

DEVELOPMENT CONTROL COMMITTEE

Thursday, 9th December, 2021
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

COUNCIL CHAMBER, BURNLEY TOWN HALL

Thursday, 9th December, 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 - 8

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

9 - 10

To consider reports on planning applications for development permission:

- | | |
|--|----------|
| a) HOU/2021/0465 - 18 Basnett Street, Burnley | 11 - 22 |
| b) OUT/2021/0234 - 5 - 17 Croft Street, 3 - 9 Yorkshire Street, Burnley | 23 - 38 |
| c) FUL/2021/0393 - The Stables, Plot 4, Lennox St | 39 - 50 |
| d) VAR/2021/0203 - Plots 1 And 3 Lennox Street Worsthorne-with-hurstwood, Lancashire | 51 - 62 |
| e) FUL/2021/0412 - Wellfield Methodist and Anglican Primary School, Wellfield Drive, Burnley | 63 - 70 |
| f) HOU/2021/0437 - 72 Rosehill Road, Burnley | 71 - 80 |
| g) FUL/2021/0281 - Brownside Shed Mill, Brun Terrace, Worsthorne-with-Hurstwood | 81 - 88 |
| h) COU/2021/0536 - 148-150 Colne Road, Burnley | 89 - 96 |
| i) OUT/2021/0443 - Land at Barden Lane, Burnley | 97 - 126 |

7. Decisions taken under the Scheme of Delegation

127 - 138

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 December 2021

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 11th November, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, F Cant, S Cunliffe, S Graham, S Hall, J Harbour, A Hosker, J Inckle, K Ingham, M Payne and A Royle

OFFICERS

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

48. Minutes

The Minutes of the last meeting held on 14th October 2021 were approved as a correct record and signed by the Chair.

Speakers

The following members of the public attended the meeting and addressed the Committee under the Right to Speak Policy.

Ms Nazia Shah – FUL/2021/0474 – 36 Station Road Padiham

Mr Anthony Stephenson – FUL/2020/0321 – Butchers Farm, Ormerod Street, Worsthorne

49. Apologies

Apologies for absence were received from Councillors Phil Chamberlain, Mohammed Ishtiaq and Neil Mottershead.

50. FUL/2021/0474 - 36 Station Road, Padiham

FUL/2020/0321 - Butchers Farm, Ormerod Street, Worsthorne (Resolution)	
Councillor Saeed Chaudhary	Against
Councillor Anne Kelly	Against
Councillor Gordon Birtwistle	For
Councillor Frank Cant	Against
Councillor Scott Cunliffe	For
Councillor Sue Graham	Against
Councillor Sarah Hall	For
Councillor John Harbour	Against
Councillor Alan Hosker	For
Councillor Jacqueline Inckle	For
Councillor Karen Ingham	For
Councillor Mark Payne	For
Councillor Ann Royle	Against
Carried	

52. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 5 October to 2 November 2021.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

9th December 2021

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2021/0465

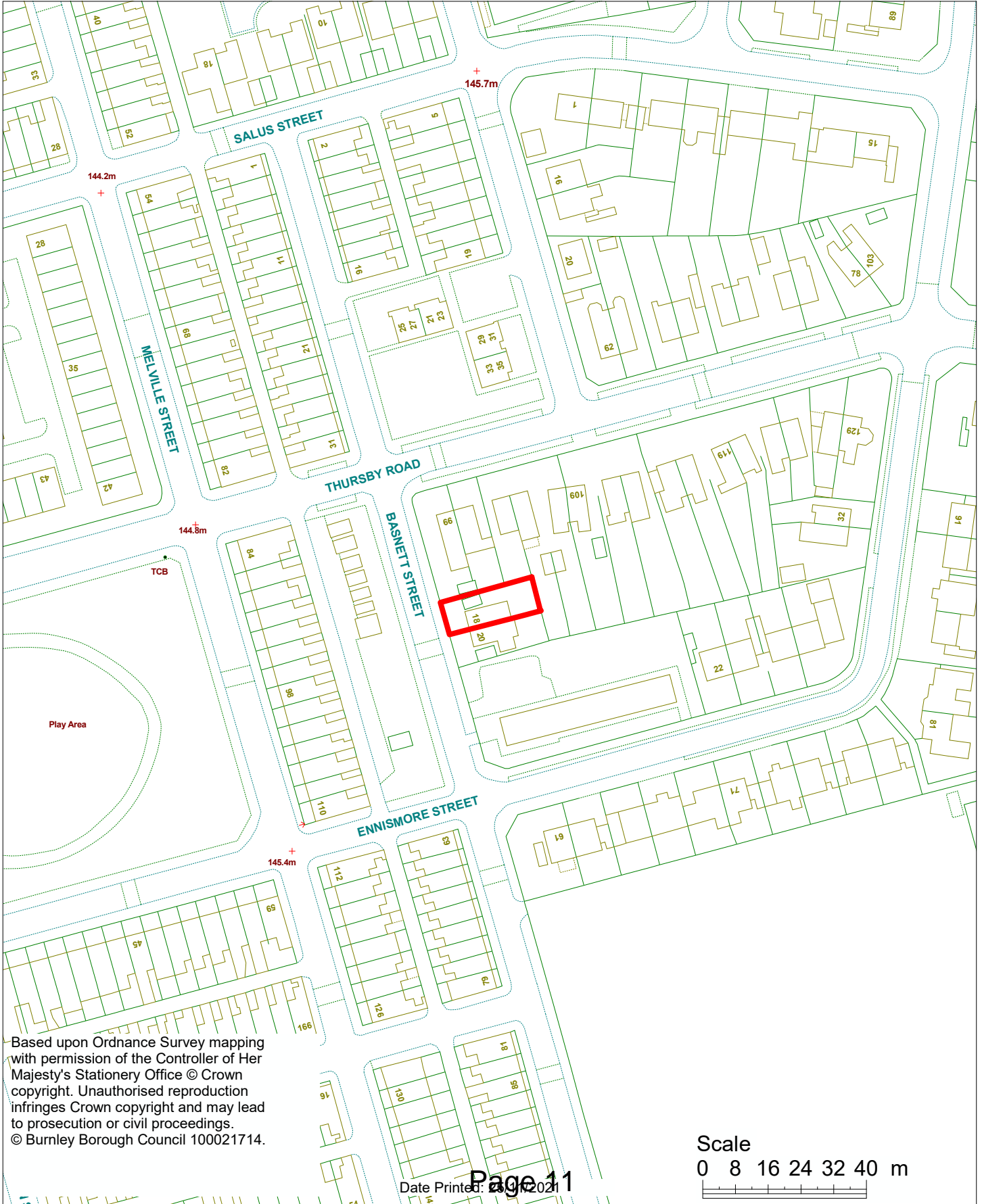
Paul Gatrell Head of Housing and Development

Location:

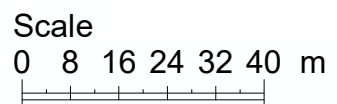


18 Basnett Street, Burnley

1:1250



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Application Recommended for REFUSAL
HOU/2021/0465
Lanehead Ward

Site Address: 18 Basnett Street, Burnley, Lancashire, BB10 3ET

Proposed Development: Demolition of existing garage and erection of a two storey side and single storey rear extension. Extension of driveway to accommodate 3 off-street parking spaces (re-submission of HOU/2021/0036).

Applicant Name: Mr Amer Rasool

This application is being presented to the Development Control Committee as it has been called in by the Ward Councillors.

Background:

This application relates to a semi-detached property sited on the eastern side of Basnett Street. The site is located within a predominantly residential area. It benefits from a detached garage to the north of the application dwelling and an existing single storey rear conservatory extension.



Proposal:

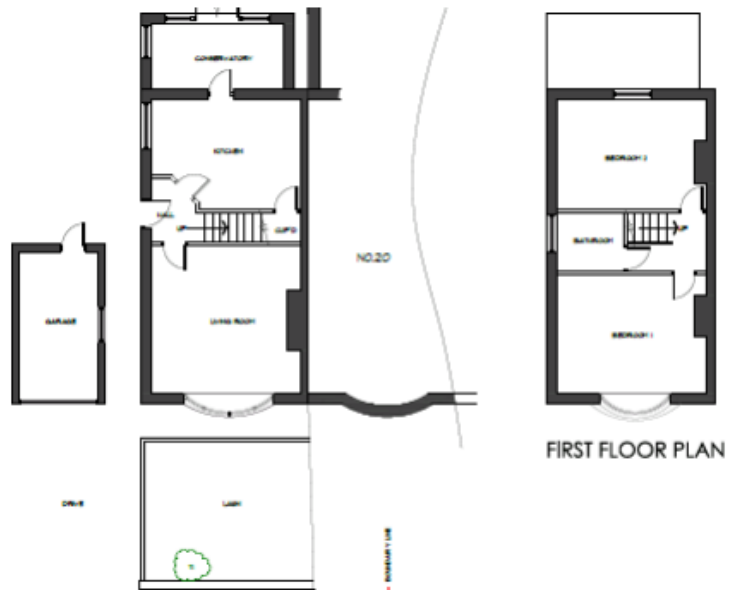
Planning permission is sought the demolition of the existing garage and erection of a two storey side and single storey rear extension and an extension of the driveway to accommodate 3 off-street parking spaces.

This application is a re-submission of the recently refused planning application HOU/2021/0036. The refused application was for a two storey side extension with a width of 3.569m and a length of 12m. The length of the extension would have projected by 3.2m beyond the existing rear elevation, resulting in a new longer two storey side gable and a two storey rear extension with pitched roof. The proposed extension had an eaves height set higher than the existing dwelling and a ridge height to match that of the host dwelling. A single storey element was also proposed which projected 3.2m from the rear elevation and connected to the two storey side element and had a mono-pitched roof. The application was refused on the grounds that it is considered to be an overdevelopment of the site that would adversely affect the amenity of amenities of the neighbouring property and would be out of keeping with the existing dwelling and the character of the area.

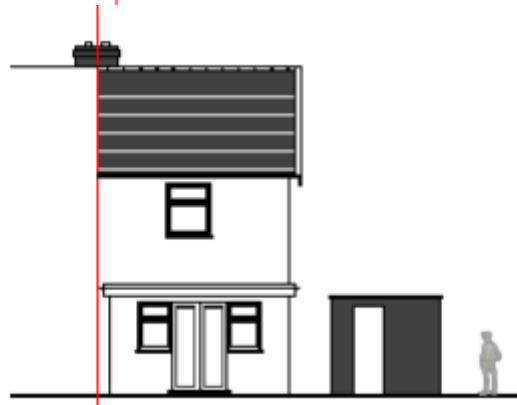
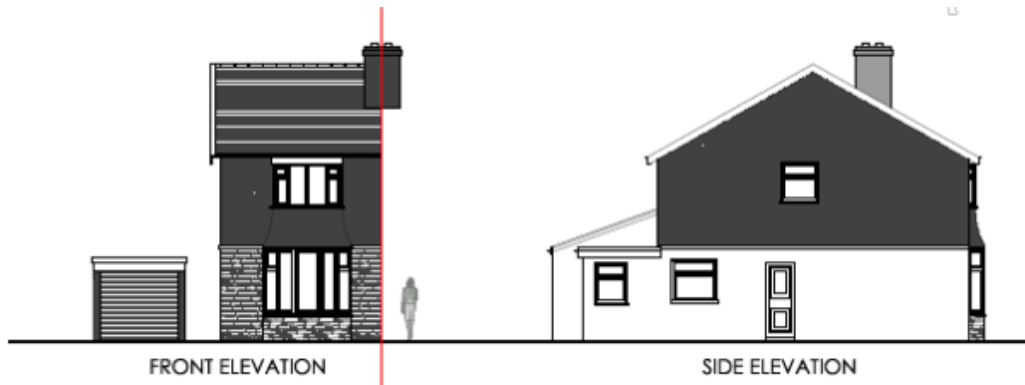
The current application seeks to address the previous reasons for refusal and proposes an amended scheme. The proposal is for a two storey side extension and single storey rear extension. The proposed two storey side extension would be 2.569m wide from 8.1m long with the first floor part set back by 1.0m from the front, creating a single sloping roof over the projecting ground floor element. The proposed two storey side extension would, however, have an eaves height higher than that of the host dwelling and a ridge height to match the existing dwelling.

A single storey rear extension is also proposed. This will project 2.309m from the rear elevation and have a width of 7.229m. The extension will project across the whole of the rear of existing dwelling and attach to the rear of the two storey side element. It will have a mono-pitched roof with an eaves height of 2.532m and a ridge height of 3.7m.

Existing Plans:

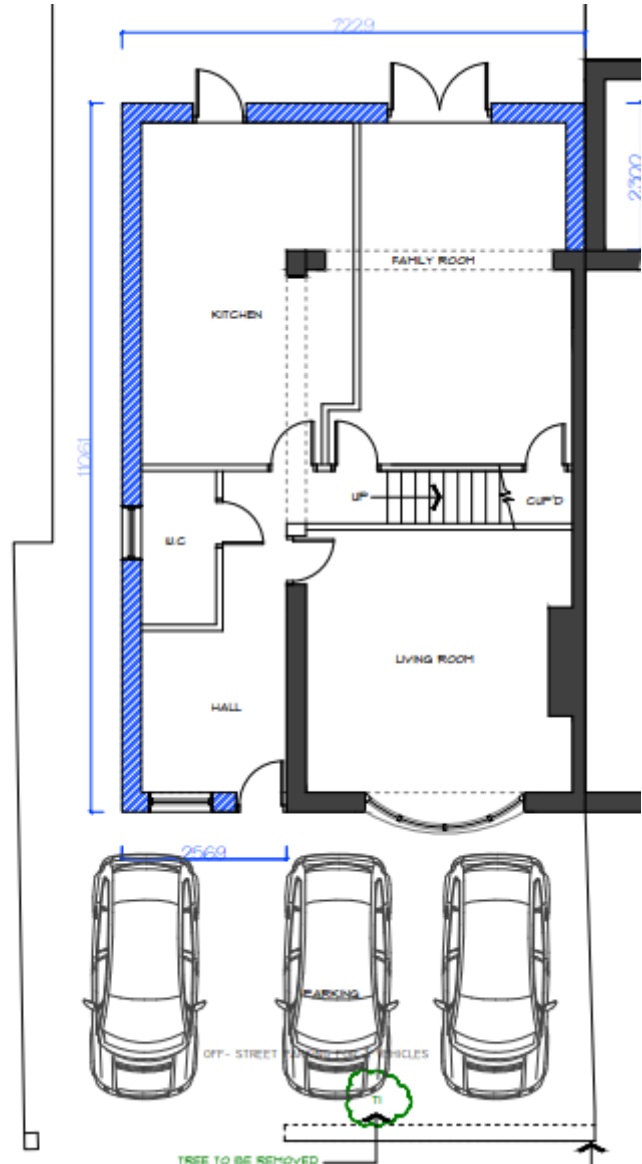


Existing Ground and First Floor Plans

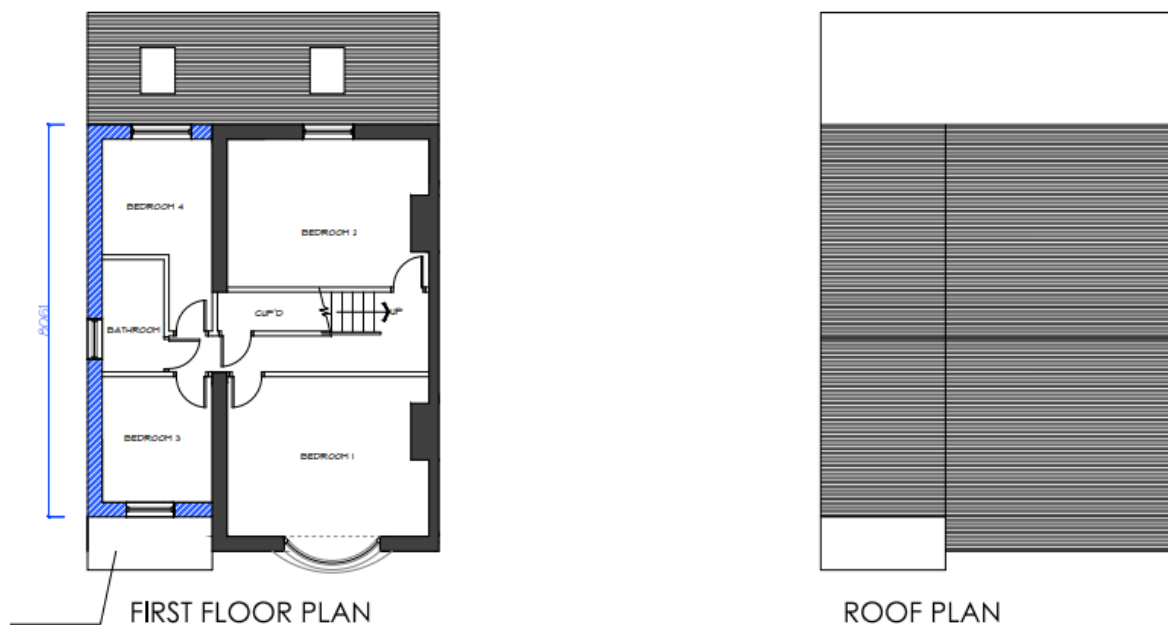


Existing Rear Elevation

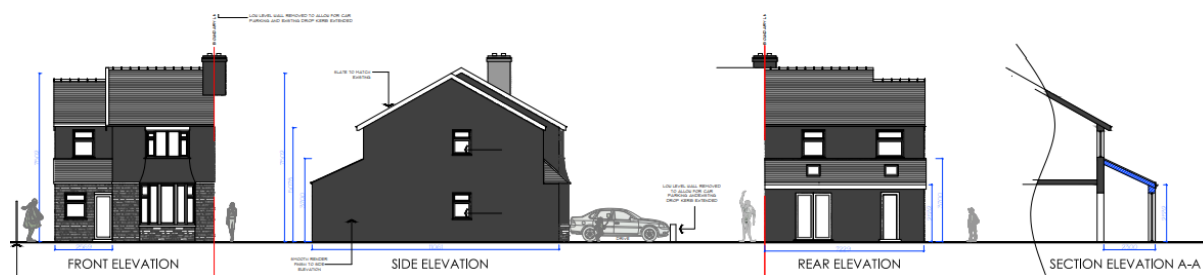
Proposed Plans:



Proposed Ground Floor Plan



Proposed First Floor and Roof Plan



Relevant Policies:

Burnley’s Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS4: Housing Development
- HS5: Housing Extensions and Alterations
- IC3: Car Parking Standards
- Appendix 9: Car Parking Standards

National Planning Policy Framework (NPPF)

Site History:

HOU/2021/0036 – Removal of existing garage and rear structure and erection of a double storey side extension and single storey rear extension. New extended drive to accommodate 3 vehicle parking provision – Refused March 2021.

