

DEVELOPMENT CONTROL COMMITTEE

Thursday, 9th September, 2021
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

COUNCIL CHAMBER, BURNLEY TOWN HALL

Thursday, 9th September, 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 in advance of the meeting.

AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 14

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

15 - 16

To consider reports on planning applications for development permission:

- a) **FUL/2021/0348 - 27 Netherby Street Burnley** 17 - 22
 - b) **FUL/2021/0264 - Former Isaac Centre Harrogate Crescent Burnley** 23 - 44
 - c) **FUL/2020/0410 - Astley House Albert Street Burnley** 45 - 60
 - d) **d**
- 7. Decisions taken under the Scheme of Delegation** 61 - 68

To receive for information a list of delegated decisions taken since the last meeting.

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
Councillor Anne Kelly (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Frank Cant
Councillor Phil Chamberlain
Councillor Scott Cunliffe
Councillor Sue Graham
Councillor Sarah Hall

Councillor John Harbour
Councillor Alan Hosker
Councillor Jacqueline Inckle
Councillor Karen Ingham
Councillor Mohammed Ishtiaq
Councillor Neil Mottershead
Councillor Mark Payne
Councillor Ann Royle

PUBLISHED

Wednesday, 1 September 2021

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 12th August, 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, S Hall, J Harbour, A Hosker, J Inckle, K Ingham, M Ishtiaq, N Mottershead, M Payne and A Royle

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer

28. Minutes

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

29. 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 Nik Putnam COU/2021/0277 – Reel Cinema

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

30. HOU/2021/0313 - 52 Simpson Street Hapton

HOU/2021/0313

Town and Country Planning Act 1990

Two storey extension to side, single storey extension to rear

At 52 Simpson Street Hapton Lancashire BB12 7LJ

Decision: To 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 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 received 19/7/21 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 proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.
Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site.

31. FUL/2020/0540 - Lower Ridge (Former Care Home for Elderly) Belvedere Road Burnley
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FUL/2020/0540

Town and Country Planning Act 1990

Change of use from residential care home (Class C2) to 50 no. self-contained studio apartments with supporting living facilities (sui generis) and external alterations

Lower Ridge (Former Care Home for Elderly) Belvedere Road Burnley BB10 4BQ

Conditions and Reasons

1. The development must be begun within three years of the date of this decision.
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. The premises shall be occupied by up to a maximum of 50 no. studio apartments for individuals in need of accommodation with assisted living (sui generis use) in accordance with the approved plans and the Design and Access Statement submitted with this application. No part of the approved development shall be occupied as a

dwelling under Class C3 of the Town and Country Planning (Use Classes) Order 1987 or as a House in Multiple Occupation (sui generis) without planning permission first being obtained.

Reason: The proposal has been assessed on the basis of the proposed use for assisted living accommodation and not for Class C3 purposes which would require a greater level of car parking provision and consideration of other plan policies, in accordance with Policies HS4 and IC3 of Burnley's Local Plan (July 2018).

4. Prior to the commencement of any building operations, a Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority to assess the impact of environmental noise, including traffic noise, on the future occupiers of the development. Any recommendations in the approved Noise Assessment to mitigate against noise shall thereafter be carried out and completed prior to any part of the premises being first occupied.

Reason: To ensure that any potential noise impact on occupiers of the development is suitably mitigated to ensure a satisfactory level of amenity for occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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

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

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

6. Prior to any occupation of the approved scheme, the car parking spaces and secure cycle parking provision, as indicated on the approved plans, shall be provided and available for use for the purposes of occupiers of the development, staff and visitors. The car parking provision and secure cycle storage shall thereafter be retained for these purposes at all times.

Reason: To ensure adequate parking provision to cater for the needs of the development and to ensure provision for cycle storage to encourage the use of cycling as a sustainable mode of transport, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

7. Matching brickwork must be used to make good former window/door openings at the premises.

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

8. Prior to the premises being first occupied the landscaped courtyard garden and acoustic fence shall be constructed, completed and available for use.

Reason: To ensure adequate outdoor sitting areas for occupants of the building and to ensure adequate protection from potential noise to surrounding neighbouring properties, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

9. Prior to any part of the approved development being first occupied, a scheme for the management of the site (including the comings and goings of occupants and measures to prevent noise and disturbance) as well as site security and safety measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and strictly adhered to at all times in perpetuity.

Reason: To ensure the safety and amenity of occupants and neighbouring properties, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

32. COU/2021/0277 - Reel Cinema, Manchester Road, Burnley
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COU/2021/0277
Rosehill with Burnley Wood Ward
Full Planning Application
The Town and Country Planning Act 1990
Reel Cinema, Manchester Road, Burnley, Lancashire, BB11 2EG

Conditions & Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.
REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the construction of the building above slab level hereby approved, samples of all external materials, and their colour, to be used in the construction of the development

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

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

3. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the Flood Risk Assessment and Drainage Strategy (K38388.FRA/001) and Drainage Layout Plan (K38388 001).
The measures shall be fully implemented prior to the commencement of the use hereby approved and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.
REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.
4. Prior to the commencement of the use hereby approved a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.
The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

5. 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).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no permeable paving, other than those shown on the approved plans, shall be erected or placed anywhere within the site to which this consent relates without written consent from the Local planning Authority.

REASON: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework and Local Plan Policy CC4.

7. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration.

The investigation report shall:

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

Reason: To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.

8. If remediation measures are recommended as a result of the investigations required by Condition 7 above, these measures shall be incorporated into the development, before any buildings are occupied.

Reason: To ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.

9. All specified plant and machinery shall be enclosed with sound insulating materials in accordance with a scheme to be agreed in writing by the Local Planning Authority, implemented prior to the commencement of the use hereby approved and permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with policy SP4 of the Burnley Local Plan.

10. Prior to the commencement of the use hereby approved a scheme and programme for the lighting of the food store has been submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:

- a) Location, type and intensity of lights.
- b) Types of masking or baffle at head.
- c) Type, height and colour of lighting columns.
- d) Number and size of lighting units per column.
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.
- f) Details of how the external source of lighting shall be effectively screened from view of a driver on the public highway.

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with policy NE5 of the Burnley Local Plan

11. The plant area and enclosure details shown on the proposed site plan shall be provided before the start of the use and thereafter permanently retained.
Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to ensure compliance with policy SP5 of the Burnley Local Plan.

12. Construction of the development hereby permitted shall not take place outside the hours of 07:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.
Reason: To safeguard the amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes of a food store (Class E) specified in the application and for no other purpose (including any other purpose in Class E on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).
Reason: To safeguard amenities of the adjoining premises and the area generally in accordance with Policies SP1, SP4, SP5 and TC2 of the Local Plan.
14. Before the car park spaces hereby approved are brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of the electric vehicle charging points, including their location and specification. The approved scheme shall be installed and operational prior to the commencement of the use hereby approved.
Reason: In the interests of air quality management and protection of health, in accordance with Policies IC1, IC3 and NE3 of the Local Plan.
15. The development hereby approved shall be carried out in complete accordance with conclusions and recommendations of the submitted Tree Survey and Constraints Report carried out by Amenity Tree Care, received on the 13th May 2021, unless agreed in writing by the Local Planning Authority.
REASON: To ensure the adequate protection of trees OF landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Policy NE5 of the Local Plan.
16. The development hereby approved shall be carried out in complete accordance with the submitted Ecological Survey and Assessment carried out by ERAP Ltd Consultant Ecologists, received on the 13th May 2021, unless agreed in writing by the Local Planning Authority.
REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and to reduce the impact of development in accordance with Local Plan Policy NE5.
17. The development hereby approved shall be carried out in complete accordance with the monitoring and reviewing section of the submitted Travel Plan, ref. SCP/200788/TP/1, carried out by SCP, unless agreed in writing by the Local Planning Authority.
REASON: In the interests of Highway Safety in accordance with IC1 and IC2 of the Local Plan.
18. Prior to the commencement of the use hereby approved the cycle parking provision and car parking spaces shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking at all times.
REASON: To ensure the provision and availability of adequate cycle and car parking and the promotion of sustainable forms of transport.
19. The proposed use hereby approved shall not operate outside of the hours of opening hereby agreed:
- 07:00 to 23:00 Monday to Saturday (Inclusive of Bank Holidays); and
 - either 10:00 to 16:00 or 11:00 to 17:00 on Sundays.

REASON: In the interest of Residential Amenity

20. No part of the development hereby approved shall commence until a scheme for the construction of all highway works applied for including permanent, temporary and any remediation including access closures works post-delivery have been submitted to, and approved by the Local Planning Authority in consultation with the appropriate Highway Authority.
Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
21. No site preparation (which includes demolition) or construction to commence until all temporary access works shown on dwgs SCP/200788/D13 (site access) and SCP/200788/D16 (off site works) are provided and agreed in writing by the Local Planning Authority in consultation with the appropriate highway authority.
Reason: In order that the traffic generated by site preparation/demolition or construction does not exacerbate unsatisfactory highway conditions.
22. Prior to any commencement of the development, the developer shall submit a construction phasing plan including off-site highways works for approval by the Local Planning Authority and the appropriate Highway Authority. Development should not commence until this is approved in writing.
Reason: In order to maintain flow of traffic on local roads during site preparation and construction.
23. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in condition 20 has been constructed and completed in accordance with the scheme details.
Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
24. Prior to first occupation of the development hereby approved a Car Park Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy to include all areas of development related parking, drop off/pick up and locations of site servicing (from within the site), set out the layout, means of access and egress to areas vehicle parking, maximum duration of stay, where appropriate, a mechanism that satisfies vehicle demand if capacity is exceeded and onsite parking enforcement.
Reason: To allow for the effective and efficient use of the parking areas and maintain flow of traffic on local roads when the development is operational.
25. No development shall take place until a Traffic Management Plan has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and be kept live taking into account influences beyond the control of this application. The Statement shall provide further information on routes and routeing. Also, to include use/limitations on each route for deliveries, plant, abnormal loads or employees/workers; profile for typical, the recording of daily deliveries; maximum number of deliveries per day; safe waiting areas on local road network. Deliveries to the approved development shall only be accepted between the hours of 9.30am and 4.00pm Monday – Friday, to avoid peak traffic on the surrounding highway network.
Reason: To maintain the operation and safety of local streets and the routes in the area during site preparation and construction.

