the absence of a scheme for improvement works to the access and is considered contrary to Local Plan Policies TC7 and IC1 and the NPPF.

### **Recommendation:**

REFUSAL for the following reason:

- The proposed takeaway use would lead to an intensification of the site using the existing access. In the absence of a scheme for improvement works to the access to improve visibility the development is considered to have an adverse impact upon highway safety and the safe and convenient means of access for all users contrary to Local Plan Policies IC1 and TC7 and the NPPF.

RH  
Planning & Compliance Officer

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

15<sup>th</sup> July 2021

Housing and Development

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## List of Delegated Decisions

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
PRE/2021/0088	Mr Wayne O'Brien	Land Rear 43 Lowerhouse Crescent Burnley	Erection of 3no. dwellings	Enquiry	29th June 2021
COU/2021/0064	Mr Ramsey	18 Holly Street Burnley Lancashire BB10 4AN	Conversion of a vacant building, previously used as a dog groomers (Use Class Sui Generis), to a 4 bedroom HMO (Use Class C4).	Approve with Conditions	28th June 2021
HOU/2021/0197	Mr S Pasiewicz	11 Rosewood Avenue Burnley Lancashire BB11 2PH	Proposed erection of a single storey side extension, front porch, single storey rear extension and works to the front boundary area for the formation of vehicular access	Approve with Conditions	25th June 2021
HOU/2021/0236	Mr & Mrs Chen	16 Northwood Close Burnley Lancashire BB12 0JR	Proposed extension above existing garage	Approve with Conditions	24th June 2021
PAA3/2021/0247	Kabir Bashir	40 Abel Street Burnley Lancashire BB10 1QU	Proposed change of use from retail to cafe/restaurant with associated internal alterations and canopy/extract installation.	Prior Approval Granted	24th June 2021

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2021/0260	Imtiaz Hussain	26 Hutton Drive Burnley Lancashire BB12 0TR	Proposed timber framed veranda to rear of property	Refuse	1st July 2021
VAR/2021/0263	Burnley Football Club	Burnley Football Club Turf Moor Harry Potts Way Brunshaw Road Burnley Lancashire BB10 4BX	Variation of Conditions 2 and 3 pursuant to planning application FUL/2020/0579 to accommodate changes to the external appearance and proposed materials of the entrance extension	Approve with Conditions	1st July 2021
VAR/2021/0265	Mr james horsford	Community Eco Building-located on March Street Community Garden site as located off Burleigh Street see ref number APP/2018/0207	Variation of Condition 2 (Plans compliance) pursuant to planning application APP/2018/0207 to allow the installation of an air source heat pump	Approve with Conditions	1st July 2021
HOU/2021/0285	Mr & Mrs Karl Atkinson	31 St Johns Road Padiham Lancashire BB12 7BN	Proposed side extension & conversion of garage to domestic use.	Approve with Conditions	1st July 2021
TIC/2021/0301	mr mick gibson	157 Manchester Road Burnley Lancashire BB11 4HT	Prune/reduced Ash Tree by approx 20/30%.	No Objection	24th June 2021

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
ADV/2021/0310	David Read	Travis Perkins Limited Former Horners Garage Accrington Road Burnley Lancashire BB11 5AL	3 No. Non illuminated fascia signs and 1 No. self-adhesive vinyl sign	Approve with Conditions	1st July 2021
HOU/2021/0336	Dewan Shoaib Gazi	7 James Street Burnley Lancashire BB10 1JW	Proposed single storey extension to rear	Approve with Conditions	2nd July 2021

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