Consultation Responses:

LCC Highways

No objections. The alterations to the garden and driveway to provide additional off street car parking are as detailed in Burnley's Local Plan. Due to the extensive nature of the application it is expected that a charging point for electric vehicles shall

be included within the development to promote sustainable modes of transport. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states that charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.

Should you wish to support the application we would request that the conditions and note are included to require an electric vehicle charging point and the completion of the proposed driveway in a consolidated and porous bound material prior to the first occupation of the development

Public Consultation:

Three letters of representation from the same objector have been received, making the following points:

- The objection submitted for the original application remain the same;
- A significant development that doubles the size of the property;
- Overbearing;
- Significant detriment to the character and appearance of the dwelling and surrounding area;
- Unacceptable level of amenity due to the size and siting of the proposal in close proximity to adjacent residential properties;
- Loss of privacy;
- Increase overlooking;
- Loss of sunlight;
- Increased shadowing;
- The design is not in keeping with the area;
- Increase noise and disturbance;
- Exacerbate highways issues;
- Recent application of a similar nature in close proximity to the application site was also recently refused (HOU/2020/0084).

Planning and Environmental Considerations:

Principle of development

The site is located within the development boundary of Burnley of the adopted Local Plan, as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. Given that the works will take place within the curtilage of an existing dwelling the principle of the development is considered acceptable. The main issues relate to the design and visual impact of the proposal, its effect on residential amenities and on car parking.

Visual Amenity / Design:

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out specific requirements for the design of house extensions and alterations stating that the design, scale, massing and external appearance of development should harmonise with the existing building and should not have an adverse impact upon the character of the streetscene.

Paragraph 126 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good

design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Any extension should be well proportioned and sit comfortably alongside the original dwelling. It should respect the scale and proportions of the original dwelling and should not overwhelm. In order to emphasise a submissive relationship with the original dwelling extension should be set back and set down for the host dwelling for an easy understanding of what is original and what is extension.

The proposed two storey side extension is set back from the principal elevation at first floor and set down from the main ridge height of the application dwelling. Whilst, therefore, there have been improvements to the scheme in terms of reducing the length of the two storey extension across the gable elevation and setting back the first floor element at the front, it would by virtue of a higher eaves height and a lack of lowering of the ridge height, fail to appear subservient to the main dwelling and would appear discordant, overly dominant and out of keeping. The harm that would result from this is heightened by the fact that the property is a semi-detached dwelling, in which case the discordant and dominating features of the proposed extension would appear disproportionate and awkward and adversely imbalance the appearance of the pair of houses. This would be detrimental to the property itself, pair of semi-detached houses and the street scene.

The single storey rear extension would be screened from public view by the host dwelling and the two storey side extension and therefore would not be considered a prominent addition and, itself, would have a negligible visual impact.

However, the development as a whole is considered to result in the overdevelopment of the host dwelling that would be out of keeping with the existing dwelling and the surrounding area. The resultant size, scale, design and mass of the cumulative extensions would be detrimental to the host dwelling by virtue of the introduction of an overly dominant two storey side addition which would adversely affect the character and visual amenities of the property and its surroundings.

The development is, therefore, contrary to Policies HS5 and SP5 and the NPPF.

Residential Amenity:

Policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants of adjacent land users, with reference to issues including: loss of lights, privacy / overlooking and outlook.

A separation distance of no less than 20m should be maintained between facing windows of habitable rooms and where windows of habitable rooms face a blank gable or a wall with inlay windows to non-habitable rooms, a separation of no less than 15m should be maintained.

The reduction of the width of the proposed two storey side extension to 2.569m would increase the separation distance between the gable of the extension and the rear elevation of Nos. 99 and 101 Thursby Road to 13m. This would still be less than the 15m minimum separation distance between the rear of the adjacent houses at

Thursby Road and the side of the proposed extended property (which would be a blank elevation with the exception of bathroom windows).

The proposed development fails, therefore, to meet the minimum separation distance required, resulting in a development that would have an adverse impact upon the amenity of the occupiers of Nos. 99 and 101 Thursby Road by virtue of an overbearing impact and a loss of light. The use of obscure glazing to the first floor window proposed within the side gable of the two storey side element is not considered to offer sufficient protection to overcome the issue outlined above.

In conclusion, the proposed development would have a significantly detrimental effect on the residential amenities of the occupiers of Nos. 99 and 101 Thursby Road due to its size, scale, massing and siting. It fails to meet the minimum separation distance requirements in Policy HS4 and would lead to a loss of daylight and have a dominating and overbearing impact on the outlook from these neighbouring properties. The proposal, therefore, fails to satisfy Policies HS4, HS5 and SP5 and the NPPF.

Highways:

New development should ensure that road safety and the safe, efficient and convenient movement of all highways users will not be compromised and provide adequate parking.

The proposed development would increase the property from a two bedroom to a four bedroom dwelling. The current parking standard for a four bedroom dwelling (as set out in Policy IC3 and Appendix 9) is three off-street parking spaces. The submitted parking layout shows the provision of three off-street parking spaces. Subject to a condition to require its implementation, it is, therefore, the proposal would comply with the requirements of Policy IC3 and Appendix 9 and provide sufficient parking to cater for the needs of the extended property.

Conclusion:

The amended scheme does not overcome the full reasons for objection to the application. It would have an unacceptable impact on the character and appearance of the property and pair of semi-detached houses and would lead to an unacceptable loss of amenity for occupiers of neighbouring properties. For these reasons and having regard to all material considerations, the application should be refused.

Recommendation:

That planning consent be REFUSED for the following reasons:

1. The proposed development, by virtue of its size and scale, represents an overdevelopment of the site; it would fail to appear subservient to the host dwelling and would create a discordant and inappropriate extension that would be out of keeping with the dwelling and disrupt the visual harmony of the pair of semi-detached houses, thereby adversely affecting the character and visual amenities of the site and the street scene, contrary to Policies HS5 and SP5 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.

2. The proposed development would, due to the close proximity of the proposed two storey extension, have an unacceptable impact on the residential amenities of the occupiers of nos. 99 and 101, leading to a loss of daylight and a dominating and overbearing outlook, contrary to Policies HS5 and SP5 of Burnley's Local Plan and the National Planning Policy Framework.

Rebecca Halliwell
29 November 2021

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Housing & Development
Town Hall, Manchester Road

Ref.

OUT/2021/0234

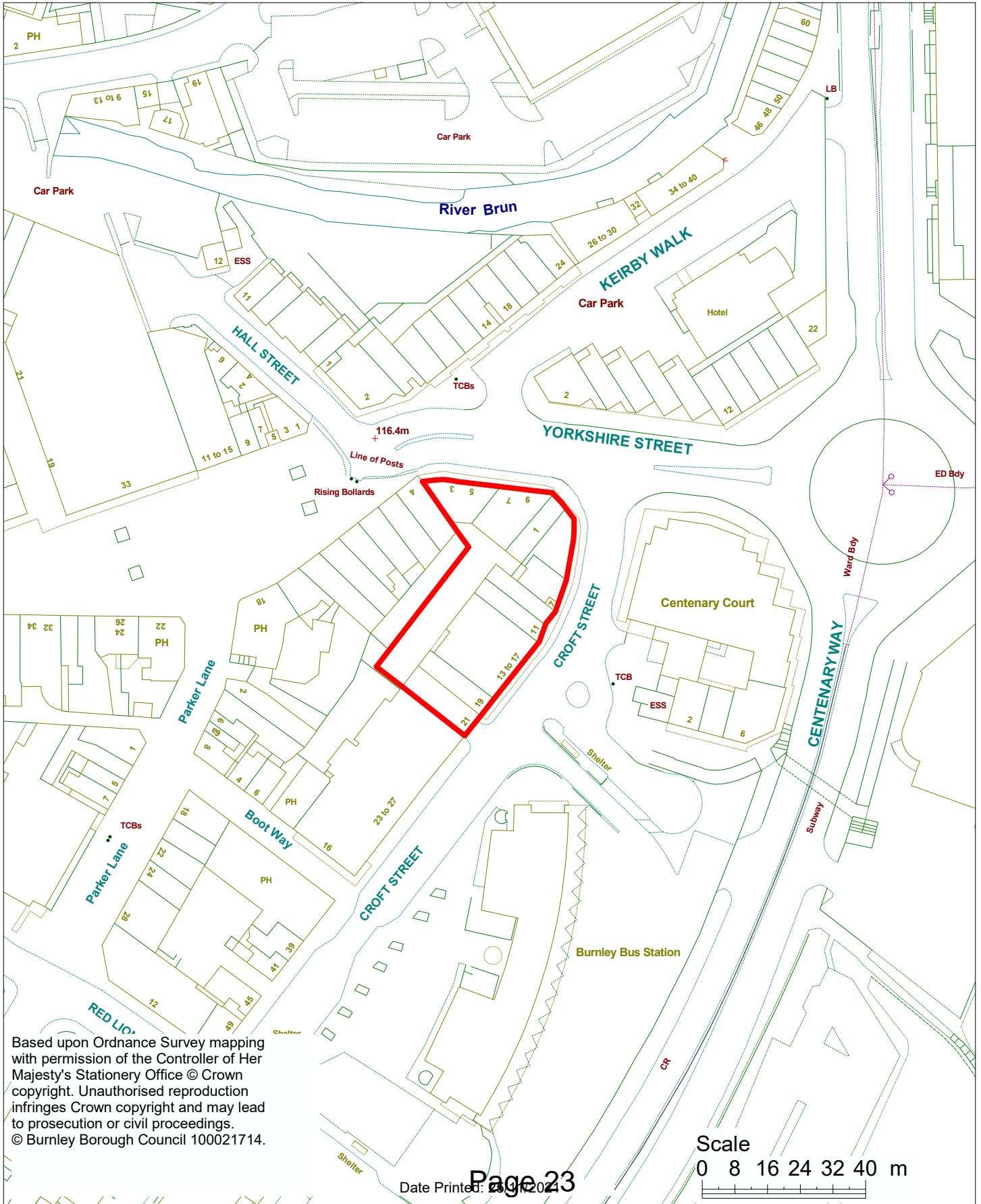
Paul Gatrell Head of Housing and Development

Location:

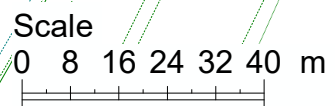


5-17 Croft Street, 3-9 Yorkshire Street, Burnley

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Application Recommended for Delegation to Approve subject to s106 Agreement

OUT/2021/0234

Daneshouse with Stoneyholme Ward

Town and Country Planning Act 1990

Outline application to convert floorspace above ground floor shop units for residential use and construct up to three additional floors to create up to total of 32 apartments with entrance from Croft Street (All Matters Reserved)
5-17 Croft Street 3-9 Yorkshire Street Burnley BB11 2ED

Applicant: Gary Angold, Cheshire Homes (UK) Limited

Background:

This application is to be determined by this Committee due to a number of objections that have been received to the proposed development.

The proposal is to improve and extend the existing commercial premises fronting Croft Street and Yorkshire Street which would create 32 apartments on upper floors and remodel the external appearance of the premises. The premises are within the Town Centre to the north side of Burnley Bus Station.

Site Plan



The application is for Outline planning permission with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for subsequent approval. Detailed plans have however been submitted with the application to illustrate the proposals and demonstrate how the proposed 32 apartments would be accommodated on the site.

The application site consists of a 1960`s building that replaced earlier houses and altered Croft Street and Yorkshire Street. The flat roofed rendered two and three

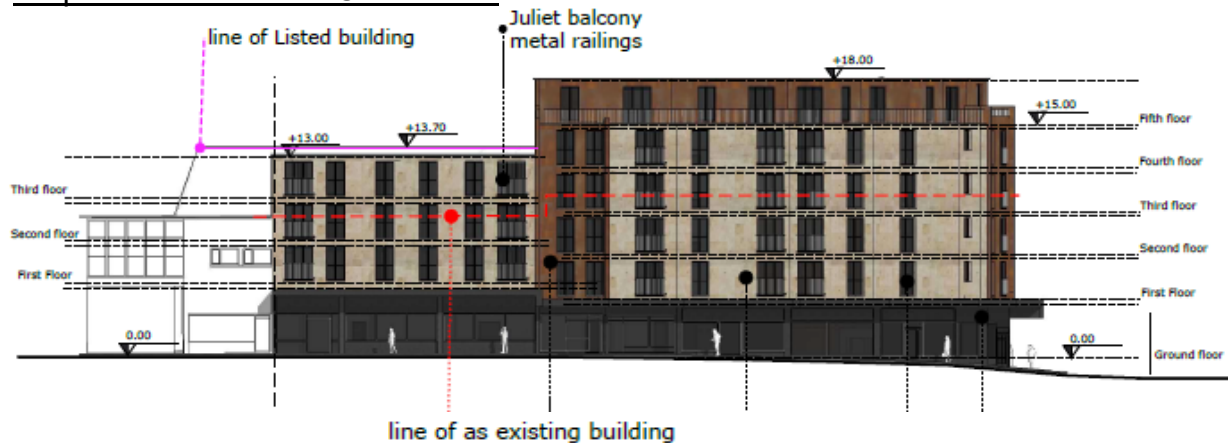
storey building fronts Croft Street and curves onto Yorkshire Street with a two storey building. The ground floor of the premises are occupied as shop and café units whilst the upper floors are used for storage and as part of the ground floor shop/café premises.

The application site bounds the edge of the Town Centre Conservation Area and on Yorkshire Street adjoins 4-14 St James` Street which is a Grade II listed row of three storey sandstone buildings. A Heritage Assessment has been submitted with the application.

Existing elevation to Croft Street



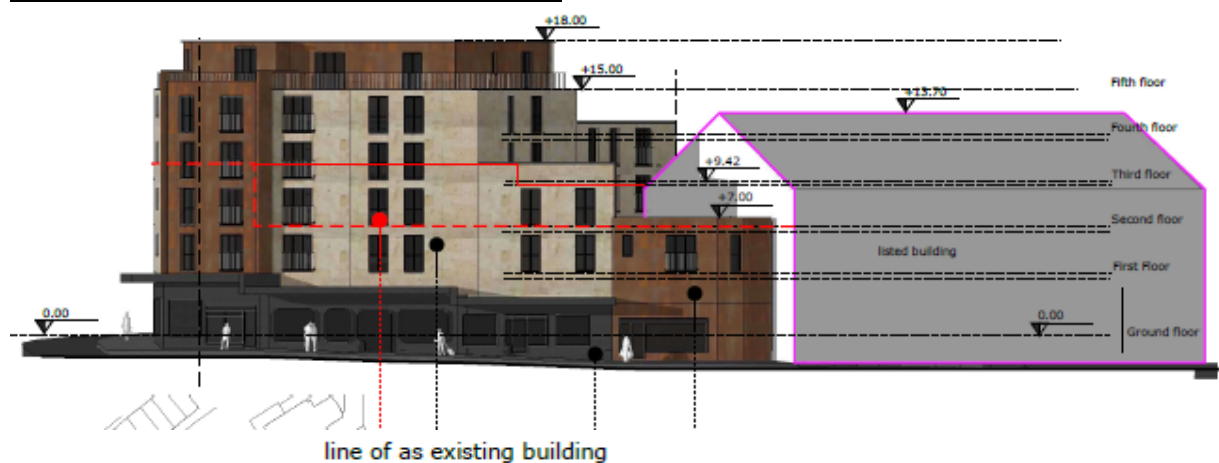
Proposed Elevation to Croft Street



Existing Elevation to Yorkshire Street



Proposed Elevation to Yorkshire Street



The proposed scheme involves no demolition or change to the footprint of the existing building with the exception of minor re-working at the rear of 5/7 Croft Street but would extend the building vertically from a building up to three storeys to up to six storeys.