26. 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:
- a. 24 Hour emergency contact number.
 - b. the parking of vehicles of site operatives and visitors,
 - c. iii. loading and unloading of plant and materials,
 - d. storage of plant and materials used in constructing the development,
 - e. the erection and maintenance of security hoarding/access points including decorative displays and facilities for public viewing, where appropriate, vi. wheel washing facilities,
 - f. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures,
 - g. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site),
 - h. a scheme to control noise during the construction phase,
 - i. hours of construction/ hours of deliveries; and
 - j. temporary lighting within compounds and on site.
- Reason: To maintain the operation and safety of local streets and the through routes in the area during site preparation and construction.
27. Prior to first use of the development a Delivery, Servicing and Waste Management Plan including hours of servicing and deliveries, the use of a banksman where any reversing is required, shall be submitted to, and approved in writing by, the Local Planning Authority, strategy to link into car park management strategy.
Reason: In order to maintain flow of traffic on local roads when the development is operational.
28. The development hereby permitted shall be carried out in accordance with submitted technical reports, supporting information and the following approved plans listed on this notice below.
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

33. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation since the last meeting.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

9th September 2021

Housing and Development

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Part One Plan

Agenda Item 6a

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0348

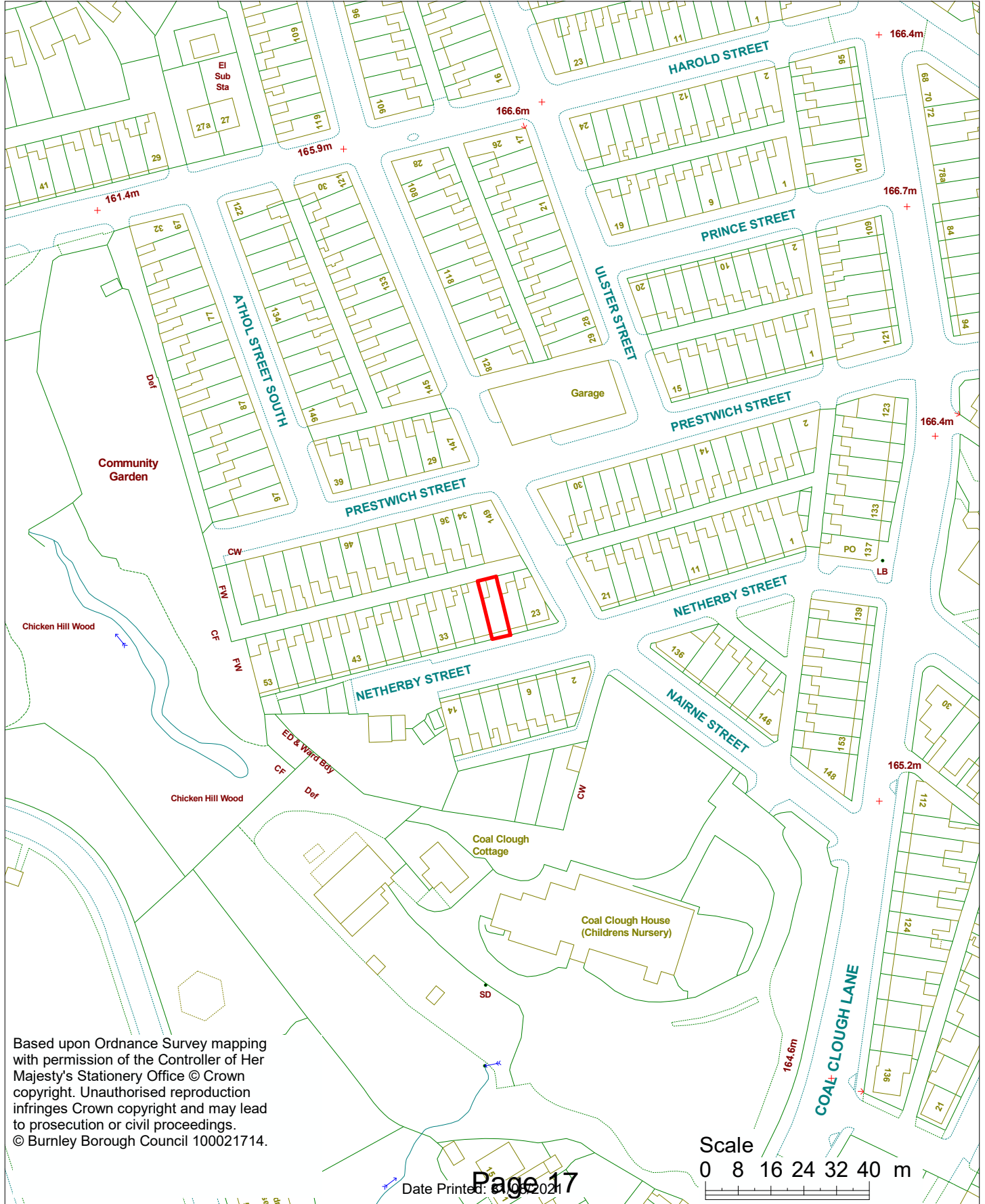
Paul Gatrell Head of Housing and Development

Location:

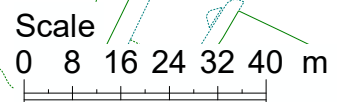


27 Netherby Street, Burnley

1:1250



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Town and Country Planning Act 1990
Change of use from C3 dwelling to 2 self-contained flats.
27 Netherby Street Burnley Lancashire BB11 4NR

Applicant: K Legzdins
Agent: HAD & Co Property Consultants

The application is before the committee following the receipt of objections.

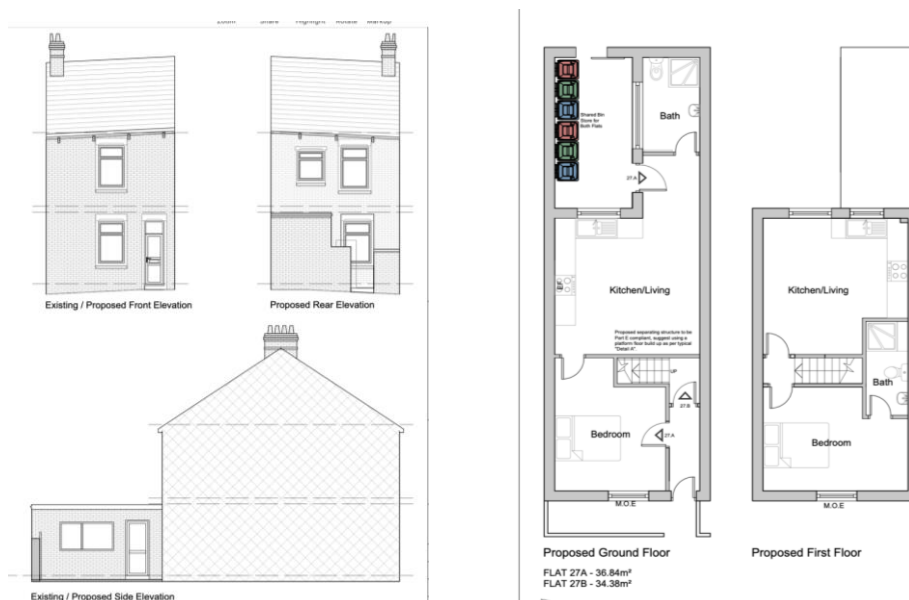
Background:



The application property is two-storey dwelling with an existing single-storey extension to the rear. It is a mid-terrace property located in a tight-knit residential area.

It is proposed to convert the dwelling to two flats. Each flat will be self-contained, with a double bedroom, kitchen/ living room and a shower room/wc. There is access to both the ground floor and first floor flat from the existing front entrance on Netherby Street, via a shared corridor leading to one door to the stairs to the first floor flat and one door to the ground floor flat. The ground floor flat would also have access to the rear, off the back street. The rear entrance is likely to be used as the main access for the ground floor flat, with the front entrance used for escape in an emergency.

The rear yard area would be utilised for the refuse storage bins for both flats.



Existing and proposed elevations

Proposed layout

Relevant Policy

Burnley Local Plan July 2018

SP1 -

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

IC3 – Car Parking Standards

National Planning Policy Guidance

Site History - None

Consultation responses

1. Lancashire County Council (Highway Authority): no objections are raised and comment that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Whilst the flats do not have off-street parking facilities, the parking requirement for two flats is the same as the existing position for one dwelling. As a result of this being a pre-existing situation, the Highway Authority has no objection to the proposal.

It is also worth noting that the proposal is within walking distance of neighbouring bus stops with services travelling towards Burnley town centre every 20 minutes during the week.

2. Environmental Health Officer: No objections are raised. It is recommended that an appropriate condition requiring a noise assessment is imposed to take into account noise from the surrounding road network and any other source. The assessment shall identify suitable noise attenuation measures determined to be appropriate. All recommended measures shall be implemented before the use is implemented and thereafter retained.
3. An objection from a nearby resident has been received which raises concern about problems of car parking in the area and the social impacts of the number of flats in the area.

Planning and Environmental Considerations:

The property is within the defined Development Boundary as designated in Burnley's Local Plan where the development strategy in Policy SP4 sets out that development will be focused on Burnley and Padiham. In terms of housing larger, major and a variety of smaller sites are appropriate to deliver a comprehensive range of choice of types and tenure. The provision of flats within the area will contribute to the range of properties available, in line with the development strategy.

Access

The proposal would provide for separate access to each of the flats with no alterations to the appearance of the dwelling. The back street access to the ground floor flat is likely to be preferred by the occupants, as the front entrance off Netherby Street gives direct access to the bedroom. Whilst access from the back street is not ideal it is well lit, being served by a street lamp on the corner of Netherby Street and Nairne Street.

Refuse facilities

Provision is made in the shared rear yard for refuse storage, including general waste and recycling containers for both flats. The ground floor flat would have direct access to the yard but the first floor flat would not and would have a short walk from the front entrance on Netherby Street, which would be acceptable.

Residential Amenity

The proposal raises no privacy or outlook issues. The flats would provide for reasonable living accommodation for the occupants in terms of daylight and the space and facilities provided.

The Building Regulation legislation would provide for the incoming sound insulation of the property itself but not for potential sound emanating from the flats. It would be prudent to request a noise assessment and appropriate sound attenuation measures, to ensure that the bedrooms of the neighbouring properties at No. 25 and 29 Netherby Street or any other property are not affected by the living accommodation on the adjacent first floor.

The concern expressed by objectors about the potential anti-social impact on neighbouring residents and deterioration of the area because of the increase in the number of flats and rented accommodation, is not relevant to the application. There is no reason to believe that the provision of the flats or rented property would have an adverse impact on the amenities of the neighbours or the wider area, in this respect. General anti-social behaviour issues in the area would be considered under separate legislation if necessary.

Car Parking

The proposal will have no greater impact on the car parking provision than the existing dwelling. There is no off-street parking provision at the property and residents currently park on the street. The car parking standard of two spaces, set out in Policy IC3 of the Local Plan for a two bedroomed dwelling, is the same standard that would be required for the flats, so there is no increase in the requirement. Consequently there would be no change to the impact of car parking on the street.

Conclusion

The proposal satisfies the policies of the Local Plan in terms of the principle of development in this location. It provides acceptable access and refuse storage arrangements for the flats. A condition in respect of a noise assessment would enable the local planning authority to ensure that adequate attenuation measures are provided if necessary. Whilst it does not satisfy the parking standards set out in the Local Plan there would be no impact on parking demand over and above the existing position.

Recommendation:

That planning permission is granted subject to the following conditions:

Conditions

1. The use hereby approved shall begin before the expiry of 3 years from the date of this decision.
Reason: In accordance with Section 91 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. The refuse storage facilities identified on Drawing No. HAD/3314-03 Rev A, received 19 August 21, shall be provided in the rear yard of the property before the flats hereby approved are occupied and thereafter retained at all times for the use of the occupants of the flats.

Reason: To ensure that adequate facilities for the storage of refuse are provided for the flats, in line with Policy SP5 of Burnley's Local Plan (July 2018).