The increase in height is indicated to increase towards the central area which is the corner of the site that stands opposite to a five storey office building. The top storey level is shown to be set back from the front façade. Where the application building adjoins the Grade II listed building on St James` Street, there would be no increase in building height.

Proposed floor plans have been submitted to indicate

Existing Ground Floor Plan



Proposed Ground Floor Plan



The main ground floor areas of the buildings would be unaltered. Those areas that would be affected are those shaded pink on the above existing plan. The proposed floor plan shows that these areas would be used to provide a main entrance, stairs and lift at units 5/7 Croft Street, a bin store and plant room at unit 9 Croft Street, a cycle store towards the rear of unit 7/9 Yorkshire Street. Unit 1 Croft Street would also be slightly shortened.

The first floor of the premises would remain as existing with only very limited adaptations; the existing second floor would also remain as existing with the exception of a lift shaft to the rear of units 5/7 Croft Street. The proposed 32 apartments would be accommodated on the extended second floor areas and proposed third, fourth and fifth floors. The indicative floor plans shown below show a total of 11no. one bedroom flats and 21no. two bedroom flats across these floors.

Proposed 2nd Floor

Proposed 3rd Floor

Proposed 4th Floor

Proposed 5th Floor



Blue shading indicates one bedroom flats
 Pink shading indicates two bedroom flats

Relevant Policies:

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
- TC2 – Development within Burnley and Padiham town centres
- TC3 – Burnley town centre – Primary and Secondary frontages
- HE2 – Designated heritage assets
- NE1 – Biodiversity and ecological networks
- 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

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:

APP/2003/0193 - Change of use from retail shop (Class A1) to retail shop (Class A1) including multi-media, internet and training centre at 5 Yorkshire Street, Approved April 2003.

APP/2005/1151 - Display of internally illuminated shop sign at 7/9/Yorkshire Street. Approved February 2006.

APP/2005/1153 - Use of premises as childrens play area with 'Drop and Shop' facility including cafeteria at 7/9 Yorkshire Street. Approved February 2006.

APP/2007/0675 - Proposed change of use of premises from children's play centre (Class D2) to a restaurant (Class A3) at 7/9 Yorkshire Street. Approved September 2007.

APP/2011/0194 - Proposed change of use from retail shop (Class A1) to coffee shop and milkshake bar (Class A3) at 5 Yorkshire Street. Approved June 2011.

APP/2012/0473 - Use of premises as private hire booking office operating 6 vehicles with parking at rear of building and 6 contract spaces on William Thompson car park at 11 Croft Street. Approved (temporary permission) November 2012.

APP/2013/0421 - Removal of condition 1 on planning permission APP/2012/0473 to enable the use of the premises as a private hire booking office at 11 Croft Street. Approved November 2013.

APP/2014/0441 - Variation of Conditions 2 & 5 on Planning Permission APP/2012/0473 to allow the operation of 3 additional private hire vehicles (total of 9 private hire vehicles) at 11 Croft Street. Approved December 2014.

APP/2016/01111 - Proposed change of use of the ground floor from A3 (Cafe) to D1(Clinic) at 7/9 Yorkshire Street. Approved May 2016.

APP/2016/0492 - Removal of condition 2 and variation of conditions 3 and 5 of planning permission APP/2012/0473 at 11 Croft Street. Approved December 2016.

APP/2017/0095 - Proposed retention of an ATM at 11 Croft Street. Approved April 2017.

APP/2017/0097 - Application for consent to display an advertisement an ATM fascia at 11 Croft Street. Approved April 2017.

APP/2017/0443 - Change of use from cafe/take-away to cafe/play centre at 7/9 Yorkshire Street. Approved October 2017.

APP/2018/0240 - Removal of condition 2 and variation of conditions 3 and 5 of planning permission APP/2012/0473 at 11 Croft Street. Approved July 2018.

Consultation Responses:

LCC Highways

No objection. The proposal will create up to a total of 32 apartments in a town centre location without the provision of any onsite residential parking. Whilst the lack of any parking facilities would ordinarily be a concern the proximity of the development to the town centre amenities and public transport opportunities would suggest that the site would benefit from a car free status and I would anticipate that any prospective residents would be mindful of the lack of parking facilities before purchase / tenancy. And on this basis I would raise no objection to the proposal on highway grounds. The Council's waste management team should be consulted regarding the location of the proposed refuse storage area and on the arrangements for collection. A condition is recommended to require a Construction Management Plan.

Coal Authority

No objection. The application site falls partly within the defined Development High Risk Area. The Coal Authority's information indicates that the southern half of the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, in this particular case we understand that the proposal would retain the existing building, with the existing ground floor being retained for use as retail units, but would see the addition of three new floors (third to fifth floors). We understand that the additional floor space within the extension, along with that resulting from the change of use of the first floor of the existing building, would be used to create the new apartments. In light of the above, it does not appear that the proposal will require new foundations. We therefore do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of development proposed in this particular case and do not object to this planning application. The Coal Authority does recommend however, that an Informative Note is added to any planning permission.

Greater Manchester Ecology Unit (GMEU)

No objections. The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

A survey was carried out by suitably experienced bat consultant including a visual assessment and one emergence survey. No evidence of bats was found and the building assessed as having negligible bat roosting potential. I have no reason to doubt the findings of the report. As this is an outline application however development may be delayed by several years even if permission is granted, best practice indicating that protected species surveys should be reviewed after 18 months to 3 years. A condition is recommended to require the building to be re-assessed for bat roosting potential if the development is not commenced before the end of April 2024.

Nesting Birds

No evidence of nesting birds was recorded during the bat survey. The building is clearly of a design unlikely to be utilised by birds. An informative is recommended.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development site currently has negligible habitat or species value and as such, no mitigation is required. In terms of enhancement, these details can be conditioned.

Local Lead Flood Authority (LCC)

No objections subject to conditions to require a surface water sustainable drainage strategy, a construction phase surface water management plan, and an operation and maintenance plan and verification report.

Environmental Health

No objection. Conditions are recommended to require a land investigation in respect of ground gas and landfill gas; a noise assessment to take account of noise from surrounding roads and other noise sources and internal noise that would be generated by the development, together with noise mitigation measures.

Streetscene

The bin storage areas are satisfactory for the development.

LCC Schools Planning Team

An education contribution is not required at this stage in regards to this development.

Publicity

Three representations have been made expressing objections and concerns. Two of these are from the current occupiers of the units at Yorkshire Street and Croft Street that form part of the application premises and the third is from the occupier of a flat above commercial premises on St James Street. A summary of their points is listed below:-

- Plans show that no. 7/9 Yorkshire Street would lose its kitchen and bar area;
- Opposed to the conversion of the ground floor of no. 9 Croft Street, for which the occupiers have a long lease;
- Would lose business during the construction work;
- Five storey development will take away all natural light to the rear;
- The rear service yard has always been a problem with parking;
- 30+ flats will mean an increase in vehicles
- Concern for where all the bins would be stored
- Concern with where the contractors will park during the construction
- Request that it is stipulated that the rear yard must not be blocked as access is required at all times.

Planning and Environmental Considerations:

Principle of Proposal

The site is within the defined Burnley Town Centre within Burnley's Local Plan, at an accessible and gateway location, adjacent to Burnley Bus Station and all town centre amenities and opportunities. The application premises are defined as Secondary Shopping Frontages within the Primary Shopping Area of the town centre. Policy TC2 states that the Council will seek to maintain and enhance the retail and service function of the town centre and proposals for residential development, including new

build, conversion, or change of use on appropriate sites, will be considered favourably subject to a number of considerations. At this location within the Primary Shopping Area, the key considerations are for the development to be located on upper floors and for it not to prejudice the lawful operating conditions or viability of adjacent land uses. The addition of 32 apartments at this location would be regarded as a windfall that would contribute positively to the delivery of the housing requirement under Policy SP2. It is also necessary to assess the impact of the proposal on the defined secondary shopping frontage; on the setting of heritage assets; its visual impact at a gateway location to the town centre; the affect on residential amenities; the suitability of the site, having regard to parking and servicing arrangements; ground conditions; and ecological considerations.

Visual impact

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. Proposals should have respect to their townscape setting, contribute to the public realm and use a palette of high quality materials. The Policies Map (West) identifies the location of the development as a Key Gateway to the Town Centre.

The proposed addition of up to three floors would increase the prominence of the site and buildings. Whilst the general scale of development is lower than proposed, there are other tall buildings at the gateway to the Town Centre, including an office building on Croft Street. A prominent building at the gateway to the Town Centre would not, in principle, be inappropriate or out of keeping at this location subject to a high quality design.

Illustration – Croft Street



Given that all matters are reserved, the illustrations are provided to show how additional floors would be added in a stepped manner to give prominence to the corner position at the entrance to the Town Centre. The stepping back of the final floor and the use of a contrasting material reduces the massing of the proposal. A vertical rhythm provides a distinctive appearance. These attributes would be expected to follow in an application for the approval of Reserved Matters.

Illustration -Yorkshire Street



The stepping down of the proposal with no additional floor to the end unit adjoining St James Street responds to the scale of the existing buildings. The illustrations indicate the use of contrasting high quality cladding materials (terracotta rain screen cladding and corten cladding). Details of external materials would be expected to be considered as part of a Reserved Matters application.

The illustrations indicate that a sensitively designed scheme would be capable of accommodating up the three additional floors and the proposed development of up to 32 apartments whilst also improving the appearance of the current set of buildings at this prominent site.

Details of any energy and water efficiency measures that can be incorporated into an extension to an existing building will be considered at the Reserved Matters stage.

Impact on heritage assets

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

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confer upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting and preserving or enhancing the character or appearance of a Conservation Area.

The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In this case, the proposed development adjoins a three storey row of shops at 4-14 St James Street which is a Grade II listed building. The edge of the Town Centre Conservation Area runs through the service yard to the rear of the Croft Street.

A Heritage Statement has been submitted with the application to assess the impact of the proposal on the setting of historic assets. Views of an enlarged building would be apparent from St James Street where character of the Conservation Area is characterised by sandstone with strong attention to stone detailing, proportions and the upper floors. The illustrations of the proposed scheme indicate a distinctive vertical emphasis and repetition and articulation of the upper floor façade that would respect the pattern and rhythm of the Conservation Area. A sensitive stepping up and down of the proposed floor levels would also respect the lower scale of the Conservation Area.

Existing view



Illustrated view



The impact of the proposed increased scale and massing of the proposal would be reduced by the scaling down towards St James Street. Views from the Conservation Area and the listed building would be altered by the increased scale and massing towards the site corner but this would be visually set apart from the listed building. Adopting the principles that have been used in the illustrations, the impact on the character and appearance of the Conservation Area and the setting of the Grade II listed building would not lead to harm. The proposal is also likely to benefit the site by improving the current appearance of the 1960's building.

The proposed development, subject to the principles that have been illustrated, is unlikely to harm the setting of the Grade II listed building at 4-14 St James Street or the setting of the Town Centre Conservation Area and therefore complies with Policy HE2.

Impact on town centre and shopping frontage

The site is part of a secondary shopping frontage at ground floor level. Policy TC3 seeks to protect retail frontages by avoiding a concentration of non-retail uses. The proposal would lead to the loss of a ground floor unit to provide a street entrance to the proposed upper floor apartments. Minor changes are also required to a small number of units to accommodate ground floor bin storage, stairs and cycle storage. The minor loss of ground floor secondary shopping frontage would not have a significant impact on the frontage as a whole and is reasonably necessary to facilitate access to the proposed development. Some objections and concerns have been raised by current occupiers of the affected ground floor units in respect of their leases but this is a private matter and the applicant affirms that they are liaising with the current occupiers of the building.

There would be no discernible impact on the secondary shopping function and the proposal is also likely to be beneficial by improving Town Centre buildings and attracting new residents which would contribute to the vibrancy of the Town Centre.

Impact on residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. Residential amenities in Town Centres will differ from those in suburban areas where buildings respond to townscape and there is a mix of uses and higher levels of activity. However, living conditions should provide an adequate level of amenity, including daylight.

An objection to the proposal has been received which is concerned that the increase in building height would reduce the daylight to an upper floor flat that faces the rear elevation of the proposal. The distance between the buildings would be unchanged but the increase in height would potentially affect daylight and sunlight.

Proposed Section between proposed development and existing building to rear



Morning sunlight may be reduced in winter periods but this would be limited. The level of sunlight and daylight to existing occupiers would not be significantly affected.

The proposed flats would be susceptible to noise from the Town Centre activities and the nearby bus station. A condition is required to require a noise assessment to accompany any Reserved Matters application so noise attenuation measures can, if required, be designed into the construction.

The proposed development would not significantly affect residential amenities; as such, the proposal complies with Policy SP5.

Accessibility and impact on parking

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays. Policy IC3 requires adequate parking for developments as appropriate to their nature and scale. In this case, the proposal would not provide off-street parking for the proposed occupiers of the development. The limited space within the existing yard would be maintained for servicing. The site is, however, highly accessible to the adjacent bus station, to town centre amenities, to railway stations and to town centre car parks. A development at this location is likely to attract occupiers that want to benefit from this level of accessibility without relying on a motor car. The proposed scheme would provide ample cycle storage for new occupiers. LCC Highways has no objection to the application.

Ecological matters

Policy NE1 requires proposals to have regard to potential impacts on protected species. A Preliminary Bat Roost Assessment Report was submitted with the application that details a survey that has found no evidence of bat activity at the buildings. GMEU accept these findings but recommend a condition to require a further survey to take place prior to development taking place if this occurs later than April 2024. It is also accepted there is no evidence of nesting birds at the site. The proposal would not, therefore, adversely affect protected species or biodiversity and complies with Policy NE1.

Ground conditions

The proposed scheme is not envisaged to involve excavation or new foundations in which case the Coal Authority is satisfied that no further investigation of coal mining legacies is required. Any potential risk from mine gas and landfill gas should however be assessed and a condition is recommended to require this.

Other issues

Policy HS2 has an expectation that new housing in excess of 10 units will provide for affordable housing, unless there are viability reasons for not doing so. The Local Plan Viability Assessment forms the basis of the Developer Contributions SPD, the evidence from which indicates that a development at this site would not be expected to be viable with the provision of either onsite or off-site affordable housing. In these circumstances, there is no expectation that the development will contribute to affordable housing.

The Developer Contributions SPD also indicates that there is unlikely to be any capacity for contributions. Whilst no open space contribution is sought, the Head of Greenspaces and Amenities has requested a contribution of £5,000 towards new benches that would be installed along a route from the site to Manchester Road Railway Station. This would improve amenities for users of public transport. The applicant has agreed to this which would be secured through a s106 Agreement.

Conclusion

The proposal is an outline application only and details that have been used to assess the proposal are for illustrative purposes only. The illustrations have, however, adopted principles in terms of the scale and design of the proposed extension that

demonstrate that the proposal for up to 32 flats can, in principle, be accommodated at the site. Regard has been given to the impact of the proposal on the setting of heritage assets and the gateway to the Town Centre which is likely to be low and not lead to harm. The proposal would be beneficial by creating new homes at a highly accessible location. It complies with the development plan and there are no material considerations that indicate otherwise.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to street furniture contribution

Conditions

To be listed in Late Correspondence prior to the meeting.

Janet Filbin
1st December 2021

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Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6c

Ref.