4. Before the flats are occupied, a noise assessment of the noise likely to affect the development and taking into account the potential noise likely to affect the bedrooms of the adjacent property at Nos. 25 and 29 Netherby Street. The assessment shall identify any appropriate noise attenuation measures in order to reduce the impact of noise on the application property and any neighbouring property.

Reason: In order to protect the amenities of the future occupiers of the flats and neighbouring properties from unacceptable noise issues having regard to Policy SP5 of Burnley's Local Plan (July 2018)

Approved Plans:

Drawing No. HAD/3314-01 Rev A received 19 Aug 21

Drawing No. HAD/3314-02 received 15 Jun 21

Drawing No. HAD/3314-03 received 15 Jun 21

Snr Planner
CR

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0264

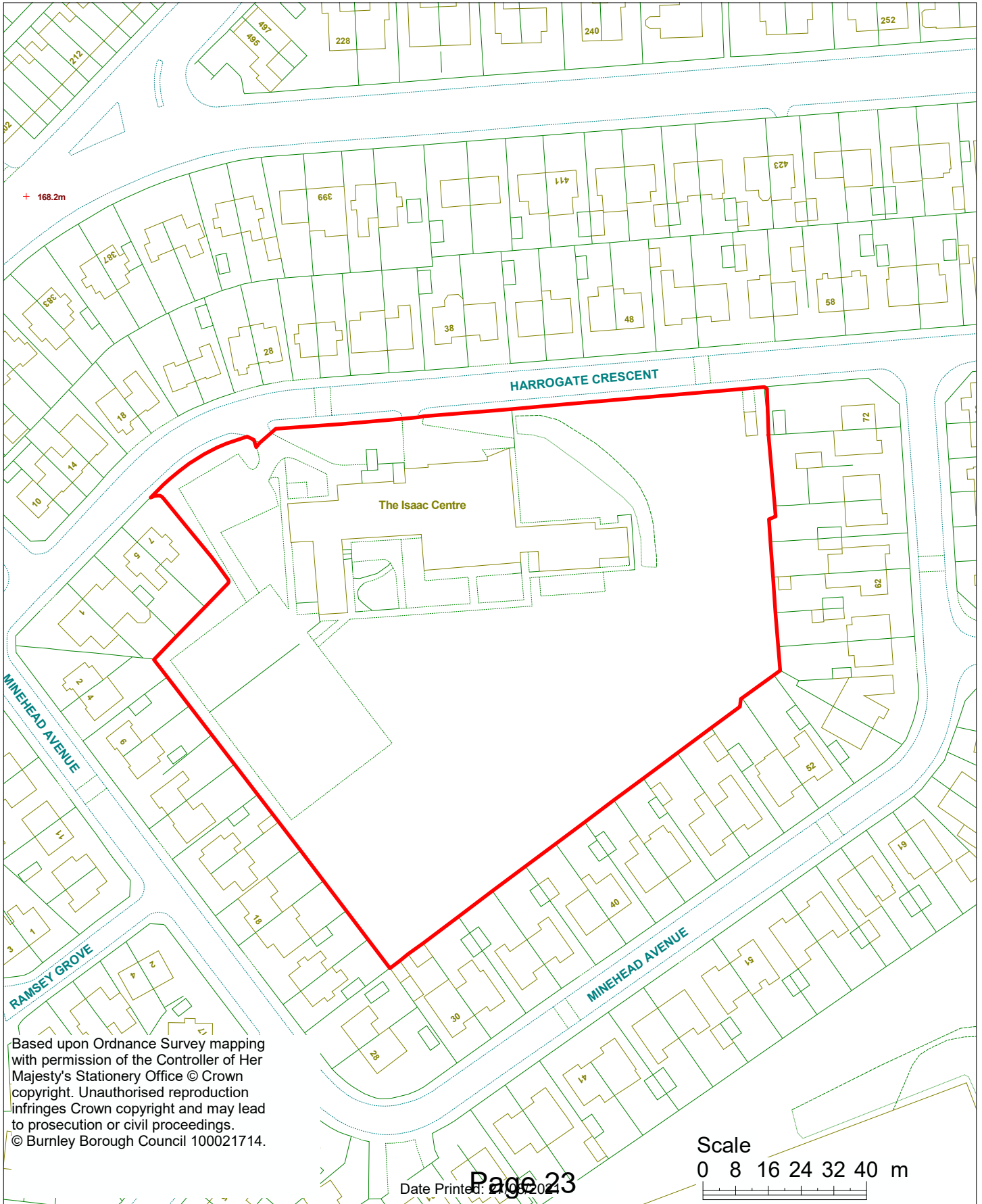
Paul Gattrell Head of Housing and Development

Location:

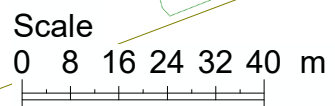


Former Isaac Centre, Harrogate Crescent, Burnley

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**Application Recommended for Delegation to
approve subject to s106 Agreement**
Lanehead Ward

FUL/2021/0264

Town and Country Planning Act 1990
Demolish former school buildings and erect 44 houses with new access
Former Isaac Centre Harrogate Crescent Burnley Lancashire

Applicant : McDermott Developments Ltd & Lancashire County Council

Background:

The proposal is to demolish a former school building complex and utilise the site and its grounds amounting to 1.45 ha for a residential development of 44 houses at land to the south side of Harrogate Crescent , within a built-up residential area at Lanehead , sitting beyond the perimeter houses to the south side of Briercliffe Road and to the east side of Eastern Avenue. A loop of houses and bungalows on Harrogate Crescent and Minehead Avenue surround the school site. The most direct access to the site is from the short length of Lytham Road from Briercliffe Road, whilst access from Eastern Avenue via Torquay Avenue and Minehead Avenue also provides a route to the application site. St James` Lanehead Cof E Primary School is located to the south side of Briercliffe Road but is accessible on foot from the easterly end of Harrogate Crescent.

The site consists of a main school building and a number of ancillary buildings clustered to towards the Harrogate Crescent frontage. The school grounds contain a former tennis court and are mainly grassed on undulating ground with some areas of hardstanding. The school was last used as a pupil referral unit and closed in 2012.

Rear of buildings



Former School

Harrogate Crescent



Land slopes north east to south west



The site has a general downward slope from the north east to the south west. It is currently served by two access points on Harrogate Crescent.

The proposal is to demolish the school buildings, permanently close the existing access points and erect a frontage of 12 houses on Harrogate Crescent and form a new vehicular access opposite nos. 46 and 48 Harrogate Crescent which would access the main site for a further 32 houses. A new footpath link would also be constructed from the end of the estate road to link to Harrogate Crescent (adjacent to no. 7 Harrogate Crescent).

Proposed Site Layout



The proposed houses would be two storey, inclusive of four plots which would be a dormer bungalow (3 bedrooms). In total, there would be 38 detached (3 and 4 bedroom) houses and 6 semi-detached (3 bedroom). The dwellings would be constructed in red brick, including some with render and a grey flat concrete tile.

The Energy Statement submitted with the application states that a fabric first energy strategy is proposed to reduce energy consumption and the energy requirement of the buildings.

The existing site is partially screened from its surroundings by boundary trees and trees within the grounds. Due to changes to levels and the location of trees, the submitted Arboricultural Impact Assessment identifies that three moderate quality (Category B) trees and five moderate quality tree groups and three low quality trees (Category C) and seven low quality tree groups would need to be removed. One further tree group (U Category) would also be unsuitable to retain due to its condition. The proposal involves planting 71no. new trees as well as a variety of hedges and shrubs to compensate for the tree loss on the site. Four individual trees and six groups of trees would also be retained.

Proposed Street Elevations



Some changes to ground levels would be necessary but the proposed houses would generally follow the slope of the land which can be seen in the street elevations above.

Relevant Policies:

Development Plan

Burnley`s Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS2 – Affordable housing provision
- HS3 – Housing density and mix
- HS4 – Housing developments

NE1 – Biodiversity and ecological networks
NE4 – Trees, hedgerows and woodland
NE5 – Environmental protection
CC4 – Development and flood risk
CC5 – Surface water management and sustainable drainage systems
IC1 – Sustainable travel
IC2 – Managing transport and travel impacts
IC3 – Car parking standards
IC4 – Infrastructure and planning contributions
IC5 – Protection and provision of social and community infrastructure

Material Considerations

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

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

The National Planning Policy Framework (2021)
National Design Guide (2021)

Site History:

NOT/2008/0574 – Erection of 3m and 2.5m high mesh security fence within school grounds. Approved by LCC September 2008.

Consultation Responses:

LCC Highways

Following the submission of amended plans, no objections are raised. Several off-site highway works are recommended and would be completed as part of a s278 Agreement with the local highway authority. These include:-

- The provision of two new quality bus stops on Briercliffe Road Stops Nos 2500IMG2652 and 250010774
- The provision of some tactile pavements, lowered kerb across Ramsey Grove, Minehead Avenue and Lytham Road to aid access to the local buses for the partially sighted.
- A traffic regulation order to revoke and remove the existing school marking on Harrogate Crescent
- The construction of the footway link at the gable of Plot 1 to an adoptable standard and lit

An electric vehicle charging point is required for all residential properties in order to promote sustainable modes of transport. Conditions are also recommended to require a Construction Management Plan; to restrict delivery hours to between 9.30am and 2.30pm only on Mondays to Fridays in order to avoid peak traffic on the surrounding highway network; to require wheel washing facilities for construction vehicles; to require a highway conditions survey (of the adoptable roads) prior to work commencing in order that any damage that is subsequently caused is made good; to require the new access and access roads to be built to base course before other

development takes place; and, to require the provision of electric vehicle charging points.

Lead Local Flood Authority (LCC)

No objections subject to the inclusion of conditions to require the development to be carried out in accordance with the principles set out in the flood risk and drainage assessment (April 2021) and for the submission of the following:

- a further detailed surface water drainage scheme
- a construction phase surface water management plan (details of how surface water and pollution prevention will be managed during construction)
- operation and maintenance plan and verification report of constructed sustainable drainage system.

United Utilities

Following review of the submitted Flood Risk Assessment and Drainage Strategy (April 2021), the proposals are acceptable in principle to United Utilities subject to conditions to require additional investigation, assessment and the submission of a detailed surface water scheme and the drainage of foul and surface water on separate systems. United Utilities also advise that a water main crosses the site for which there needs to be unrestricted access for operating and maintaining.

Greater Manchester Ecology Unit

The submitted Preliminary Ecological Appraisal was undertaken by an experienced ecological consultant and identified the building on the site to have moderate bat roosting potential. As such, in line with national guidelines, the Assessment recommends that two dusk/dawn surveys be undertaken on the building. If the development is likely to disturb a potential bat roost then a full bat survey should be carried out before the application is determined. If bats are found on site then a licence is required from Natural England. Before a licence can be granted, the following three tests must be satisfied:-

- i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment:
- ii) That there is “no satisfactory alternative”;
- iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

Further to this initial advice, a Full Bat Survey was carried out and the following further comments received from GMEU:

The submitted full bat survey found that the building is used as a day roost for Common Pipistrelle bats. Details of the mitigation measures that are required have been provided and these are acceptable. We are therefore satisfied that provided the mitigation measures are followed in full, the favourable conservation status of bats would be maintained at the site. Recommend a condition to ensure that the demolition does not take place until either a licence is issued by Natural England (pursuant to Regulation 55 of the Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019 , authorising the specified activity/development to go ahead; or, a statement in writing from the relevant licensing body stating that a licence is not required.

Given that there will be replacement roosting sites for bats on the site, it is important that any lighting for the new development is designed to avoid lighting for the new bat boxes, both on trees and in the houses. A detailed lighting strategy is recommended to identify those sensitive areas and then show how lighting has been designed to avoid disturbing the territory and the breeding and resting places of bats.

As the proposals involve the loss of trees and scrub that may be used by nesting birds, any clearance works should avoid the main breeding season (1st March to 31st August).

The scheme should include measures to enhance biodiversity and provide a net gain. A condition is recommended to require a scheme of Biodiversity Enhancement Measures.

Natural England

No comments – refer to Standing Advice on impacts on protected species.

Burnley Wildlife Conservation Forum

Object to the application. A large part of the plot of land comprises a mosaic of wildlife habitats containing areas of semi-natural grassland, scrub and semi-mature trees and shrubs. The semi-natural grassland supports a good range of common wildflower species. The areas of scrub, semi-mature trees and shrubs provide foraging and nesting resources for a diverse range of bird species including Blackbird, Robin, Song Thrush, Mistle Thrush, Dunnock, Greenfinch, Goldfinch, Chaffinch, Blackcap, Blue Tit, Great Tit, Coal Tit, Long-tailed Tit, Woodpigeon and Collared Dove. The plot of land therefore functions as a very important local wildlife oasis, a sanctuary for a wide range of flora and fauna species and a stepping-stone resource for the surrounding area. An Arboreal Impact Assessment shows that the development requires the removal of well over a hundred trees and shrubs. The Site Layout drawing shows a high density intense development of the whole of the site with no open space provided for the loss of wildlife habitat. The plot of land is not designated for housing development in the Local Plan and should remain as valuable greenspace and wildlife habitat as it makes a significant contribution to the conservation of biodiversity and also the mitigation of climate change.

LCC Schools Planning Team

An education contribution is not required.

East Lancashire NHS Trust

A request has been made for a financial contribution towards an increase in healthcare demand based on an impact on non-recurrent (capital) and recurrent (service provision) infrastructure costs to address the direct impact of the development on the Trust. The Trust states that it will not be able to secure funding for additional population resulting from the development for approximately three years and requests a contribution of £75,086 (based on the figure of 44 units) which is based on the additional cost of providing one year of healthcare for the development and represents the minimum level of funding that is required by the Trust.

Environmental Health

Comments to be reported in Late Correspondence prior to the meeting.

Greenspaces and Amenities

Recommend an off-site contribution which would be used for improvements to Kibble Bank Neighbourhood Park, which is the preferred site for improvements, as specified within several sections of the Council's Green Spaces Strategy (2015-2025) as detailed below:-

"Parks & Gardens (PG6) - North Burnley is the district with a significant shortfall in provision of parks (-2.5 Hectares). However, this district has a corresponding surplus of amenity green space, and the shortfall could be addressed by improving the quality of provision at Briercliffe Recreation Ground, Kibble Bank and Rakehead Recreation Ground as resources permit.

Amenity Greenspace (AGS3) - Based on quality and level of use, improvements to open spaces should be prioritised in the following areas (subject to securing funding),:

- Rosehill (Rosehill Gardens) • Owen St (Rosegrove) • Rakehead Recreation ground
- Turfmoor (Turfmoor Gardens, Barley Grove) • Stoneyholme, Lanehead (Kibble Bank), Queensgate (Disraeli St Recreation Ground).

Children & Young People (CYP5) - If resources allow, improve provision on the following play areas: Calder Park, Barclay Hills, Thornber Gardens, Kibble Bank, Stoneyholme".

Greenspace and Amenities - Trees

There is a mixture of mainly semi mature trees and shrubs in groups. They work well in the current setting forming a border along Harrogate crescent and providing greenery and shade around the former school building and break up the landscape over the field to the rear of the school. However it is difficult to see how any of the trees listed for removal could be incorporated into the development as proposed. The trees in general appear to be in good health, although there are three Ash trees along the boundary with Harrogate Crescent which are suffering from Ash dieback disease.

T9 contributes quite a lot to the visual amenity value of the area as a standalone tree, although the tree is an Alder and may not be suited to the environmental changes on a newly developed housing site.

Representations from elected Councillors

A letter signed by County Councillor Usman Arif, Councillor Asif Raja and Councillor Shbana Khan supports the resident`s objections to the application, including the view that this is an opportunity to better use the site for much needed school places. The letter also lists the following points of objection (summarised):-

- GP surgeries, dentists, hospital, nurseries in the locality are already at full capacity and will struggle to accommodate the additional increase in population;
- No communal playing area for children;
- Lack of parking in the area;
- Will overshadow the existing bungalows and breach their privacy;
- Increased congestion on roads;
- Environmental impacts as a result of removing mature trees;
- Bats roosting on the site; and,
- Not in the Local Plan.

An objection has also been received from Councillor Andy Fewings, making the following points (summarised):-

- The site should remain a school and recent monies received from education contributions could help to deal with the shortage of primary school places;
- Impact on bats;
- The amount of Affordable Housing is too low (the developer is relying on Vacant Building Credit).
- Lack of public realm – the nearest recreation ground is around 500m away;
- Lack of assessment on public health;
- Lack of an air quality assessment;
- Lack of a crime assessment;
- Lack of a daylight/sunlight assessment;
- Lack of an open space assessment;
- Lack of consideration to parking and access;
- Lack of a recycling statement;
- Lack of a site waste management plan; and,
- Lack of a heritage assessment.

Representation from Antony Higginbotham MP

Two letters have been received from Antony Higginbotham MP to put forward views of constituents who are objecting to the planning application (enclosing details of ten further letters). Antony Higginbotham MP states that he would like to associate himself with these comments and supports the residents in their objection for the following reasons:

- The site has not previously been identified by Burnley Borough Council as one for development. This means that there will have been limited consideration of the impact an additional housing development in that area would have, including on public services and traffic. This issue is exemplified by the area not being included in the Burnley Local Plan.
- If the area was to be identified as suitable for development, the proposal in this application for 44 dwellings is significantly higher than what could reasonably be expected. Given that the proposed dwellings are a family size, such a significant number would have a detrimental effect on traffic in the area.
- There has been no consultation with residents in the immediate area about other proposed uses for the site. Had residents been aware that there was the potential for the site to be sold for development purposes, consideration may have been given to nominating the land as an Asset of Community Value.
- The area is one of significant biodiversity, utilised by many residents on a daily basis for recreation and dog walking.

Publicity

Representations, expressing objections and concerns, have been received from 29 neighbouring properties (mainly residents of Harrogate Crescent and Minehead Avenue but also from residents in the surrounding streets). A summary of the comments received (including a summary of the contents of a further ten letters received indirectly through Anthony Higginbotham MP) is provided below:-

- The development is not part of the Local Plan and its impact on infrastructure, public services and traffic has not been planned or taken into account;
- The recently approved site at Higher Saxifield has not been taken into account;
- There has been no consultation with residents on proposed uses for this site;
- The Council has already met/surpassed its targets for housing so there is no need to build houses on this site;

- Oppose the loss of a valuable community asset;
- Site could be put to better use by supporting St James Lanehead School or as an outdoor activity centre for schools and other organisations, or a community hub, allotments, nursery, retirement home or for a lesser number of bungalows;
- Local schools are oversubscribed and would benefit from expansion into the former Isaac Centre;
- Suggest that contributions from large housing site nearby could be utilised to invest in additional primary school places at this site;
- Loss of valuable greenspace;
- Lanehead has a lack of recreational greenspace areas which are vital for mental health and well-being;
- It is used by many residents on a daily basis for recreation and dog walking;
- Is an oasis of calm;
- Loss of well established trees, including semi-mature alder, ash, apple, Norway maple, silver birch, cherry, willow species, many of which are more than 40 years old and support wildlife and offset greenhouses gases and pollution;
- Newly planted trees take many years to offer the same properties and benefits to wildlife;
- Various requests for trees on, near to and seen from residents` boundaries to be retained;
- Impact on wildlife from removing the natural habitats in the area;
- Impact on local bats, flora and fauna, frogs, toads, squirrels, a variety of birds such as blue tits, coal tits, robin, blackbirds, goldfinch, magpie, wood pigeon, jays, owls, sparrowhawk and also deer seen grazing;
- Loss of small pond that supports invertebrates;
- Dispute the findings of the breeding bird survey and that the birds are only of local interest;
- Roads are already congested and a large housing estate is about to be built at the top of Standen Hall Drive;
- Will significantly increase traffic at a heavily used roundabout and on surrounding streets – Lytham Road, Torquay Avenue, Harrogate Crescent and Minehead Avenue , affecting safety;
- Narrow residential streets, and Lytham Road is short and close to a congested roundabout;
- Used as a cut -through to Harle Syke;
- Lack of car parking spaces for the proposed houses;
- Parking spills out into the roads, will lead to double parking and parking on the pavement and dangerous conditions for pedestrians, local children and school children;
- The top of Harrogate Crescent is the main drop off point for Lanehead school, putting children at danger;
- The 20mph speed limit is rarely followed;
- Hospital staff also park in this area;
- No alternative access for emergency vehicles;
- Gradient of Harrogate Crescent creates hazards for cars in poor weather conditions such as snow, with cars being damaged which would worsen with more parked cars;
- Various suggestions put forward such as `no parking` on one side of the lower estate to avoid pavement parking, the creation of a one way route (between Torquay Avenue and Lytham Road), the creation of a mini-roundabout at the bottom of Torquay Avenue, and a crossing on Eastern Avenue;
- Impact on the risk of flooding, drains and sewage;

- The existing development has used up the drainage capacity of the area;
- 1960`s drainage pipes are unable to cope;
- Numerous occasions occupiers have been flooded by sewage and groundwater;
- Rats observed, gutters and manhole covers regularly overflow and turn to ice in winter;
- The area holds water in the dip where the current building stands and will need a lot of groundwork;
- Removing trees will reduce rainwater absorption and exacerbate problems;
- Impact on River Don`s drainage into the River Brun, leading to an impact lower down the river where there is a higher level of flood risk;
- Possible route of gas from underneath the site and affect on safety of residents;
- Insufficient General Practitioners and dentists in the area (with local practices closing lists);
- Impact on the community;
- Impact on mental health, including the elderly from the loss of enjoyment of green space/wildlife and noise in a currently quiet area;
- Increase in traffic fumes;
- Close proximity of houses to new 5G mast;
- Noise nuisance and disturbance from increase in traffic and parking problems;
- Loss of private outlook, overlooking, invasion of privacy, overshadowing and loss of sunlight;
- Dominating impact from the close proximity of houses and amount of overlooking windows;
- Large four bed houses are out of scale and not in keeping with the existing properties in the area;
- Proposed houses will be on higher elevated land;
- Cramming of too many houses;
- Question why there are no bungalows on the site;
- Not in keeping with the majority of homes in the area which are bungalows
- Lack of community space.