FUL/2021/0393

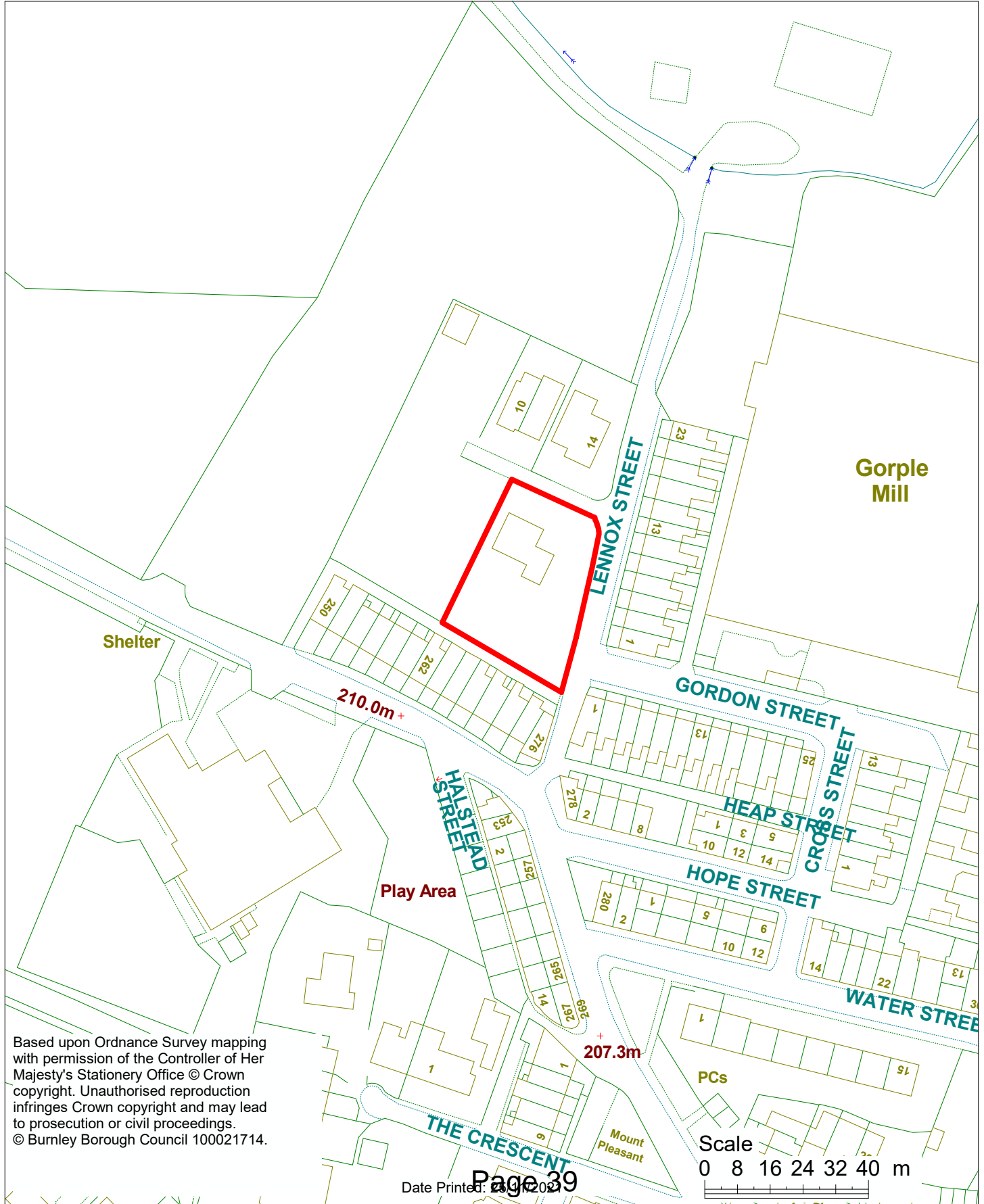
Paul Gatrell Head of Housing and Development

Location:



The Stables, Plot 4, Lennox Street, Worsthorne

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Application Recommended for Approve with Conditions

FUL/2021/0393

Cliviger With Worsthorne

Town and Country Planning Act 1990

Erection of bungalow with bedrooms in the roof space and formation of amended access to Lennox Street

The Stables Plot 4 Lennox Street Worsthorne-with-hurstwood

Applicant Details:

Mr Ashley

Background:

The application site relates to a plot of land on Lennox Street that was formerly occupied by a barn and stable block. Consent was granted in 2007 for the demolition of the barn and stable block and the erection of a detached two storey dwelling. Since 2007 the land to the south of this plot has had planning permission for four dwellings. The access was amended under the permission for the four dwellings. This application proposes further amendments to the access and to revise the house type to a dormer bungalow.

The application has been brought to development control committee as 4 letters of representation have been received objecting to the development with concerns that the development has continued despite being in breach of the planning consent as the access hasn't been constructed as approved. No concerns have been raised with regards to the erection of the bungalow.



Relevant Policies:

Burnley's Local Plan Adopted July 2018

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

NPPF

Proposed Development:

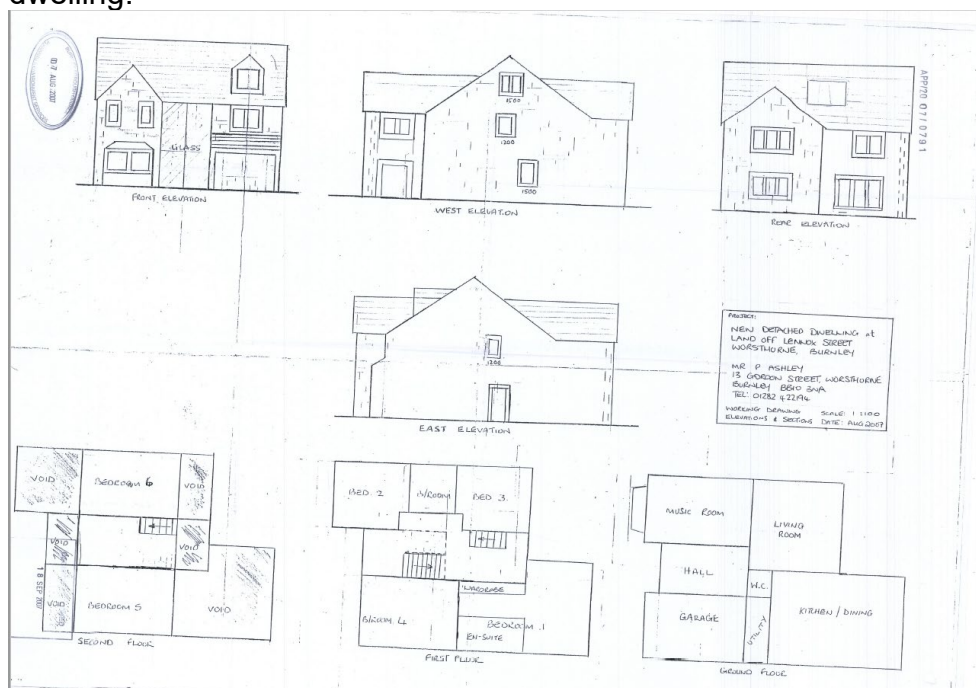
Consent is sought to change the house type of the approved dwelling under APP/2007/0791 from a two storey dwelling house to a bungalow with accommodation in the roof space.

The bungalow has a slightly reduced footprint to the approved dwelling. The bungalow has a width of 4.5m and has a maximum length of 15.4m and the ridge measures at 6.5m. The dwelling is to be constructed using natural stone, with a slate roof and upvc windows and doors. The bungalow would be 3 bedroomed and would have a private garden to the rear.

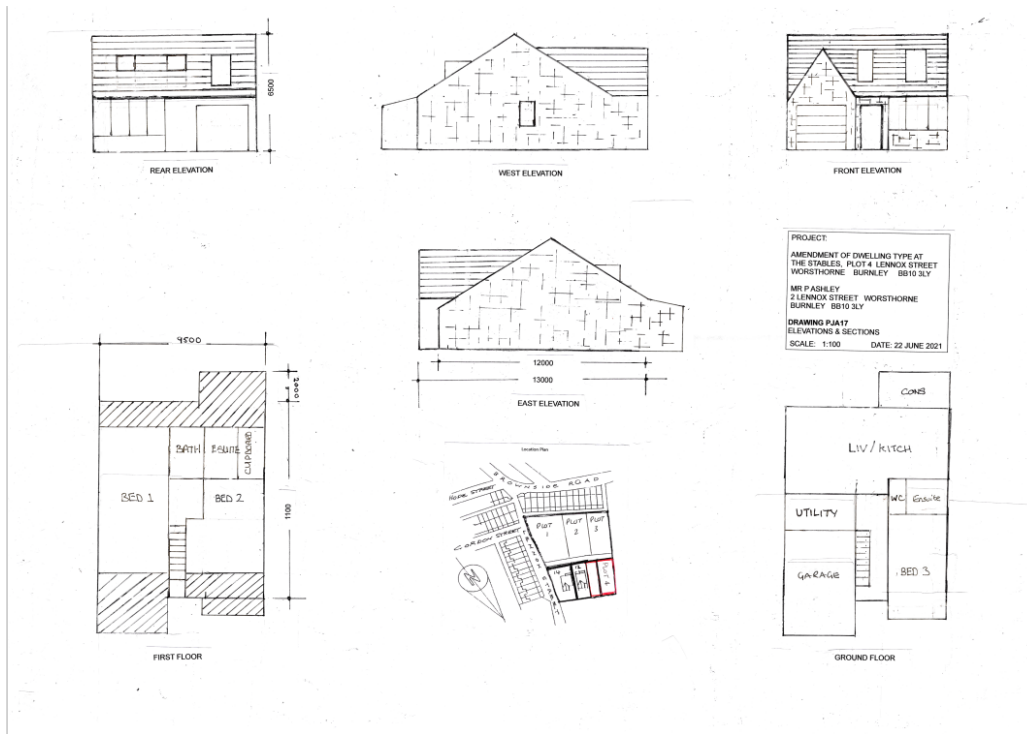
The sewage connection point is at the front of the property to the sewer connection already laid in the private road. The surface water connection is to the existing watercourse located on Lennox Street.

The garage will accommodate one vehicle with cycle storage. Two additional parking space are proposed to the front of the dwelling. Bin storage will be at the rear of the property.

The site will be accessed off Lennox Street as previously approved. The revised access road will measure 5m at the entrance to the site and in sections will reduce to 4.5m in width. The turning head has also been relocated to the east of the proposed dwelling.



Previously approved development.



Proposed Elevations.



Proposed Site Plan showing access and parking associated with proposed dwelling.

Site History:

App Number	Proposal	Status	Received Date	Decision Date
APP/2007/079 1	Proposed demolition of existing barn and stable block and build one new detached dwelling	A/C	07.09 2007	18.09 2007
APP/2010/046 6	Discharge of conditions 2 and 3 on Planning Application APP/2007/0791	Approval	23.08.201 0	20.09.2010

Consultation Responses:

Highways - The Highways Depot (Burnley District)	No objections subject to conditions
Environmental Health	No objections subject to conditions relating construction hours and details of refuse storage to be submitted.
Streetscene (Refuse)	No Comment Received.
Local Plans & Policy Team	No Comment Received.
Worsthorne With Hurstwood PC Planning Committee	The Parish Council object to the development due to concerns regarding the amended access. The PC had no concerns with the proposed bungalow.

Planning and Environmental Considerations:

Principle of Development:

The principle of developing this site for a residential unit has already been accepted APP/2007/0791 and this permission has been implemented.

The main considerations in respect to this application are whether the revised house design has any impacts upon the amenity of occupiers of nearby properties or whether there will be any additional visual impact upon this location. The application also proposes amendments to the approved access.

Impact on Residential Amenity:

In accordance with Local Plan Policy SP5 and HS4 development should not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight.

The nearest neighbouring property with the potential to be impacted by the proposal is the dwelling to the east. When compared with the previously approved dwelling the built form of the development has not been brought any closer to this property. The height of the building has been reduced and the windows on the side elevation have been removed. As such when compared with the two-storey dwelling the impact on the neighbour is reduced. As such the development is considered to have minimal impact on this neighbour.

It is considered that there is a sufficient separation distance from the other properties surrounding the site.

Taking account of the above, it is considered that given the scale and positioning of the proposed dwelling would not cause a significant loss of privacy or overlooking with neighbouring properties and would not result in a significant or unacceptable reduction of outlook or daylight in accordance with Policies SP5 and HS4.

Impact on Visual Amenity and Design:

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

The application site is one of 7 no plots of consented dwellings on the land off Lennox Street. The proposed dwelling will be erected at the north western side of the overall site and therefore when viewed from the highway the new dwelling will be seen in context with the other 6 dwellings, 3 of which have already been constructed. The proposed building materials match that approved on the previous approval and are similar to the other dwellings in the immediate vicinity.

The proposed private garden area is considered to be proportionate to the size of the dwelling, and suitable bin storage is provided. In respect of scale, form and massing, the proposed dwelling will sit comfortably within the streetscene.

In view of the above it is considered that the proposed development would comply

with
Policies SP5 and HS4.

Highways:

Local Plan Policy IC1 requires development to provide safe access to, from and within the site, including adequate visibility splays. The NPPF supports the need to avoid adverse impacts through development and to mitigate them where they occur.

The amended access proposes a maximum width of 5m and in sections reduces to 4.5m. The previously approved access measured 5m in width the full length of the road. The turning head has also been relocated. The highways engineer has confirmed that the amended access is sufficient.

As such The Highway Authority has raised no objection to highways considerations subject to conditions. Accordingly, it is considered that the proposal meets the requirements of Policy IC1.

Policy IC3 requires car parking to be provided in accordance with the Council's car parking standards which in this case would require two in-curtilage parking spaces. The proposal makes sufficient provision in accordance with Policy IC3

Drainage:

The sewage connection point is at the front of the property to the sewer connection already laid in the private road. A condition will be attached to any permission requiring that foul and surface water be drained on separate systems.

Other Matters:

In the interests of visual amenity of the area and to protect the amenity of the neighbouring dwelling it is considered appropriate to removed permitted development rights for outbuildings (class E) from this new dwelling.

Recommendation:

That planning consent be granted subject to conditions.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Proposed Location Plan, Elevations and Floor Plans: Dwg no PJA17
Site Plan: Dwg no PJA 7A

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Notwithstanding the submitted details, precise specifications or samples of walling, door/window surrounds, rainwater goods, roofing/ridge materials including surfacing materials, their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development and shall be retained as such thereafter.

Reason: To ensure that the materials to be used are appropriate to the locality.

4. No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Hard landscaping shall include proposed finished levels or contours; means of enclosure; parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate, and shall include details of the condition of existing trees and specify which are to be retained.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.

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

6. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank 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 protect the amenities of nearby residents.

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

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.

8. Before the dwelling is occupied, that part of the access extending from the highway boundary into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

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

9. The surface water from the approved driveway should be collected within the site and drained to a suitable internal outfall.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

10. No part of the development hereby approved shall be occupied until the turning head, as indicated on the approved plans, has been constructed, drained, surfaced in tarmacadam, and is available for use for the turning of vehicles entering or leaving the proposed access from Lennox Street. The turning head shall not at any time be used for any other purpose or be obstructed and shall be retained in perpetuity for the turning of vehicles.

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

11. All garage facilities or off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

12. Full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. All boundary treatments thereby approved to bound the site shall be erected in accordance with the approved details before the approved dwelling is occupied.

Reason: To ensure a visually satisfactory form of development.

13. The residential curtilage of the dwelling hereby approved shall be restricted to that shown on approved drawing Site Plan: Dwg no PJA 7A.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality

14. Notwithstanding the provisions of Classes E of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no additional buildings or structures shall be erected within the external area of the dwelling hereby permitted unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of the appearance visual appearance

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

16. Vehicular access to the proposed development shall be from Lennox Street only and not from any other route or road.

Reason: To ensure a safe and adequate means of access to the site, in accordance with the details that have been assessed as part of the application,

Rebecca Bowers
26th November 2021

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Housing & Development
Town Hall, Manchester Road

Ref.

VAR/2021/0203

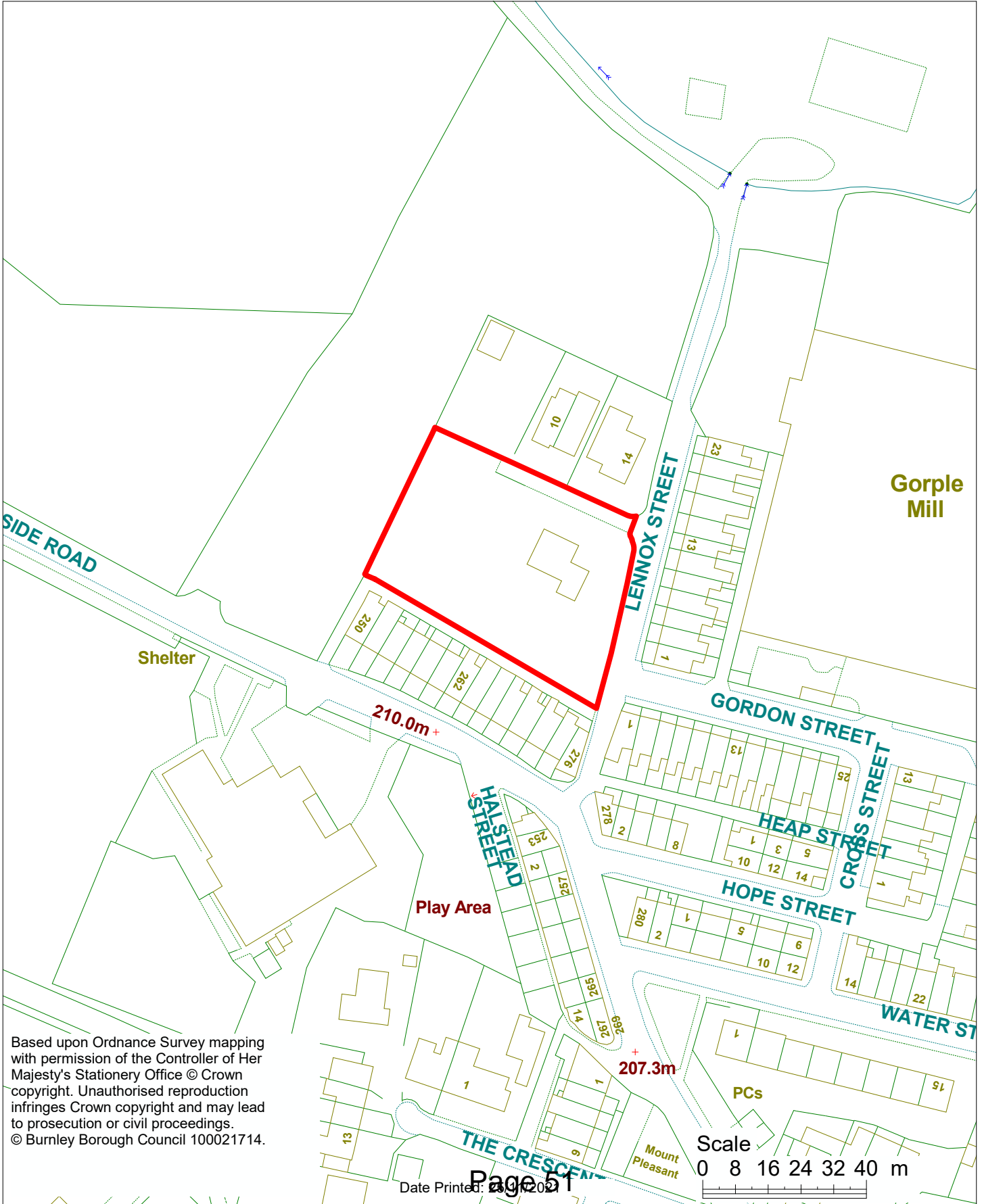
Paul Gatrell Head of Housing and Development

Location:

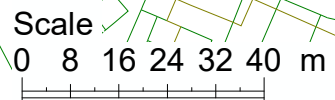


Plots 1 & 3 Lennox Street, Worsthorne

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**Application Recommended for Approve with Conditions VAR/2021/0203
Cliviger With Worsthorne**

Town and Country Planning Act 1990
Removal of Condition 6 (Provision of community garden) pursuant to planning application APP/2016/0472
Plots 1 and 3 Lennox Street Worsthorne-with-Hurstwood Lancashire BB10 3LY

Applicant: Mr P Ashley

Background

The application site is located off Lennox Street, Worsthorne and is within the settlement boundary as defined in Burnley’s adopted Local Plan. The site is on the edge of the Worsthorne Conservation Area with properties to the rear (No’s 250-276 Brownside Road) falling within the CA.