Planning and Environmental Considerations:

Principle of proposal

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

Policy SP2 sets out the Housing Requirement for the borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. This is a minimum rather than a maximum requirement. The proposed site has no allocation in Burnley`s Local Plan and should be assessed in accordance with Policy SP4 which sets out the Development Strategy as well as other relevant plan policies.

The application site is situated within the urban area of Burnley which falls within Tier 1 of Policy SP4, serving as the Principal Town which is home to the majority of the borough's population and is suitable for the development of large scale, major and a variety of smaller sites to deliver a comprehensive range of choice of types and tenures. The application site falls within the defined Development Boundaries. At Paragraph 2 of Policy SP4 it states that in addition to allocated sites, new development within the Development Boundaries will be supported where it is of an appropriate type and scale, having regard to the role of the settlement in the hierarchy and where it satisfies given criteria:-

- a) It makes efficient use of land and buildings;
- b) It is well located in relation to services and infrastructure and is, or can be made, accessible by public transport, walking or cycling;
- c) It does not have an unacceptably detrimental impact on residential amenity or other existing land users.

In addition to the above, consideration will also be given to whether schemes appropriately re-use existing buildings and infrastructure; or whether schemes make use of previously developed land that is not of recognised high biodiversity value.

The application site is situated within a primarily residential area, close to services and amenities and accessible by public transport services. It is also a redundant former school building and as such represents previously developed land. The use of the land for an appropriate development would satisfy Policy SP4 subject to detailed considerations which are considered below.

Loss of school site and suitability of site for development

The site is situated within a primarily residential area. The site has been little used since the re-location of the pupil referral unit at the school premises in 2012. It has therefore become a quiet site and its green surroundings been little disturbed. The owner of the site, Lancashire County Council, who are joint applicants with McDermott Developments Ltd, have been looking to dispose of the site for some years which has culminated in the present application. Neighbour objections to the proposal refer to the site as a community asset and consider that it should be retained for education purposes in order to deal with shortages of primary school places locally. This issue is only relevant to the determination of the planning application within the context of Policy IC5 `Protection and Provision of Social and Community Infrastructure`. Policy IC5 states that the Council will, where possible and appropriate, "Safeguard existing social and community infrastructure, subject to a continued need or likely future need or demand for the facility in question; and require alternative comparable or improved provision where a development scheme would result in the loss of important social and community infrastructure".

In this case, the current owner of the site is also the local education authority who have declared the site to be surplus to their requirements and have been attempting to dispose of the site for some years. In these circumstances, the site is unlikely to be required for a similar use in the future. Notably, the site is a substantial size and to be used economically would require a significant change in the strategy of the local education authority. Given that there is no evidence of a continued need for this scale of provision and given the lapse of time since the building was in proper use, there is no substantiated case for safeguarding and protecting the site for community use. As such, the re-use of the current buildings or the re-use of the previously developed would be potentially beneficial in bringing the site into economic use, making efficient use of land and buildings.

The current planning application should therefore be considered on its own merits, having regard to Policy SP4, Policy HS4 (Housing development) and other relevant policies.

Design and layout considerations

The NPPF also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers. Principles for good design are set out in the National Design Guide. Policy HS4 sets out open space requirements and relevant spacing distances to safeguard outlook and privacy.

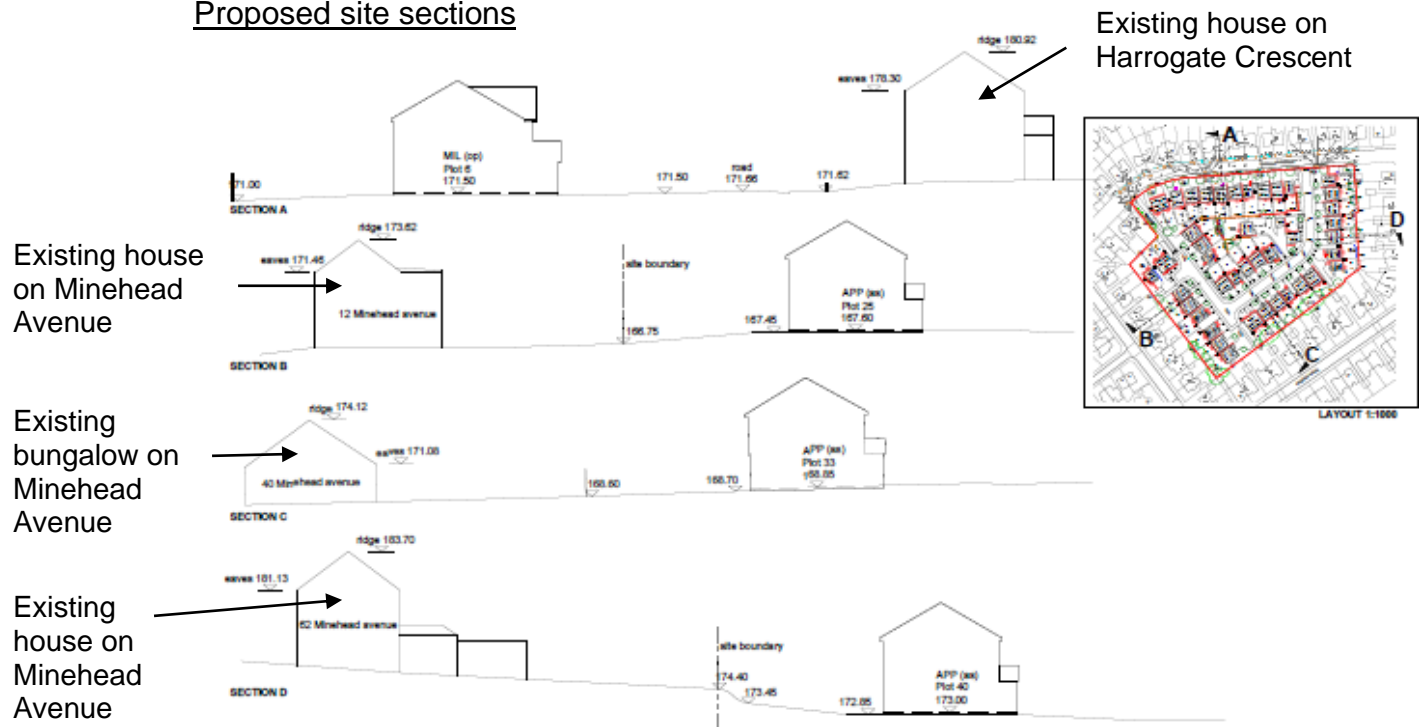
The development has been designed to provide formal fronts and elevations with windows to the street. The NPPF states that new streets should be tree lined. Trees have been incorporated into the front gardens of plots to achieve tree lined streets.

The proposed site layout would achieve 33 dwellings per hectare which would be consistent with Policy HS3 which states that new housing should make efficient use of land and be built at a density appropriate to its location and setting and achieve a minimum of 25 dwellings per hectare. The proposed density would display a suburban character which is in keeping with the site's surroundings. Some of the neighbour objections refer to the dominance of bungalows surrounding the site and consider that single storey development would be more in keeping with the area. There is, however, a mix of bungalows and houses on both Harrogate Crescent and Minehead Avenue. The proposed frontage houses on Harrogate Crescent would follow the grain and scale of existing development. These would be set back from the footway edge by approximately 7-8m to provide sufficient space to plant heavy standard trees on the frontage. There would only be limited views from Harrogate Crescent into the main body of the development which would be accessed by a new estate road. The main views of these proposed houses would be from the rear of the perimeter bungalows and houses where separation distances are applicable to ensure that residential amenities are satisfactorily protected.

Policy HS4 requires a minimum of 20m between elevations with habitable rooms and 15m between a blank gable and habitable rooms. The applicant has made some minor adjustments to the layout to ensure all plots achieve these spacing distances; in most cases the separation distances are greater than the standards in Policy HS4. On the site frontage, the separation distance between the fronts of existing and proposed houses is approximately 25m. On other boundaries, the distance between the rear elevations of the proposed houses and the main rear elevations of existing bungalows is approximately 25m or greater.

Some neighbour objections refer to the elevated levels of the site and the dominance of new houses on their outlook. Proposed site sections are shown below which show the relative heights and spacing between the existing and proposed development.

Proposed site sections



The proposed site sections indicate that in most cases there would only be a minor difference in levels and in some cases (shown above at section D between 62 Minehead Avenue and Plot 40) the proposed houses would be at a lower level. In all instances the separation distances between the existing and proposed dwellings would be sufficient to safeguard outlook and privacy to a reasonable degree in accordance with the expectations of Policy HS4.

The proposed houses are designed with good proportions and attractive formal fronts. The use of brick with some render would be appropriate in these surroundings.

In respect of achieving energy efficient homes, the applicant has considered various renewable sources of energy, indicating that PhotoVoltaic (PV) panels are a viable option. The Energy Statement concludes that a fabric first energy strategy would be employed to reduce energy consumption by reducing the energy requirements of the

new buildings. Details of the proposal and its implementation should be subject to a condition.

Policy HS4 requires schemes over 10 dwellings to design 20% of the proposed dwellings to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities, complying with the optional technical standards of part M4(2) of the Building Regulations 2010. The applicant has provided a total of 9 dwellings compliant with this higher standard which equates to 20% of the development. The proposal therefore complies with this requirement of Policy HS4.

Open Space

Some neighbour objections refer to the loss of valuable green space. The site is the former grounds of a school and has no public access or protected status. The site is not also part of the Green Infrastructure that is identified in Burnley's Local Plan. Policy HS4 requires open space to be provided at a rate of 0.3ha per 50 dwellings which where not practical for schemes less than 50 houses can be catered for by a commuted sum to be used to improve open space nearby.

In this case, this would lead to a need for 0.26ha of open space. In order to provide adequate formal open space and play equipment for future occupiers of the development, the Council's Head of Green Spaces and Amenities considers that a contribution is appropriate in this case, where improvement to existing provision should be given higher priority to creating new open space areas and facilities. In accordance with the Developer Contributions SPD which is based on bedroom numbers, the applicant has agreed to pay a contribution of £75,086 which would be used to improve open space and play facilities at Kibble Bank which is accessible from this site. This would fulfil the open space requirements at Policy HS4.

Impact on Residential amenities

Policy SP5 seeks to ensure that development has no unacceptable adverse impact on the amenity of neighbouring occupants or result in unacceptable conditions for future users and occupiers of the development. The layout and spacing considerations discussed above have shown that the development would satisfactorily safeguard the outlook and privacy of neighbouring properties, which would also protect daylight and sunlight.

Other objections have been received from neighbouring occupiers on the basis of an increase in noise, traffic and general disturbance. Following initial noise from a construction period, the amount of general noise from a residential development which is designed for families is unlikely to generate types or levels of noise and activity that would be unsuitable for a residential area. There would be some degree of inconvenience from the glare of headlights from cars emerging from the new access road onto Harrogate Crescent but given the number of dwellings that would be served by the access (34no.) then the occurrence would be intermittent and the impact would not be severe. Additional traffic noise from a development of this scale would be less than significant with the forecast trip rates indicated in the submitted Transport Statement showing a total trip rate (combined in and out) of 26 trips within the peak morning hour and 29 trips (combined in and out) in the peak afternoon hour which equates to an additional vehicle every two minutes which is unlikely to significantly affect local noise levels.