Permission was granted in 2014 as part of application APP/2014/0122 for outline for 3 dwellings with a reserved matters application approved in APP/2016/0472. A further non-material application was submitted and approved APP/2018/0588.

Related photos of the site



Photo 1: view into the site from Gordon Street boundary



Photo 2: Plot no.1 with some of the fencing



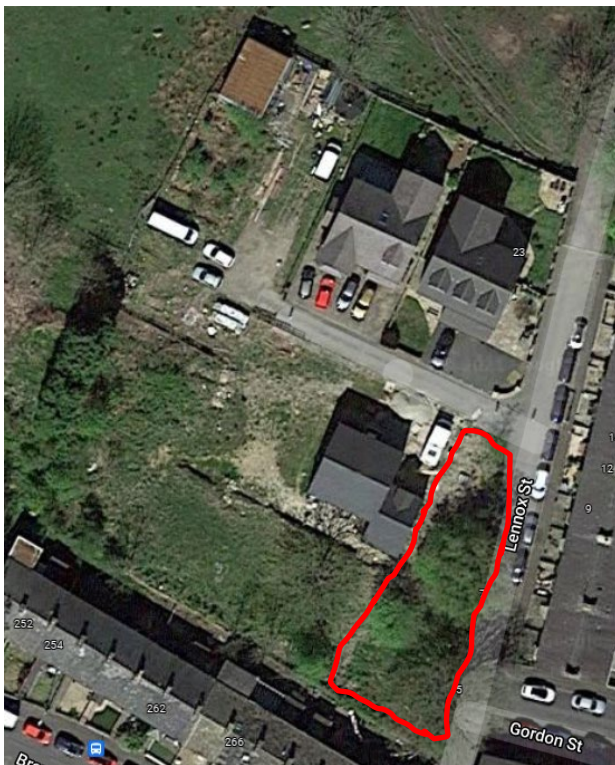
Photo 3: view into the site

Plan Extract: from 2016 application with the area shaded green.



**PROPOSED ERECTION OF 3 no
DETACHED DWELLINGS, ON LAND AT
LENNOX STREET, WORSTHORNE.**

Proposed Site Plan **Scale 1 ; 500** DRAW REF PSA 2



Google extract plan: 'Community Garden Area' outlined in red.

Proposal

This variation of condition under Section 73 of the Town and Country Planning Act

1990, seeks to remove condition 6 (see below) of the Reserved Matters application APP/2016/0472. Under this type of application, the council will look at all the existing conditions attached to the original consent and can either add or remove if conditions have been formally discharged.

Removal of condition 6 of APP/2016/0472

6. The Community Garden shall be laid out as set out on the approved site layout plan and application details before any of the houses are occupied. It shall thereafter be maintained in accordance with good horticultural practice, to the satisfaction of the local planning authority.

Reason: *To ensure that the long term future management of the community garden is secured in order to ensure that the site contributes to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with policy GP6 of the Burnley Local Plan, Second Review.*

The applicant has provided a justification for the removal of the condition. The main points are summarized as follows:

- *the outline planning application in 2014 was intended that the community garden would be for the exclusive benefit of the neighbours immediately surrounding the site but issues arose from the management of the space especially when the parish council couldn't take on the management unless it was for all parish members*
 - Lennox Street is a busy section of road and have become regularly used with the use of Fulleage Football Club for the football pitches.*
 - surrounding properties would not welcome huge numbers of people using the space if it was open to everyone*
 - plot number one would take over full ownership of the site and will continue to enhance the space which provides an attractive ecological space.*
 - whilst not being accessible, the space will still provide a visual landscape buffer and continue to play a part of the character and appearance of the immediate area*
- Plan extract of the proposed garden area which will form part of No. 2 Lennox Street



Plan Extract 1: Rec 26/11/21 and landscaping



Photo showing the new kerb

Relevant Planning History

FUL/2019/0432 - Create pair of semi-detached houses in lieu of one detached dwelling Plot 3 Lennox Street Worsthorne-with-hurstwood Lancashire

APP/2018/0588 – NMA elevational changes approved 7/3/19

APP/2016/0472 - Application for approval of all reserved matters except access for the erection of 3no. detached dwellings together with provision of community garden (pursuant to outline planning permission APP/2014/0122).
Approved 16/12/16

APP/2014/0122 – Outline Application for the erection of 3 detached dwellings - granted

APP/2007/0959 – Outline Application for 6 dwellings – refused and appeal dismissed.

APP/2006/0637 – Change of use of land to residential curtilage – refused.

APP/2007/0093 – Change of use of land to form extended residential curtilage – granted

Planning Policies:

Burnley`s Local Plan (July 2018)

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS4 – Housing development

NE4 – Trees, Hedgerows and Woodland

National Planning Policy Framework 2021

Consultation Responses

LCC Highways

No objection. Should you wish to support the application we would look for the wall that runs along Lennox Street to be conditioned to remain at less than 0.95m in height for a length of at least 20m or to the rear of the surfaced drives whichever is the greater. Conditions area also recommended relating to hardstanding surface water drainage and visibility splays.

Worsthorne Parish Council

An initial objection was submitted to the application which has subsequently been withdrawn and the following comments made:

‘Mr Ashley attended our monthly Parish Council meeting last night and explained the reasoning behind his request for removal of the condition.

After discussion the Parish Council decided that having had the situation explained to us we would like to withdraw our objection subject to the following:

1. Any current owner of the land must maintain it as an green open space to a suitable level at all times.

2. Any current owner must provide the Parish and Borough Council with the name, address and contact telephone number of any person the ownership of the land is transferred/sold to in the future.

3. A condition is stipulated and included in any deeds to the land that it cannot be developed or built upon in the future. Article 4 Directive.

Publicity

Two letters received from neighbours, making the following general points:

- There is an issue with tree no. 9 Silver Birch on the application plan/map. This tree is at the head of the cul-de-sac on Lennox St and has grown to become a hazard as vehicles and pedestrians can no longer be seen when you are exiting the cul-de-sac by car.
- The recreation ground is nearly completed to providing Fulledege Colts a place for football matches and football training. This will cause increased traffic both vehicle and pedestrian on Lennox St which is a dead end.
- Concerned that lack of vision when exiting will cause an accident.
- The garden space as marked on the plan/map may need to be reduced as the road/head of the cul-de-sac needs to be widened by 1 metre as per planning approval for number 2 Lennox St ref APP2016-0472.
- The trees in the garden have grown so tall, they are now blocking the daylight to the houses numbered 1,3, 5 and 7 Lennox St and need cutting back. They will need to be cut back regularly to avoid this situation arising again.
- As that land was designated specifically for that purpose if it is decided that the garden does not go ahead I do feel that it should still be used to benefit the residents for another purpose eg widened rd area / passing place on the odd number portion of Lennox st.
- if it remains part of no 2's property then they should be solely responsible for the upkeep of the walled area and regular room for tree maintenance. The said trees are already at such a height that they are causing loss of light to odd numbered properties on Lennox st, specifically no's 1,3,5 & 7.
- Silver birch no.9 is also causing issues regarding visibility, this is a hazard to both vehicle & pedestrians alike. Due to its size and position on the corner of the entrance/exit to the even numbered cul-de-sac portion of Lennox Street it obstructs the views to and from Lennox st which is potentially dangerous. However as the road by properties 10, 12, 14 & 2 has been noted to be 1m less in width than agreed on plans and therefore once widened would require removal of tree number 9.

Two letters of support from neighbours, making the following points:

- Unsuitable location for community garden
- Potential for noise and disturbance
- Who would police the site if people are causing a nuisance
- Would be difficult to have for only immediate neighbours

- General rubbish and dog fouling which is already a problem
- Site is currently used for No. 2 Lennox Street and is better kept that way.

Two letters of objection, making the following points:

- the applicant has never even started to make a start on the community garden, despite it being on the original plans.
- Even more trees planted would decrease the already poor sunlight to numbers 1-7 inclusive.
- The statement that groups will gather is not factual at all, groups already use the through road to make their way to the recreation ground to play sports or meet in the youth shelter.
- The garden would only be of use by residents and through talking to neighbours, they have stated that any grass cutting required would be done by themselves or family members, so the applicant wouldn't need to worry about it becoming overgrown.
- The area where the garden was supposed to have been started is currently in a very poor state of repair and certainly not been kept in any form of update to make the area easy on the eye of residents.
- The original application was approved on condition that no houses would be lived in before the completion of the resident's community garden. Plot 1 has now been lived in for over 12 months without any penalties issued.
- none of the residents I've spoken to have not wanted the communal gardens but have been looking forward to it.
- it shouldn't cause any disturbance to residents as it is already a busy access road to the recreation field
- the extra traffic once the football pitches are in use shouldn't have an impact as they will be going straight past.
- as the green should be enclosed with fencing, as per the original application, there should be no encroachment of safety issues.
- we have seen trees being planted recently which may prevent make the garden being made. We already have little light at the front of our houses on Lennox Street as the existing trees are not maintained.
- the garden was meant to compensate for the loss of the green spaces we had before the houses were built. Hopefully the wildlife would return.
- a community garden would help the mental and physical health of the residents as quite a few of them are of the older generation or have a disability that prevents them enjoying the wider countryside.
- condition 6 of the original approval stated that the garden was to be set out before plot 1 was occupied but it has been occupied for over 12 months and the work on the garden has not commenced.
- the area where the garden was meant to be has been left in a poor state with overgrown weeds everywhere.
- the developer is encroaching onto the garden plot to begin building a driveway.

Planning and Environmental Considerations:

The inclusion of a community garden within this small development has been discussed within previous applications. The following extract is taken from the Officer's report APP/2016/0472:

'The Community Garden along the frontage with Lennox Street will remain largely a green open space. It already has a variety of trees and shrubs including beech, birch, horse chestnut and sycamore and these will remain and be protected during construction. A small seating area, a bench seat will be provided. The access to the garden will be from a new gated opening at the rear of 276 Brownside Road. The ranch style fencing to Lennox Street will be retained.'

Furthermore the need for the community garden was discussed:

'There is no policy requirement to provide open space on this site but the provision of the community garden fronting Lennox Street will to some extent compensate for the loss of the wider area of land and provide a community facility not available at present as the land is privately owned. The landscaping and treatment of the land are acceptable. The land will remain within the ownership of the developer and a condition requiring its future maintenance is suggested.'

Currently the land has no formal designation ie. Protected open space, and there is no requirement from a Council open space requirement to create semi- private space for local residents.

There are several Tree Preservation Orders within the site area, and as can be seen from the photos above new trees have been added over the years. From an ecology and biodiversity point of view, I do not consider there will be a detrimental impact if the site was not a community garden as the trees and existing shrubs would remain and a condition can be placed to secure their retention and maintenance.

Ownership

The proposal for the garden area would bring it into the curtilage and ownership of Plot 1. Given the small size of the piece of land this would be a more practical solution to the on-going maintenance and management of the area. In addition, confining use to only 'local residents' would be impractical and difficult to achieve.

Neighbour comments

There has been a balance of comments made to the application, both in favour and against the proposed variation of condition. As can be seen from the site history there has been various amendments to the plans over the years and development has been carried out in a piecemeal manner.

When applying the relevant land use policies to the site, there has been no policy change and therefore it remains the case that there is no formal requirement to provide additional open space as part of this small development. The space clearly does,

however, provide some form of visual amenity and landscape buffer between Lennox Street frontage and plot No. 1. In line with Policy NE4 of the adopted Local Plan, the site will continue to provide a landscape buffer and continue to encourage biodiversity.

There is a separate application which has been submitted which deals with the existing access road (FUL/2021/0393).

The upkeep of the extended garden area will be the responsibility of the owner of Plot 1 registered as No. 2 Lennox Street.

In terms of boundary treatment this would consist of conifers to the western boundary with proposed No. 4 Lennox St; existing stone wall to the rear boundary (back street of properties along Brownside Road); and part stone (existing) and part wooden fence along Lennox Street. As Lennox Street is a highway then no new boundary treatment should go above 1m high, anything above this would require planning permission.

Conclusion

The requirement for the community garden was never established as a formal policy requirement in the original application. It is noted that the space could have had some positive impacts for local residents but the practicalities of this appears not to have been formally put in place. Whilst not for public use, the space will still remain as a green buffer offering a natural landscape break between Lennox Street and the new dwellings, and the established trees will remain. It should be noted that as this is a variation of condition application, any relevant conditions that are not discharged will form part of the decision. A new condition has been added to remove parts of permitted development classes A (extensions to the dwelling), E (building incidental to the enjoyment of the dwelling) and F (hard surfacing).

Recommendation: Approve subject to the following conditions

1. The development shall be carried out in accordance with the details contained in the outline planning permission APP/2014/0122 together with the additional reserved matters set out in the application hereby approved, in accordance with the following plans: Site layout plan drawing Ref PJA2, received on 24 October 2016; amended drawing- Plan and elevations including the provision of stone quoins and changes to the window details received on 15 December 2016; and, revised plot 1 plan, received on 26 November 2021.

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

2. The tree protection measures for the trees to be retained on the site as set out in the application details shall be in place before any development starts and maintained for the duration of the development works to the satisfaction of the local planning authority.

Reason: In order to protect the existing trees on the site having regard to policy NE5 of Burnley's adopted Local Plan.

3. The recommendations of the Extended Phase 1 Habitat Survey and the Bat Habitat and Roost Assessment dated October 2016 by Quants environmental Limited shall be implemented in full as set out in the report, to the satisfaction of the local planning authority.

Reason: To ensure that species/habitats protected by the Wildlife and the Countryside Act 1981 are protected.

4. The scheme for the eradication of the Japanese knotweed (*Fallopia japonica*) present on the site, dated July 2016 shall be fully implemented as set out in the report, to the satisfaction of the local planning authority.

Reason: The scheme for the eradication of the Japanese knotweed (*Fallopia japonica*) present on the site, dated July 2016 shall be fully implemented as set out in the report, to the satisfaction of the local planning authority.

5. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.

Reason: No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.

6. The widening of the access drive, provision of a service strip and a turning area as set out in the application shall be completed to the satisfaction of the Local Planning Authority before any of the houses are occupied.

Reason: The widening of the access drive, provision of a service strip and a turning area as set out in the application shall be completed to the satisfaction of the Local Planning Authority before any of the houses are occupied.

7. The 'granny annexes' to the dwellings indicated on the approved plans shall remain ancillary to the main dwelling and shall not be used as a separate dwelling for occupation by a separate household.

Reason: For the avoidance of doubt and to prevent the establishment of a separate dwelling having regard to the policies of Burnley's Local Plan in respect of car parking and any other material considerations.

8. Notwithstanding the provisions of Article 3 and Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, E and F shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the local planning authority to consider future development having regard to Policies SP5, HS5 and NE3 of Burnley's Local Plan.

9. The surface water from the approved driveway/hardstanding/car park should be

collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

10. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

Paula Fitzgerald
29 November 2021

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0412

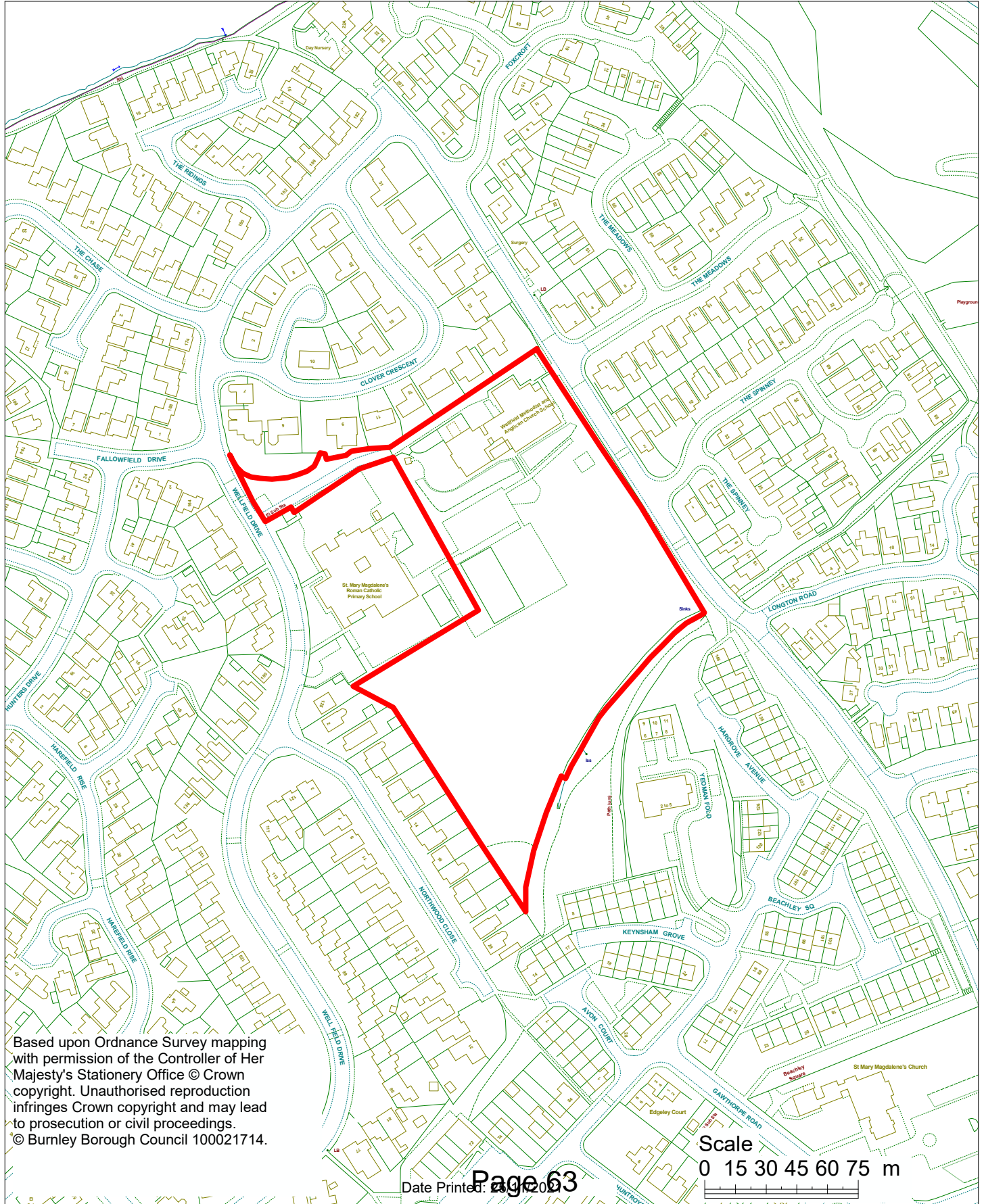
Paul Gattrell Head of Housing and Development

Location:



Wellfield Primary School, Wellfield Drive, Burnley

1:2500



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Application Recommended for Approve with Conditions

FUL/2021/0412

Whittlefield With Ightenhill Ward

Town and Country Planning Act 1990

Erection of 2m high welded mesh fencing & vehicle/pedestrian gates to the head of School Drive

Wellfield Methodist and Anglican Primary School, Wellfield Drive, Burnley

Applicant: The Board of Governors, Wellfield MA & C School.

Background:

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

The application site relates to Wellfield School, located off Wellfield Drive to the rear of St Mary Magdalene's School. The proposal involves the erection of 2m high fencing and vehicle/pedestrian gates at the head of School Drive to provide additional security for safeguarding reasons.

Relevant Policies:

Burnley's Local Plan July 2018

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

National Planning Policy Framework (2021)

Site History:

Wellfield School site:

92/0049 – phase 2 of existing primary school comprising 3 base rooms, toilets, cloaks, staff room, stores etc. – c/c

98/0152 – proposed extension to class base and assembly hall to create new storerooms – granted

NOT/08/0431 – LCC consultation – 2 single storey infill extensions – no objections

NOT/08/0573 – LCC consultation – creation of new play area to front of school with 1.8m high hoop top railings and retractable sun awning – no objections

Landscaped/garden site:

88/0301 – outline app – 40 dwellings – c/c

88/0922 – full application – erection of 28 dwellings – c/c

94/0157 – breach of condition – non-compliance with condition 4 (POS)

94/0158 – breach of condition – non-compliance with condition 3 (landscaping)

94/0590 – change of use of land to provide extension to garden area (3 Clover Crescent) – c/c

School and landscaped site: APP/2014/0405 – proposed single-storey extension to provide school with commercial kitchen facilities and a replacement parking area – approved with conditions. (At the time the applicants found out that they didn't own the land at the entrance to the school access road (public open space area). As the

owners of the land had not been confirmed it was decided that until the issue had been resolved that land couldn't be included as part of the application site).

Consultation Responses:

LCC Highways

The proposal raises no highway concerns, and they therefore raise no objections on highway grounds.

Publicity

Five objections have been received from neighbouring residents for the following reasons:

- There is no reason to have a fence at the position shown on the plan and question why it couldn't be erected at the site of the existing gate across the school access road.
- The fence doesn't match the current school fencing and will be an eyesore.
- The plans do not show clearly the extent of the public open space.
- Concerned that a large proportion of the current planting will have to be removed to install the fencing, with the remainder being removed in the future. Would have an effect on wildlife habitats and would lose the current public open space.
- The fence will not improve the safeguarding aspect of its function, although the gate and fence will be 2m high the fence bordering the drive is not at that height.
- The map doesn't show the gate and access system that is currently in place.
- Questions 8 and 10 have been incorrectly completed, there are sizeable trees on the site and a new pedestrian access point will be created. (Q 8 relates to new or altered vehicular and pedestrian rights of way – there are no new rights of way proposed; the proposal only consists of the erection of a gate. Q10 relates to whether there are any hedges/trees on the site; the agent has ticked no on the application form, he will be asked to change this to yes, as there are trees/shrubs adjacent to the proposed fence).
- Very few pupils, visitors or deliveries enter via the drive; as virtually all non-vehicular traffic uses the gate opening onto Pendle Way. Therefore, there are no safeguarding or health issues which need to be considered.
- The application represents an attempt to enclose the currently landscaped public open space, as a prelude to the clearance of the existing trees and bushes so that the area can be converted into parking spaces similar to those removed from a previous application by the school in 2014.
- I have concerns regarding the ownership of the area of public open land to the south of my property (*evidence has been provided showing that the board of education purchased the land in May 2019*).

Planning and Environmental Considerations:

Principle of proposal

The main issue is the visual impact of the proposal, having regard also to the benefits of additional security for Wellfield School. Policy SP5 seeks a high standard of design and, amongst other things, requires proposals to respect their townscape and landscape setting.

Visual impact and suitability of proposal

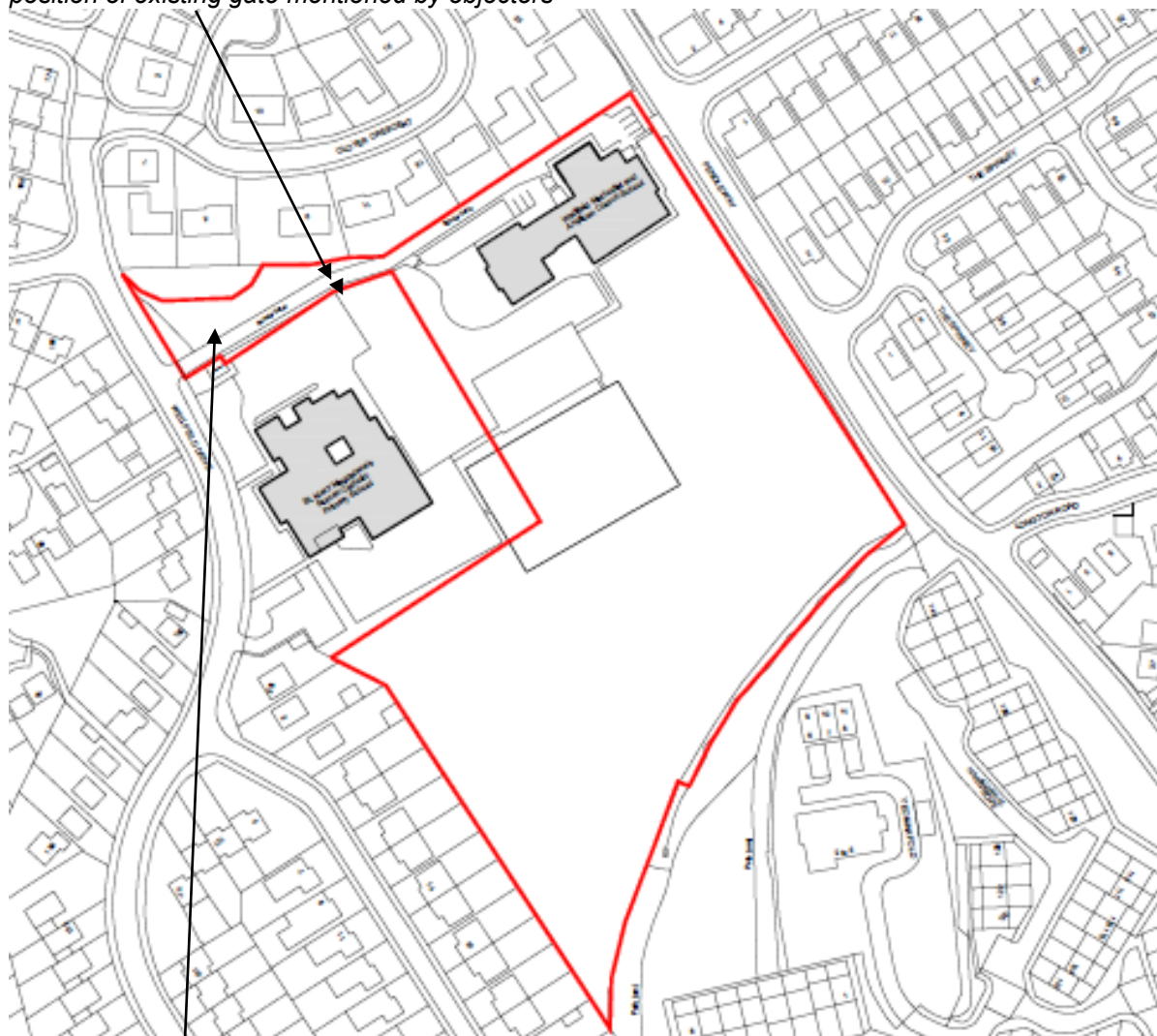
The proposal comprises a new boundary 2m high fence and gates to the head of School Drive. The applicant states that the purpose of the proposed fencing is to increase security for safeguarding reasons; currently persons (visitors and pupils) are able to enter and leave the site in an uncontrolled manner which is a health and safety/safeguarding risk.

The proposed fencing and gates would be 2m high and extended for a length of 38m along the existing verge line at the head of School Drive. The gates and fence would be Green `RAL 6005` and installed against the backdrop of the existing vegetation.

The existing planted area within the school grounds would be retained as existing, with some localised cutting back to enable the fence to be fitted.

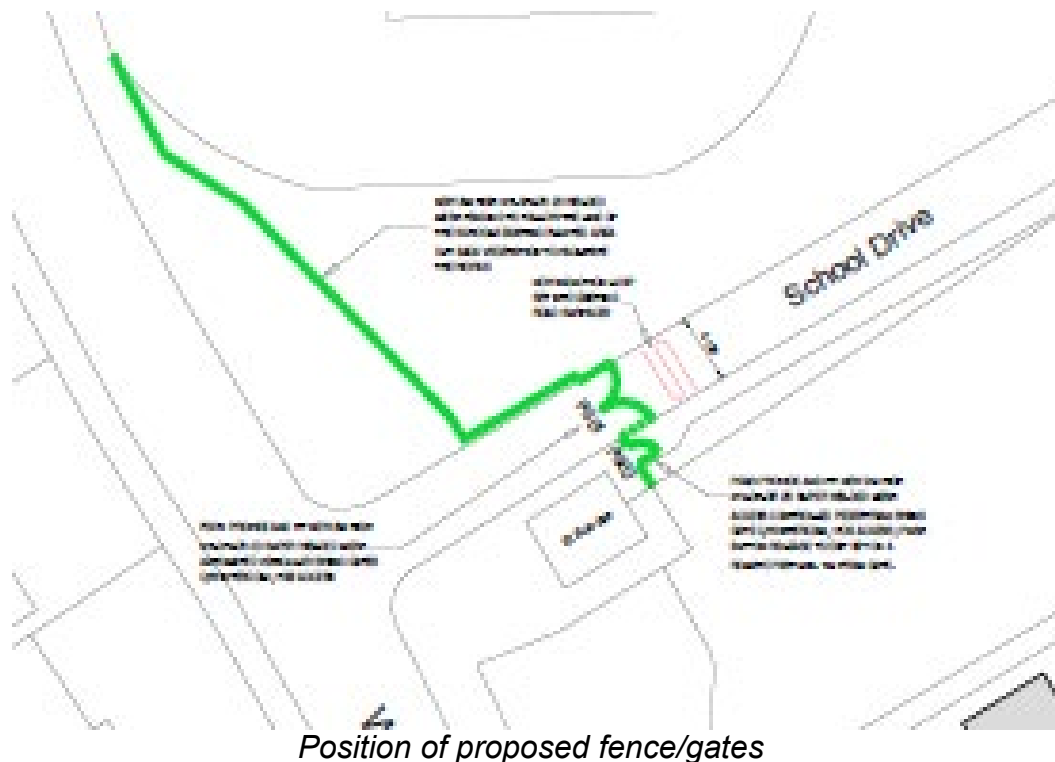
School Drive would continue to be used to access the school premises but would be controlled at the proposed new gates

position of existing gate mentioned by objectors



existing POS landscaped area

Land ownership plan



Landscaped area at corner of School Drive

An area of public open space was allocated on the corner of Wellfield Drive adjacent to the housing development at Clover Crescent when the housing estate was granted planning consent in 1988 (12/88/0922) (*the conditions in respect of the area of POS stated that the public open space had to be maintained for 5 years*). A large part of the allocated area of public open space was granted permission for a change of use to a garden area for no.3 Clover Crescent in 1994 (12/94/0590). It was agreed at the time this application was approved (12/94/0590) that the remaining triangular shaped section of land on the corner of Wellfield Drive would be part landscaped (trees, shrubs and climbing plants) and partly hard surfaced (to provide valuable off-street waiting space for parents/children at busy school periods, alleviating a problem with congestion). (The hardstanding area was not created in accordance with the plan agreed in 1994).

The area of land outside the extended garden to 3 Clover Crescent is currently covered in bushes, small trees and shrubs (see photos below). The land is shown on the submitted plan as being within the ownership of the applicant (Wellfield School). (*Evidence has been provided to show that the land was purchased in May 2019*).



Views from Wellfield Drive



View towards Wellfield Drive



View along School Drive

The land was not intended to provide recreational public open space but to provide a visually attractive area. (Due to the dense nature of the trees/bushes it would be difficult to walk through this landscaped area).

The current proposal consists of a 2m high fence and gates. The existing planted area would be retained as existing with the exception of some localised cutting back to enable the fence to be erected. The shrubbery would still be retained as a buffer/screen for adjacent properties.

The fence and gates would be 2m in height and would be a green welded mesh type in appearance (see below).



As the planted area would be retained, the buffer screen between properties on Clover Crescent and the school would not be affected.

The proposed green coloured fencing would blend into the backdrop of the planted area and is unlikely to significantly affect the visual amenity of the site or its surroundings.

Conclusion

The proposal would be beneficial in improving school security which is necessary for safeguarding measures. The positioning, height and appearance of the fence is suitable at this location and would not significantly affect the visual amenities of the site. The proposal therefore complies with development plan policies.

Recommendation: Approve

Subject to the following conditions:

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

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

- 2 The development 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.