Impact on traffic and parking

Paragraph 111 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.

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays.

Policy IC3 requires two off-street parking spaces for three bedroom dwellings and three off-street parking spaces for four bedroom dwellings. Electric car charging points are required at detached properties on developments over ten dwellings.

A Transport Statement has been submitted with the application to assess the accessibility of the site and to assess the traffic generation from the proposed development and its impact on the road network. It is accepted that the site is reasonably accessible to public transport services and local amenities. The traffic generation from a development of this size and type is calculated using TRICS (Trip Rate Information Computer System). Within the morning and afternoon peak periods, this would produce around one additional vehicle every two minutes (as a total in either direction). This additional traffic would not significantly affect traffic rates on the local roads. LCC Highways is satisfied that there would be no significant impact on junctions or the surrounding roads but recommends a number of minor improvements to bus stops on Briercliffe Road and use of tactile paving on local roads. The recommendations of LCC Highways which are necessary for pedestrian and highway safety and to promote the use of public transport should be required by condition. In making their recommendations, LCC Highways is aware of other developments that are committed in the local area.

The proposed development would provide sufficient off-street parking to comply with the standards in Policy IC3. One minor exception is the Cleveland house type (4 bedroom) which only affects three properties where the third parking space which is an integral garage which is short of the 3m x 6m internal standard. This does not significantly detract from the policy compliant provision of off-street parking for the development. Neighbour objections refer to existing levels of on-street parking and problems of pavement parking resulting from double parking and safety concerns for children and school children crossing roads and walking to and from the nearby school which is accessed on foot at the easterly end of Harrogate Crescent. Given however that there would be sufficient convenient off-street parking for new residents and visitors, the development would not increase the current levels of on-street parking or lead to safety issues for pedestrians. LCC Highways is satisfied with the amended proposed layout and the parking provision.

A number of neighbour objections also refer to the adverse gradient of Harrogate Crescent in winter conditions, resulting in hazards and damage to vehicles. Difficult conditions like this are the exception rather than the norm and it is accepted that in difficult conditions that extra care is always required. Adverse conditions such as snow affects many streets due to the local terrain and is not a reason to prevent further traffic on such roads. Notably, the use of the premises as a school would also potentially lead to traffic at peak hours to the site.

It has been found that the impact of the development on the local highway network would not be significant; there would be adequate parking and the development has been designed to take account of connectivity with its surroundings. Subject therefore to conditions to include the recommendations of LCC Highways, the proposal would be acceptable in highway terms and would comply with Policies IC1 and IC3.

Impact on Biodiversity and Bats

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. Where development would affect protected species, Policy NE1 states that the first preference is to avoid disturbance, the second to provide suitable inter-connecting new habitats within the development site and if this is not feasible, suitable alternative habitats should be provided.

Neighbour objections to the application refer to the amount and variety of wildlife that use the site for habitat and as a `stepping stone`. The Burnley Wildlife Conservation Forum (BWCF) has made similar comments. The grounds of the former school have been unused for some time and relatively undisturbed. The removal of a significant number of trees that is necessary for the development has heightened concerns. The Preliminary Ecological Appraisal submitted with the application indicates however that the site is largely low value grassland of very limited ecological value. GMEU do not disagree with this finding. The trees on site were all assessed as having negligible bat roost potential and the site supports many ornamental or non-native trees which are generally of low biodiversity value, although ash trees should be retained. GMEU recommend that no trees or vegetation clearance takes place in the bird nesting season and that biodiversity enhancement measures are secured through a condition to require the submission and approval of an acceptable scheme.

A full bat survey has been submitted which identifies that the main school building is used as a bat roost for common pipistrelle bats. Given that the species are protected, it is an offence to harm or allow harm to be caused to bats. The proposed works would require a licence from Natural England which would first require the following three tests to be satisfied:-

- i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
- ii) That there is “no satisfactory alternative”;
- iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

To address these tests, firstly, the development would be in the public interests by providing an appropriate economic use for the site that provides good quality new homes in an accessible and sustainable location. Secondly, there would be no alternative to removal of the bat roost due to the need to demolish the building. Finally, GMEU advise that subject to the implementation of mitigation measures which are outlined in the full bat survey, the proposal would not be detrimental to the maintenance of bat population of the common pipistrelle at a favourable conservation status in their natural range.

The three tests are therefore fulfilled. The mitigation measures involve providing new habitat for bats within the development site. Conditions are necessary to ensure

satisfactory details of this and its implementation. A condition is also recommended to require details of external lighting to ensure that this does not adversely affect locations for bats on the site. Subject to these conditions, together with conditions to require a Biodiversity Enhancement Scheme and to protect birds during the nesting season, the proposal would not significantly affect biodiversity or protected species on the site and would comply with Policy NE1.

Impact on trees

Policy NE4 states that development proposals should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. Neighbour objections refer to the trees on the site and object to their removal.

An Arboricultural Impact Assessment has been submitted with the application which identifies that identifies that three moderate quality (Category B) trees and five moderate quality tree groups and three low quality trees (Category C) and seven low quality tree groups would need to be removed. One further tree group (U Category) would also be unsuitable to retain due to its condition. The proposal involves planting 71no. new trees as well as a variety of hedges and shrubs to compensate for the tree loss on the site. Heavy standard trees would also be planted on the Harrogate Crescent frontage to provide a more immediate impact. Four individual trees and six groups of trees would also be retained. The Council's Tree Officer accepts that it would be difficult to incorporate the trees that are to be removed into the development. The trees are of moderate and low value and can be compensated by a new tree planting scheme that can also provide some native species that would be favourable to wildlife. A landscape plan submitted with the Assessment indicates the planting of 71 new trees. Subject to details of a full landscaping scheme, the proposed loss of trees can be adequately mitigated subject to conditions to secure this. As such, the proposal would not conflict with Policy NE4.

Health provision

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

A request has been received by the East Lancashire NHS Trust (The Trust) for a contribution of £75,086 towards health care provision. The contribution would be used for capital and revenue funding within the Trust area. The Trust provides acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Vally and Rossendale.

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

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

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

The Trust has explained in its methodology that the need for the health care contribution for revenue funding is due to the impact from an increase in population in the Trust area due to the development on the site. The Trust seeks funding for the first year of occupancy of all the proposed dwellings based on an average household occupancy (2.3 persons per household) at a calculated contribution rate of £1,707 per dwelling. Whilst, in principle, the provision of healthcare is a material planning consideration, it can only be material to an individual case where the impact has been clearly assessed. This request for capital and revenue funding is based on there being an increase in population from the whole of the development. Given, however, the breadth of the geographical area that the Trust covers which goes far beyond the Burnley area, it is unrealistic to assume that all new occupants of the proposed development will be new to the Trust area. The Trust also do not consider how new occupancies may result from changes in households or whether it would receive the same share of patients from the new development as it receives from the existing population. The Trust provide no reasoning or evidence to support their assumptions on these matters and in, effect, this could lead to double counting.

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

In these circumstances, a contribution is not necessary to make the development acceptable. It would therefore fail the three tests listed above as it would not be necessary to make the development acceptable in planning terms; it would not be directly related to the development; and it would not be fairly and reasonably related in scale and kind to the development. As such, as a matter of law and policy, the Council cannot either request or accept a contribution as sought by the Trust. Given that the requested contribution is not necessary to make the development acceptable, the concerns raised by the Trust are not reasons to object to the application.

Affordable Housing

Policy HS2 requires affordable housing on sites of over 10 dwellings. This will normally be an on-site requirement. Vacant Building Credit is taken into account in accordance with the NPPF which in this case reduces the number of affordable homes. An agreed figure would be subject to a s106 Agreement.

Other issues

The scale of the development is unlikely to significantly affect the provision of public services such as doctors, dentists etc. Issues relating to healthcare have been

discussed earlier. The local education authority has not requested any contributions towards new school places.

The site is within Flood Zone 1 where there is the lowest risk of flooding. Subject to conditions recommended by the Lead Local Flood Authority and United Utilities, the site can be adequately drained and would not lead to an increase in flood risk on the site or elsewhere.

The proposal includes electric vehicle charging points which would be sufficient to mitigate against an increase in traffic and pollution from the development . This would be consistent with the recently adopted SPD on air quality.

Further to the submitted Ground investigation Report, further gas monitoring will be required and should be conditioned to ensure the development is carried out safely.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to open space improvement and affordable housing

A list of recommended conditions will be reported in Late Correspondence.

Janet Filbin
1st Sept 2021

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Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6c

Ref.

FUL/2020/0410

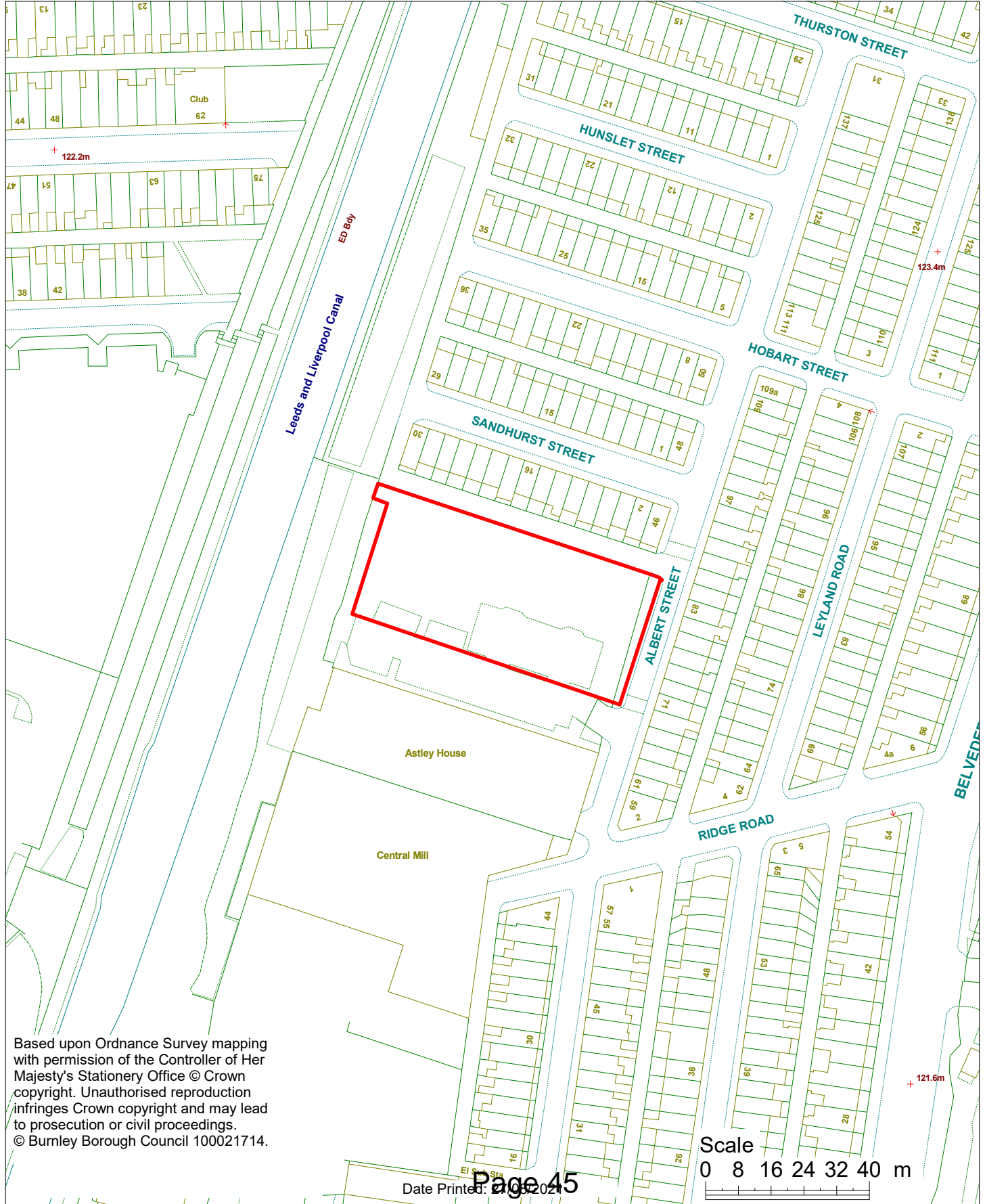
Paul Gatrell Head of Housing and Development