Lesley Blakey
29th November 2021

Part One Plan

Agenda Item 6f

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2021/0437

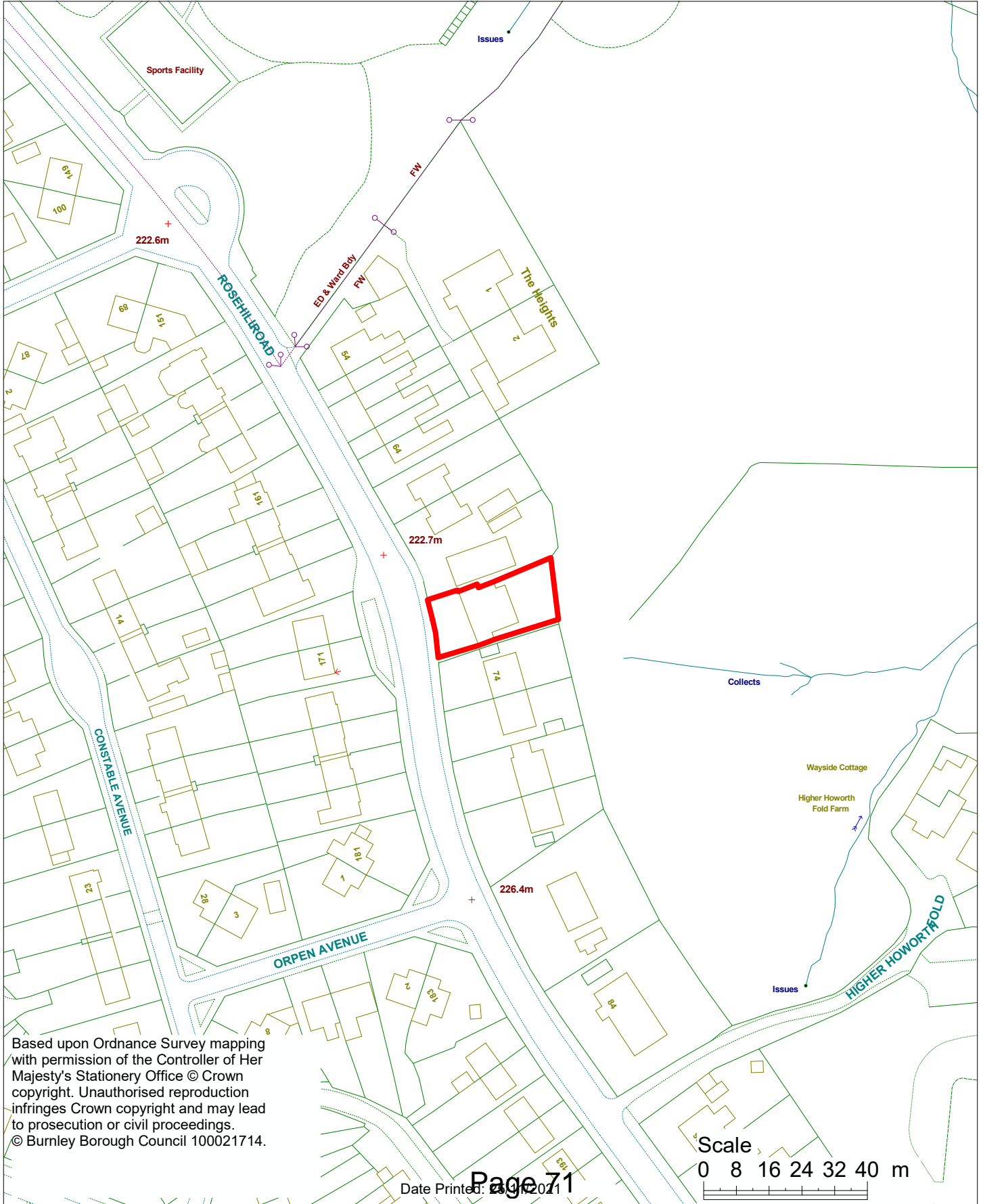
Paul Gatrell Head of Housing and Development

Location:



72 Rosehill Road, Burnley

1:1250



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**Application Recommended for REFUSAL
HOU/2021/0437**

Rosehill with Burnley Wood Ward

Town and Country Planning Act 1990
Full Planning Application

Applicant: Mrs Sharon Eccles

Site Address: 72 Rosehill Road, Burnley, Lancashire, BB11 2QX

Proposed Development: Extension to sides and rear, raise height of ridge and front porch to provide first floor living accommodation (re-submission of HOU/2021/0013)

This application has been originally referred to committee due to a call in request from Councillor Jeff Sumner, Councillor Howard Baker and Councillor T Kennedy. The reason for the call in is *'there appears to be an unreconcilable dispute regarding the development that can only be resolved by referring the application to the D.C Committee. We believe the reason for refusal is marginal and referring it to DC would deliver the best outcome to this despite'*.

This application was deferred by Committee to a future meeting at the 14th October 2021 Development Control Meeting for the following reasoning:

'A motion to defer the decision to allow further discussions between the applicant and planning officers was moved and seconded. On being put to the vote the motion was carried'

Background:

This application relates to a single storey detached bungalow sited on the western side of Rosehill Road. The site is located within a predominantly residential area. Directly to the north of the site is a single storey bungalow of moderate size with a front dormer roof extension. To the south continuing along the road are a number of semi-detached single storey bungalows with a pitched roof with the front roof plane facing the highway. On the eastern opposing side of the road the predominant house type is two storey terrace and semi-detached properties with hipped roof forms.

Proposed Development:

This application is a re-submission of the recently refused application HOU/2021/0013. The changes that have occurred since the previous submission include the inclusion of a first floor front extension above the porch. The rest of the development appears to be as previously submitted.

Planning permission is sought for the erection of extension to the sides and rear of the existing dwelling, the raising of the ridge height and the erection of a front porch to provide first floor living accommodation.

Following the deferral of the application at the 14th October 2021 Development Control Meeting discussions have taken place between the case officer and the applicant and amended plans were submitted on the 27th October 2021. The amendments include the removal of the Juliet balcony to the rear first floor opening

and the replacement of the two storey front extension with a single storey front element.

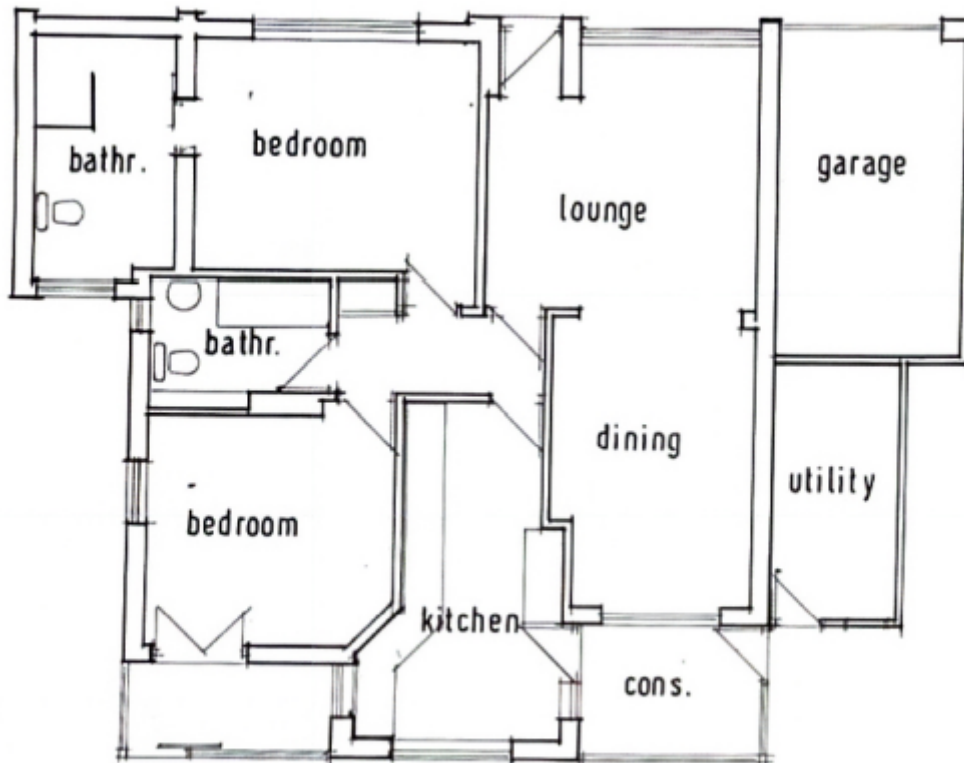
The application dwelling currently benefits from a hipped roof form. It is proposed to raise the ridge height of the dwelling to 6.3m to incorporate the proposed extensions to create first floor space.

The development also proposes to create a wrap around extension which project 9.150m down the side elevation and wraps around the rear elevation with a length of 13.450m. It then projects down the opposing side and connects to the existing side element with a length of 4.350m.

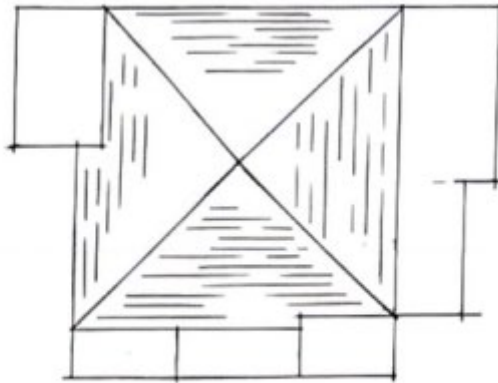
The configuration of the existing dwelling consists of only ground floor accommodation consisting of a bedroom with en-suite, a family bathroom, another bedroom, a kitchen, an open plan lounge / dining room, a conservatory, a utility and a garage.

The proposed development will consist at ground floor of 2 bedrooms with en-suites, an open plan lounge / kitchen, a garage, utility and a further bedroom. At first floor it is proposed to create a landing, a bedroom, a living room and a bathroom. The development will increase the property from a 2 bedroom dwelling to a 4 bedroom property.

Existing Plans:



existing plan



existing roof plan



EXISTING FRONT ELEVATION
SCALE 1:100



EXISTING SIDE ELEVATION
SCALE 1:100

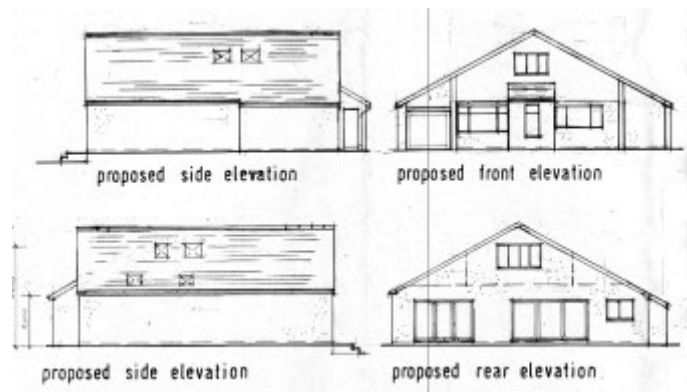
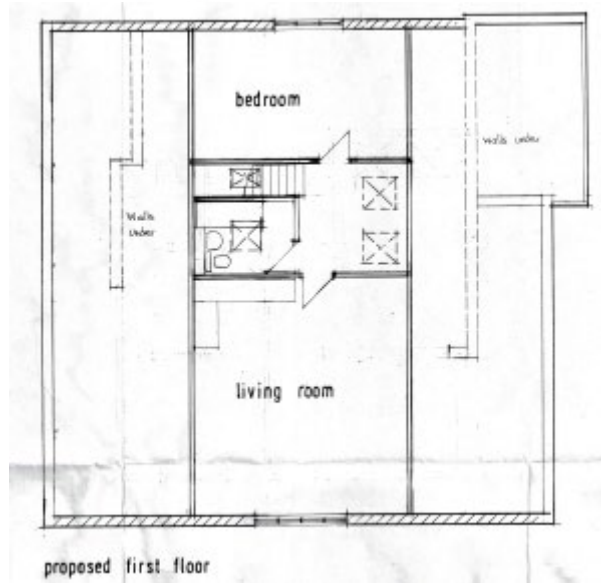
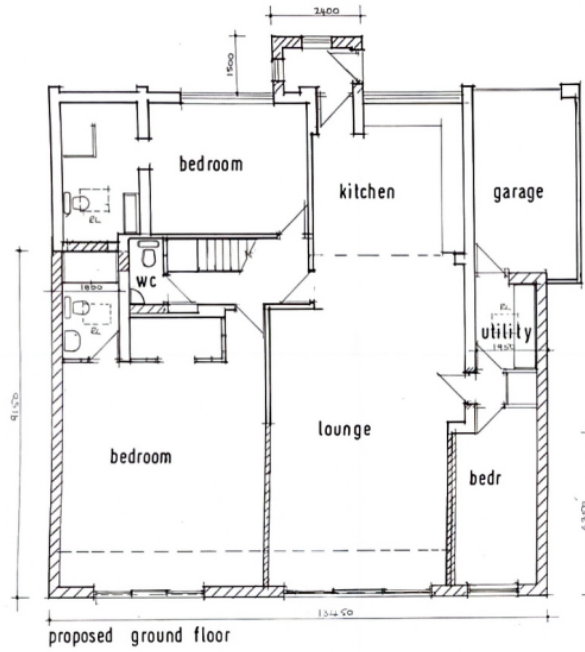


EXISTING REAR ELEVATION
SCALE 1:100



EXISTING SIDE ELEVATION
SCALE 1:100

Proposed Plans:



Relevant Policies:
Burnley's Local Plan 2018
 SP1: Achieving Sustainable Development

SP4: Development Strategy
HS5: House Extensions and Alterations
SP5: Development Quality and Sustainability
IC1: Sustainable Travel
IC3: Car Parking Standards
Appendix 9: Car Parking Standards

National Planning Policy Framework (NPPF)

Site History:

HOU/2021/0013 – Extension to sides and rear, raise ridge height to provide first floor living accommodation - WITHDRAWN

Consultation Responses:

Statutory Consultation: No comments have been received.

Public Consultation: 1 letter of representation has been received objecting to the proposal for the following reasons:

- Re-submission of a previous proposal;
- Scale of proposed works is sheer;
- Works reflect that of a re-built not an extension;
- Loss of light;
- Loss of privacy;
- Not in-keeping with the surrounding area;
- Disrupt the row of single storey bungalows along the eastern side of Rosehill Road;
- Adverse highways impact;
- Adverse drainage impact;

Planning and Environmental Considerations:

The key issues in relation to this application are:

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

Principle of development

The site is located within the development boundary of Burnley of the adopted Local Plan, as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. Given that the works will take place within the curtilage of an existing dwelling the principle of the development is considered acceptable

Visual Amenity / Design:

Paragraph 126 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Extensions can be perceived as being prominent if not carefully sited and particular care should be taken with schemes visible from public vantage points. Further to this any extension should be well proportioned and sit comfortably with the original dwelling. It should respect the scale and proportions of the original dwelling.

Local Plan Policy Policy SP5 point 2 a) states that any new development should 'Respect existing, or locally characteristic street layouts, scale and massing'. This is reiterated by Local Plan Policy HS5 which states that 'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5. The Council will permit extensions and modifications to existing residential properties where: a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood; b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality'.

The removal of the two storey front extension ensures that the porch front extension appears subordinate and harmonises with the built form of the proposed development.

The raising of the ridge height along with the proposed extensions will create a forward facing gable form broken up by the a single storey front element, whereby the common roof form in the area is hipped or a gable roof form which does not front the highway. It would appear as an incongruous addition which would significantly alter the character and appearance of the application dwelling. The works create an elongated gable façade which will adversely affect the visual appearance and character of the application dwelling and the streetscene. The development would appear as an incongruous addition within the streetscene by virtue of its form, design, detailing, massing and size. Accordingly, the design and detailing of the proposed development would result in the creation of a form of development which does not harmonise with the host dwelling but rather be considered as prominent incompatible additions that do not sympathetically respond to the character of the host dwelling or the surrounding area altering the existing form of the development considerably.

The proposed development would result in the overdevelopment of the host dwelling that would be out of keeping with the existing dwelling and the surrounding area. The resultant size and scale of the cumulative extensions as a whole would be overbearing and over dominant in relation to the original dwelling and would be detrimental to the amenities and values of the area.

Although the houses in the area are not symmetrical, they are of straightforward design with a largely uniform appearance. The predominant roof form in the area is hipped or gable with the roof plane facing towards the highway. Taking account of the inherent design pattern of development within the area, it is considered that the cumulative impact of the proposed development would be of detriment to the visual

amenities and appearance of the host dwelling and street scene. The proposed works cumulatively would not be considered subservient as they would alter significantly and cause harm to the uniformity and pattern of development within the immediate area. The creation of an elongated gable façade which fronts the highway is not considered compatible with the streetscene.

The proposed development as a whole would contribute to the over development of the original application site that would be out of keeping with the design, scale and form of the original dwelling. The proposed development undermines the character of the existing dwelling and the surrounding area and would be detrimental to the amenities and values of the area.

Taking into consideration the above it is considered that the proposed development is contrary to Policy HS5 and SP5 and the NPPF.

Residential Amenity:

Both policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants of adjacent land users, with reference to issues including: loss of lights, privacy / overlooking and outlook.

The proposed works would create a circa 13m blank elevation which runs in close proximity to the boundary the property shares with No. 74 Rosehill Road. It is considered that the creation of such a large blank elevation would result in an oppressive feeling and result in an overbearing impact upon the occupiers of the aforementioned dwelling.

It is considered that the removal of the first floor Juliet balcony to the rear elevation would overcome the overlooking concerns raised in the previous officer report. Albeit the introduction would introduce an element of overlooking but the impact has been reduced considerably. Further to this, the adjacent neighbouring properties already benefit from first floor openings.

The development is, therefore, considered contrary to Policies HS5 and SP5 and the NPPF.

Highways:

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

The proposed development would increase the property from a 2 bed to a 4 bed dwelling. The current parking standard for a 4 bedroom dwelling as set out in Policy IC3 and Appendix 9 of the Local Plan is 3 off-street parking spaces. No details of parking have been submitted, however, after visiting the site it is considered that the

garage and driveway to the front would be able to accommodate adequate parking. It is, therefore, considered that provision of parking off-site is sufficient. The proposal therefore, accords with IC3 and Appendix 9 of the Local Plan.

Conclusion:

It is for the above reasons and having regard to all material consideration and matters raised that I recommend refusal of the application.