Location:



Astley House, Albert Street, Burnley

1:1250



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**Application Recommended for Approve with Conditions FUL/2020/0410
Bank Hall**

Town and Country Planning Act 1990

Erection of 5. no industrial buildings for use for light industrial Class E (g) or storage and distribution (B8) together with car parking, access and associated works.

At Astley House Albert Street Burnley Lancashire

Applicant: Mr S Choudrey

Agent: Mr Brian Sumner

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

Background:

The site is located within the defined development boundary as designated in Burnley's Local Plan and is within walking distance of the town centre.

The site currently consists of a grassed area forming part of the wider car park area for a disused 2 storey red brick mill to the south. The disused mill has been the subject of a separate planning application FUL/2020/0010 which was allowed on appeal (APP/Z2315/W/20/3252022) on the 28/8/20 for the redevelopment of the existing industrial building for supported accommodation.

Directly to the north is the rear of Sandhurst Street. Sandhurst Street is a typical stone terrace running along the length of the rear of the application site. To the east is Albert Street, a traditional stone terrace which sits approximately 23m from the side of the proposed unit No. 5. To the west is the canal embankment with the canal sitting at a higher level.

The site is adjacent to, but not within, the Canalside Conservation Area (CA). The proposed new units will be seen from the CA but given the difference in levels, the units will sit at a much lower level from the canal and will not be visible at canal level. It is not considered that the proposed units will have an adverse impact on the CA.



Photo 1: View taken from Albert Street



Photo 2: Albert Street showing the relationship with terraced properties



Photo 3: View looking to the rear of properties along Sandhurst Street



Photo 4: View looking along the rear of Sandhurst Street

Proposal

The proposals have altered during the determination of the application with the initial 6 units being reduced to 5 units.

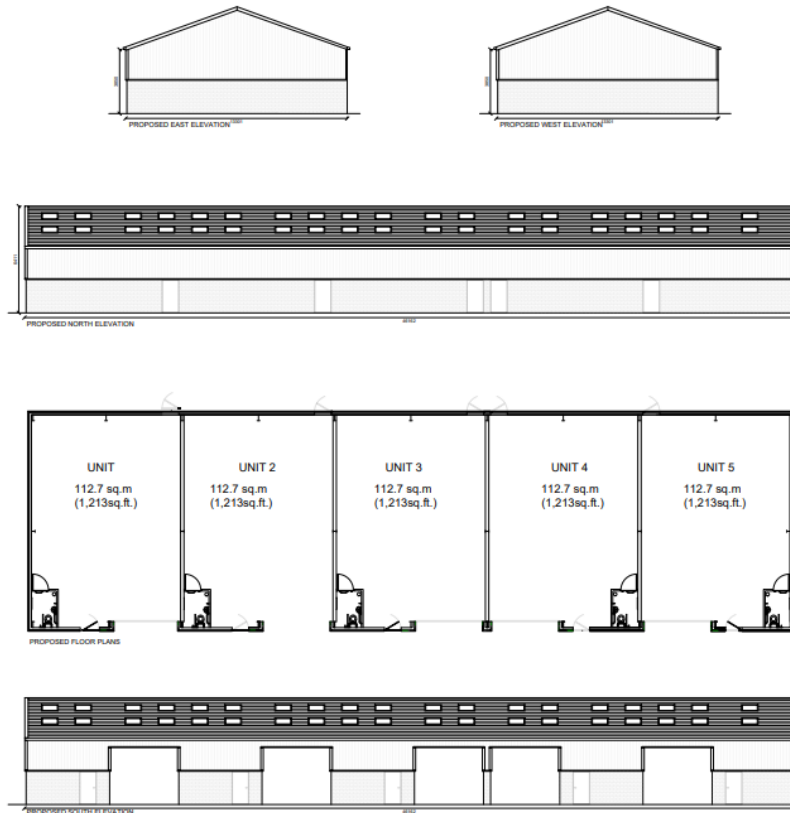
The units will measure approximately 112 sqm (a reduction from 188sqm) will be approximately 46m in length, 13m in width, 3.8m to the eaves and 6.4m to the ridge. Proposed materials will be grey sheet cladding, walls a mixture of block work and on the eastern elevation artificial stone (facing Albert Street). Each unit will have an up and over garage door and pedestrian entrance. A series of rooflights will be placed in both the front and rear rooflines.

Parking will be supplied on site which will consist of 21 spaces including 2 for disabled users. There is also dedicated space for motorcyclists and to the western gable of the site a secure area for cycle parking. A dedicated waste and recycling station will be positioned to the western end of the site.

Proposed block plan



Proposed floor plan and elevations



Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP3 – Employment Land Requirement 2012 - 2032
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- EMP3 - Supporting Employment Development
- IC3 – Car parking standards

National Planning Policy Framework 2021

Site History:

APP/2010/0557 - Retention of use of land as occasional car park (re-submission of application APP/2009/0642) Approved with conditions 22/11/10

APP/2009/0642 - Retention of use of land as occasional car park Refused 8/1/10

APP/2007/0522 - Proposed residential development for 28 dwellings (including details of means of access) all other matters reserved for future approval Approved 13/707 (Wider site including Astley House)

Consultation Responses:

Highways - No objection subject to conditions

A previous objection has been removed through amended plans.

With respect to the proposed application we would not wish to raise any objections to the development. Concerns expressed to earlier submissions have been address and it is noted that the development has been reduced in both the number and size of the units. This is based on the plans dated 20/11/2020 Dwg 02C and Dwg 04A.

Taking the parking standards as detailed in Appendix 9 of Burnley's Local Plan, a B1 class premises should have a parking of 1 space per 30m² At 158m² each unit should have $112/30 = 3.73$ or 4 spaces per unit with 5 units this equates to 20 spaces across 5 units.

The applicant should also be aware of the local parking restrictions which may restrict the operation hours of the business, these are known as Match Day parking restrictions.

Should you wish to support the application we would look for the following conditions to be added to the decision notice.

- 1. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter, kept clear of all goods and shall not be used for any storage. Reasons: To allow for the effective use of the parking areas.*
- 2. 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. Reasons; To prevent stones and mud being carried onto the public highway to the detriment of road safety.*
- 3. No part of the development hereby approved shall commence to trade until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.*

4. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 3 has been constructed and completed in accordance with the scheme details. Reasons: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

5. The car parking area for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least sub base before any development takes place within the site. Reasons: To ensure that provision is made for the storage of materials and contracting staff.

Environmental Health – No objection subject to a condition:

A noise assessment was requested during the assessment of the application, requested from the Council's EH team as a report which was required prior to determination. The report dated 14/4/21, has been reviewed by the EH with the following comments:

1. The rating level of the noise (measured in accordance with BS4142:2014+A1 (2019) emitted from the site shall not exceed a level of 5 dB below the typical background noise level, as determined 1m from the boundary of the nearest sensitive receptor. All measurements and assessment shall be made according to BS4142: 2014+A1 (2019).

Reason: To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents

2. The opening hours of the premises shall be restricted to between 07.00hrs and 23.00hrs unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises

3. Hours of delivery shall be restricted to between 07:00hrs and 19:00hrs Monday to Fridays, and 08:00hrs to 13:00hrs Saturdays, and at no time Sundays and Bank Holidays.

Reason: To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises

Contaminated land survey required

The application is located on and adjacent to sites of potential contaminated land. Therefore there is a risk to the building and potential future users of the site. Please attach the full contaminated land condition, i.e. a Phase 1 study and subsequent

Phase 2, Remediation and Validation Reports if required

Publicity – 1 objection comment received:

Object to the plan under reference FUL/2020/0410 on the basis that it is not in line with the design, plan and layout of the area. By introducing a commercial development to include a number of units, will increase traffic, noise pollution, and issues in the area. Burnley Council has worked hard to make better the houses in this area and people have been working hard over the years. Now at a time when it is starting to better, allowing a commercial development will simply bring down the value of properties and people wanting to move in what appears to be a commercial/ industrial estate.

Planning and Environmental Considerations:

The principle of development

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. Furthermore, Policy EMP3 of the Local Plan supports the expansion and upgrading of businesses where they do not have an unacceptable negative impact on surrounding uses, residential amenity or the environment, or have an unacceptable impact on the townscape.

Main issues

- Impact on the character of the area including design and appearance
- Impact on residential amenity
- Traffic and parking
- Other issues such as bin storage and cycle storage

Design: Impact on the character of the area and residential amenity

Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials. This is further supported in the NPPF, Paragraph 126, which states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

The character of the area is predominantly residential with Albert Street and abutting the east of the site and Sandhurst Street to the north. There are also some commercial units close to the site including Jewson building suppliers which are to the south. The site is very urban in character and even though the site is currently grassed over, it's context has very little soft landscaping. The site is currently very open along Albert Street with long views upto the canal embankment.

The proposal has altered through the course of the application with a reduction in the number of units and the overall footprint, which has seen the original building pushed away from the northern boundary and eastern boundary with Albert Street. This was

carried out in order to create a greater separation from the terraces on Sandhurst Street and Albert Street. The amendments have improved the overall impact of the development on the street scene.

The proposed new building is not considered to cause any harm, and as such will be in accordance with policy SP5 and NE5 of the adopted Local Plan.

Impact on residential amenity

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

The eastern gable elevation will be positioned approximately 23m from the front elevation of properties along Albert Street. The initial scheme showed a shorter distance of 7.6m with the location of refuse and recycling facing the residential properties. This has also been altered so with refuse now being located to the west corner of the site away from any residential properties.

To the north the units will be approximately 14m from the rear of the units to the rear of properties along Sandhurst Street. Given that the units are only single storey and have been stepped back from the existing brick boundary wall, it is considered there is sufficient enough distance so as not appear overbearing.

In order to soften the site and offer some natural buffer from the proposed use and the surrounding residential area, a landscape strategy will be conditioned. Street trees along Albert Street and on the southern edge between the proposed use and the approved conversion of Astley House to supported living accommodation will be included in landscape scheme.

Conditions have been placed on the application to safeguard the amenity of the surrounding residents including hours of operation (including deliveries and use of machinery), external lighting scheme and noise level restrictions.

On balance it is considered that there will be no detrimental impact on the amenity of surrounding residents and appropriate conditions have been attached to ensure that the operations are controlled.

Impact on the Highway Network

LCC initially objected to the proposals based on level of parking and access to large vehicles on the site. Amended plans showing vehicle tracking have been supplied which removed the initial objection.

LCC highways have provided comments on the application and do not object to the principle of development. The submitted plans show incurtilage parking space for 21 vehicles, together with secure and accessible refuse collection storage.

Other issues; including bin storage, cycle storage

The application has been supported with a refuse and recycling statement. Bin storage has been indicated to the front of the building together with the bin storage area. LCC highways have requested that the cycle storage should be kept internal to the building.

During the course of the determination of this application the Use Class order has changed which means that the former Class B1 is now classed as Class E(g). Use Class E is a wide-ranging use class from retail, food and drink, indoor sport and creches. Therefore, in order to maintain some control of the character and appearance and overall mix of uses within a predominantly residential area, it is deemed necessary to restrict the use class specifically to E(g). A condition has also been attached to restrict the use class of B8 which unrestricted could be changed (through a prior approval application) to C3 (residential). This could potentially cause issues with highways and parking especially in context to the adjacent Astley House and the wider high density terraced area.

Conclusion

The site is within a predominantly residential area with some nearby commercial premises. Whilst there may be some impacts from the development, socially around increase highway use and movement it is not considered that these impacts will have a significant impact on the surrounding area and appropriate conditions have been placed.

On balance the application is recommending for approval subject to the following conditions:

Paula Fitzgerald

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. All materials to be used in the approved scheme shall be as stated on the application form and amended drawings received 31/8/21 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. a) Notwithstanding drawing CHOUD/04 02C (20.11.20), prior to the installation of any hard and soft landscaping treatment scheme (including street trees) shall be submitted for approval in writing by the Local Planning Authority.

b) The approved scheme shall be implemented prior to the first use of the development. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that the appearance of the development is satisfactory in order to comply with policy SP5 of Burnley's Local Plan

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes of (Class E(g) and for no other purpose (including any other purpose in Class E and no shall only be used for the purposes of B8 and for no other purpose (including any other purpose in B8) on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

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

6. No open storage or display of goods, materials, finished or unfinished products or parts, crates or refuse shall take place on any open area of the site without written consent from the local planning authority.

Reason: To ensure that vehicle movements are not obstructed and to ensure that the appearance of the site does not have a detrimental impact on the surrounding residential area.

Highways

7. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter, kept clear of all goods and shall not be used for any storage.

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

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

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

9. No part of the development hereby approved shall commence to trade until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 9 has been constructed and completed in accordance with the scheme details. Reasons: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

11. The car parking area for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least sub base before any development takes place within the site.

Reasons: To ensure that provision is made for the storage of materials and contracting staff.

12. 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.

Environmental Health

13. The development shall not begin until:
 - a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
 - b. An investigation has been carried out in accordance with the approved strategy;

c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy NE5 of Burnley's adopted Local Plan

14. The rating level of the noise (measured in accordance with BS4142:2014+A1 (2019) emitted from the site shall not exceed a level of 5 dB below the typical background noise level, as determined 1m from the boundary of the nearest sensitive receptor. All measurements and assessment shall be made according to BS4142: 2014+A1 (2019).

Reason: To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents

15. The refuse and recycling store as shown on plan CHOUD/04 Dwg 02C shall be provided before the start of the use and thereafter permanently retained.

Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to ensure compliance with policy SP5 of Burnley's adopted Local Plan.

16. No process shall be carried on, including the sounding of horns and vehicle repairs, which creates a nuisance to nearby residents as a result of noise, vibration, smell, fumes or smoke.

Reason: To safeguard the amenities of the nearby residential area, in accordance with policy NE5 of Burnley's adopted Local Plan

17. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times; 8am - 5pm Monday to Friday and 8am – 1pm Saturdays none at any time on Sundays, Bank or Public Holidays

18. Audible alarms to any commercial vehicle associated with the development hereby approved, including forklift trucks, shall not be used at any time.

Reason: In the interests of residential amenity in accordance with policy SP5 of the adopted Local Plan.

19. No external lighting shall be erected as part of the development unless permission has been sought from the local planning authority.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners in accordance with policy NE5 of Burnley's adopted Local Plan.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

9th September 2021

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2020/0613	Mr A Cunningham	Higher Nutshaw Farm Manchester Road Dunnockshaw Lancashire BB11 5NT	Demolition of existing house and erection of replacement dwelling (re-submission). Proposal affects Public Footpath Nos 15 and 28 (Habergham Eaves)	Approve with Conditions	27th August 2021
CND/2021/0118	Mr Billy Hasler-Cregg	Land Off Tay Street Burnley BB11 4BU	Discharge of Condition 28 (Coal mining legacies)	Conditions discharged	5th August 2021
FUL/2021/0077	M Gwinnett	New Hall Mill Elm Street Burnley Lancashire BB10 1NY	Erection of warehouse on site of demolished building	Approve with Conditions	18th August 2021
CND/2021/0297	x	Land Off Tay Street Burnley BB11 4BU	Discharge of Condition 26 (Remediation and Enabling Works Validation) pursuant to planning permission FUL/2019/0606	Conditions part discharged	5th August 2021
COU/2021/0299	MR AWAIS AHMED	100 Colne Road Burnley Lancashire BB10 1LP	Change of use from office to cafe and installation of rear flue extractor	Approve with Conditions	2nd August 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
COU/2021/0302	Sunday Afolabi	5 Thompson Street Padiham Lancashire BB12 7AP	Retrospective application to convert lower ground floor into self-contained studio flat.	Approve with Conditions	12th August 2021
FUL/2021/0279	Mr Rikki Gemmell	Burnley Combined Court Hammerton Street Burnley Lancashire BB11 1XD	Replacement of existing louvre to ground floor rear elevation and associated mechanical/electrical works and the replacement of 2 existing chiller units with 2 new chillers, located on existing plinths, new edge protection, coping and associated mechanical/electrical works to roof.	Approve with Conditions	2nd August 2021
COU/2021/0312	Asghar	Briercliffe Shopping Centre, Unit H Briercliffe Road Burnley BB10 1WB	full planning application for a change of use from a shop (class E) to a hot food take away with installation of an extractor fan at Unit H Briercliffe Shopping Centre, Briercliffe Road, Burnley, BB10	Approve with Conditions	20th August 2021
HOU/2021/0207	Mr James Thompson	Higher Gibfield Farm Manchester Road Burnley Habergham Eaves Lancashire BB11 5NS	Alterations and extension to the existing house	Approve with Conditions	20th August 2021
TPO/2021/0217	Mr David choyce	5 Thanet Lee Close Cliviger Lancashire BB10 4TX	Application to fell one Oak tree and crown lift two Sycamore trees within W1 of the Burnley (Thanet lee Wood, Cliviger) TPO 1981.	Approve with Conditions	18th August 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0321	Mr Waseem Ahmed Chowdhary	19 Fifth Avenue Burnley Lancashire BB10 1YA	Proposed single storey rear and side extension	Approve with Conditions	9th August 2021
FUL/2021/0331	Chloe Hargreaves	Higher Gibfield Barn Manchester Road Burnley Habergham Eaves Lancashire BB11 5NS	Full Planning Application for the Conversion of Building to 1 no. Residential Dwelling and Associated Works.	Approve with Conditions	20th August 2021
FUL/2021/0339	Mr C.M. Hoyle	Cold Soil Farm, Kebs Road, Todmorden Burnley OL14 8SD	Retention of reconstruction to former ruined dwellinghouse.	Refuse	6th August 2021
TPO/2021/0315	Mrs Emma Halstead	Osborne Grove 367 Colne Road Burnley Lancashire BB10 2LB	Proposed felling of Lime Tree	Approve with Conditions	12th August 2021
HOU/2021/0306	Mrs Melanie-Anne Arcangelo	29 Foster Drive Burnley Lancashire BB12 6BU	Conversion of existing garage into a habitable room and replacement of garage door with a triple glazed unit with a door.	Approve with Conditions	23rd August 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0241	Mr Luke Simpson	11 Stephenson Drive Burnley Lancashire BB12 8AJ	Proposed two storey side and single storey rear extensions to dwelling.	Approve with Conditions	11th August 2021
HOU/2021/0364	Mr Scott Gizon	5 Tedder Avenue Burnley Lancashire BB12 6DL	Demolition of detached outbuilding and proposed erection of a 2 storey extension to side elevation	Refuse	11th August 2021
PTEL/2021/0356	Grogan	Starting from junction of Colne Road and Church Street to opposite Burnley Parish Church.	8.5m wooden telegraph pole and fibre cable for installation of high speed wireless internet.	Prior Approval refused	11th August 2021
PTEL/2021/0359	Grogan	From the junction of Leyland Road and Ormerod Road to opposite of 155 Leyland Road.	8.5m wooden telegraph pole and fibre cable for installation of high speed wireless internet.	Prior Approval refused	11th August 2021
HOU/2021/0365	Mrs Nadiah Shah	50 Daneshouse Road Burnley Lancashire BB10 1AF	Proposed loft conversion with erection of a front dormer	Refuse	27th August 2021
VAR/2021/0362	Mrs Margaret Lynas	Greenside Bungalow Sellars Fold Farm Burnley Road Hapton Lancashire BB11 5QT	Removal of condition 3 of planning permission 12/78/0418	Approve with Conditions	27th August 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
ADV/2021/0368	_ - _	Advertising Adj Cricket Field Belvedere Road Burnley Lancashire	Replacement of existing sign with a digital screen.	Approve with Conditions	17th August 2021
FUL/2021/0398	Mr J Thompson	Higher Gibfield Farm Manchester Road Burnley Habergham Eaves Lancashire BB11 5NS	Repair to rear and side walls due to wind damage and to clad the outside of the barn with sandstone	Approve with Conditions	20th August 2021
PAG/2021/0387	Ms Clare Dyson	Greens Farm Burnley Road Cliviger Burnley Lancashire OL14 7EA	Proposed agricultural building for the storage of sheep, machinery and storage of hay	Prior Approval Granted	20th August 2021
FUL/2021/0384	Mr & Mrs Kevin and Angie Moore	65 Burnley Road Hapton Lancashire BB11 5QR	The proposal is to demolish an existing 4-bedroom bungalow and associated out-buildings and construct 1 no. 4-bedroom, single storey, eco-home with detached garage. This is a resubmission of FUL/2020/0598.	Approve with Conditions	27th August 2021
HOU/2021/0429	Mr Kieron Lockwood	28 Linton Drive Burnley Lancashire BB11 4QT	Demolition of single storey garage. Proposed 2 storey side extension and single storey rear extension	Approve with Conditions	26th August 2021

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