Recommendation:

That planning consent be **REFUSED** for the following reasons:

1. The proposed two storey front projecting gable, by virtue of its size, siting and design would result in an incongruous, discordant and unsympathetic addition that would detract significantly from the character and appearance of the host building and the visual amenities of the locality. It is further considered that the development would result in the introduction of a highly prominent addition resulting in the visual detriment of the host property and the character and visual amenities of the area. The development is therefore contrary to Policy SP5 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
2. The level of development proposed would be of significant detriment to the character and appearance of the existing dwelling and surrounding area, insofar that the proposed development, when considered cumulatively, would not be considered subservient as they would alter significantly and cause harm to the uniformity and pattern of development within the immediate area. The creation of an elongated gable façade which fronts the highway is not considered compatible with the streetscene, detrimentally undermining the inherent character of the existing building and surrounding area. Contrary to Policy SP5 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.

Rebecca Halliwell
29 November 2021

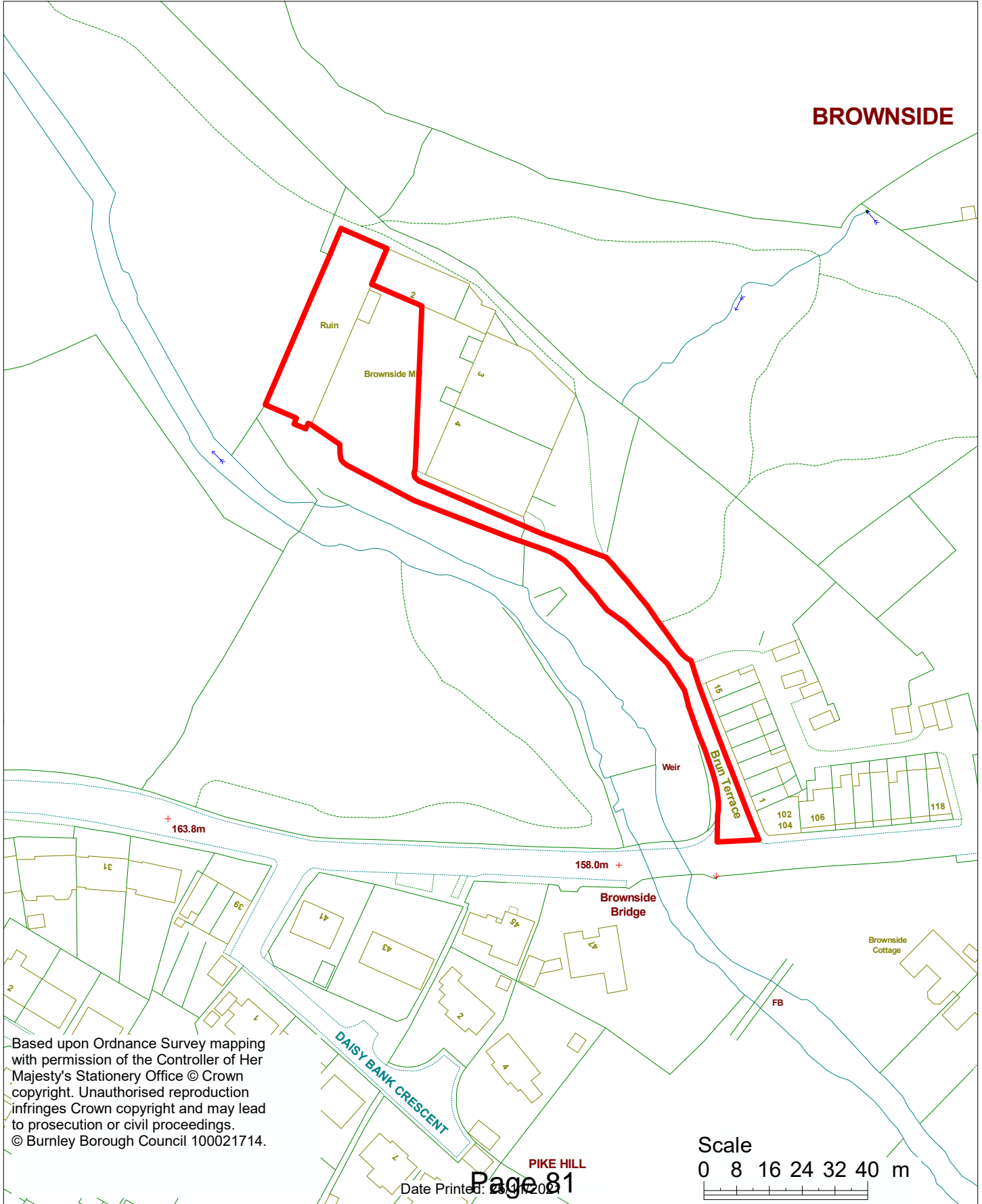
Paul Gatrell Head of Housing and Development

Location:



Brownside Shed Mill, Brun Terrace, Worsthorne

1:1250



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Application Recommended for Approval

FUL/2021/0281

Cliviger With Worsthorne Ward

Town and Country Planning Act 1990

Demolition of fire damaged building frame and construction of 6 no industrial units
Brownside Shed Mill Brun Terrace Worsthorne-with-Hurstwood Lancashire

Applicant: Mr Max Smithson, M Smithson Properties Ltd

Background:

The application is being considered by this Committee following a neighbour objection to the proposal.

The proposal is to erect a new building on the footprint of the remains of a former brick mill that has been destroyed by fire and derelict since 1998. The site is situated at the end of Brun Terrace which is an unadopted street serving a traditional stone terrace of houses and leading to a small enclave of industrial units.

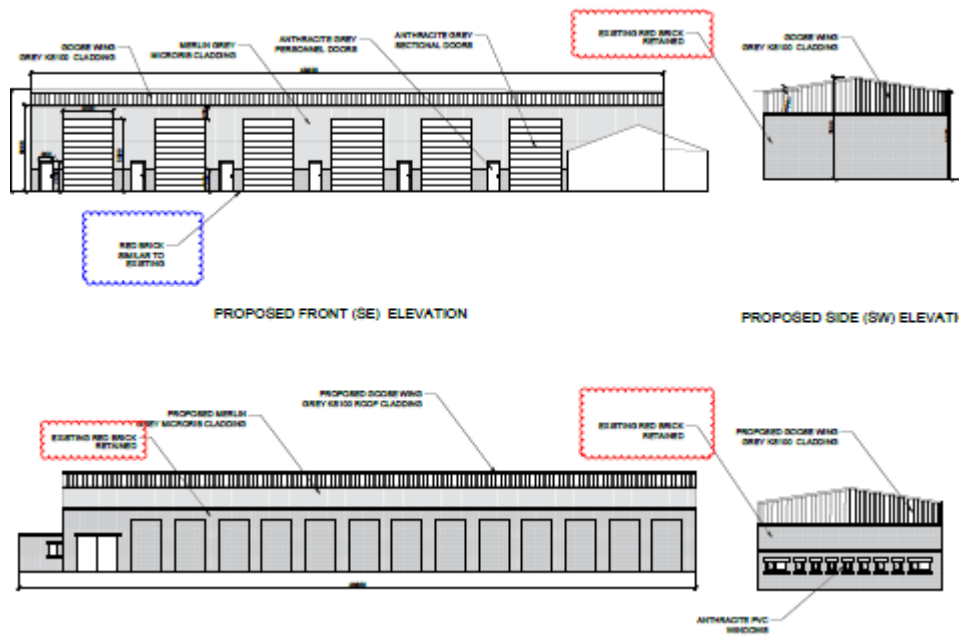
Existing ruin



The proposal is to re-use some of the remaining lower brick walls on all sides of the structure and erect a new industrial building that would occupy the footprint of the former building and measure 46.6m long x 12.6m wide. It would extend up to 7.0m to the ridge of a shallow pitched roof. The proposed building would be divided into six units, five of which would be similarly sized (70sqm) and the sixth would be larger (181sqm).

The proposed building would be constructed using the existing brickwork where possible and gark grey cladding.

Proposed Elevations



Each of the six units would have a large roller door opening onto the existing forecourt. The units are intended to offer starter units for small businesses.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP4 – Development strategy

EMP3 – Supporting employment development

HE3 – Non-designated heritage assets

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems (SuDS)

IC1 – Sustainable travel

IC3 – Car parking standards

The National Planning Policy Framework (2021)

Site History:

No relevant planning history.

Consultation Responses:

LCC Highways

No objection. Conditions are recommended to require electric vehicle charging points, surface water drainage to a suitable internal outfall, restricted hours for delivery vehicles during the construction period and the provision of car parking spaces and turning areas.

Environment Agency

No objection. The development would be safe without exacerbating flood risk elsewhere if the proposed mitigation measures are implemented. The proposed development must proceed in strict accordance with the Flood Risk Assessment and the mitigation measures identified. An Informative is advised to the applicant to state that a Permit may be required for any activity or works within 8m of the main river adjacent to the site. A remediation strategy is also required to ensure that contaminants from historic uses on the land are adequately dealt with.

United Utilities

No objection in principle. Conditions are recommended to require a detailed drainage scheme.

LCC Archaeology

Given the damage to the former shed, a photographic record of the remaining structures would be sufficient to record the archaeological/historic importance of the site. A Photographic Record is a formal process with details set out in the Historic England document '*Understanding Historic Buildings*' (Historic England 2016). This would allow a record with appropriate photo scales to capture the surviving details of the rather small north light building.

Environmental Health

No objection. Conditions are recommended to restrict working construction hours and operational working hours, to require a scheme for lighting, details of refuse storage and to restrict the use to that which would not affect the amenities of the nearby residential area.

Publicity

Concerns are raised by a neighbour making the following points:-

- There is a current problem with the volume and scale of passing traffic on Brun Terrace, including the use of large lorries
- Use of large lorries causes a road safety issue and noise and impedes parking for residents in front of their houses
- Brun Terrace is a private road and in a very poor state of repair, it is not maintained and impacts on neighbours
- Additional traffic would exacerbate these existing problems
- Request is made for an undertaking from the owner to maintain the road, to provide an area for residents to park and to restrict the size of vehicles that can enter the site.

Planning and Environmental Considerations:

Principle of proposal

The site is situated within the defined Development Boundary and is an established small scale industrial site with historic origins adjacent to the River Brun. Policy EMP3 supports the expansion and upgrading or establishment of new business premises within the Development Boundaries subject to consideration to access arrangements, residential amenity, the environment and landscape/townscape. The re-use of this derelict site would therefore be acceptable in principle subject to detailed considerations.

Traffic and highway safety

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

The proposed building would be no larger in floor area than the previous building on the site but would be built to provide six small starter units that are likely to lead to low rates of traffic generation and smaller commercial vehicles. LCC Highways note that this is an existing access and that there would be adequate parking and turning within the site and have no objections to the proposal subject to a number of conditions. The condition of the private road at Brun Terrace is however extremely poor and requires attention prior to any increase in traffic. The applicant has provided a plan to indicate improvements and repairs to the road.

Road Improvement Plan



A condition is recommended to require further details of the improvement works and for the agreed works to be carried out and completed prior to any unit being first occupied.

Subject to the foregoing provisions, the proposed development can be accommodated on the existing highway and would not significantly affect highway safety. The proposal would not therefore conflict with Policies IC1 and IC3.

Visual amenity

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. The proposed building has been designed to incorporate part of the red brick construction from the former building on the site. The appearance of the building would improve the visual amenities of the site.

Other issues

The Environment Agency and United Utilities have requested conditions to require a site remediation scheme (from contaminants) and a detailed drainage scheme. A

photographic record of the ruin shed is recommended by the Historic Environment Team at Lancashire County Council.

Conclusion

The proposed development would provide an appropriate new building on the site of a former industrial shed and support employment opportunities for small businesses. The main area of concern relates to the condition of a private road which the applicant has agreed to improve and can be secured by condition.

Recommendation: Approve

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

Janet Filbin
1st December 2021

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Part 1 Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6h

Ref.

COU/2021/0536

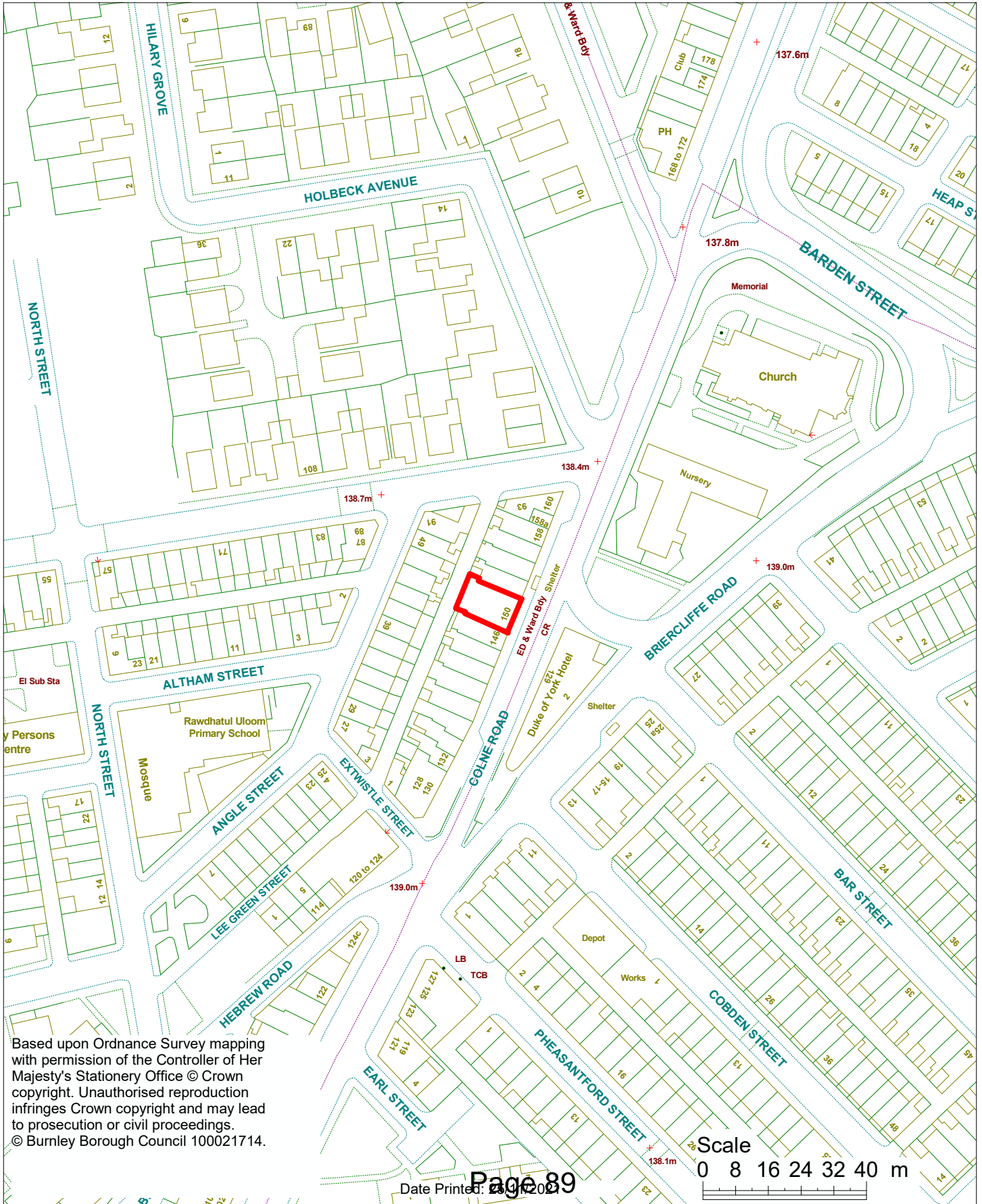
Paul Gatrell Head of Housing and Development

Location:



148-150 Colne Road, Burnley

1:1250



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**Application Recommended for Approve with
Conditions**

COU/2021/0536

Daneshouse With Stoneyholme

Town and Country Planning Act 1990

CHANGE OF USE FROM BETTING SHOP (SUIGENERIS) TO CAFE (Use Class E)

WITH A EXTRACTOR FLUE TO THE REAR

148-150 Colne Road Burnley Lancashire BB10 1DT

Applicant: Mr Waseem

Background:

The application site relates to a mid-terrace commercial property located on Colne Road in Burnley. The premises is a former betting shop as such its current use is sui generis.

The application has been brought to the development control committee as one letter of objection has been received.



Proposed development:

Consent is sought to change the use of the unit Nos. 148-150 Colne Road to a café (Use class E). It is proposed to operate between 09:00 hours and 22:00 hours Monday to Sunday, including Bank Holidays.

There is no off-street parking provided and parking would be on-street. On-street parking is restricted directly in front of the property, but there is a layby accommodating around 3 cars close by.

A flue extraction system would be provided at the rear of the property.

Relevant Policies:

Burnley’s Local Plan Adopted 2018

- TC6 – District Centres
- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- EMP3: Supporting Employment Development

Site History:

None relevant

Consultation Responses:

Highways - The Highways Depot (Burnley District)	The highways engineer had no objection in principle to the development. As the property has no outside space the bin store must be kept within the confines of the site and therefore the rear entrance door is proposed to be widened to accommodate this.
Environmental Health	Environmental Health objected to the development due to the proposed height of the exhaust flue. The applicants agent subsequently submitted an amended plan and the EHO has no objection to the development.

Planning and Environmental Considerations:

Principle of Development:

Local Plan Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and

approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth within the development boundary through the efficient use of land and buildings; and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling.

Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future

The application site is within a district centre as defined with the Local Plan. It would, therefore, be considered to be located within a sustainable location.

Policy TC2 of the Local Plan section 3) states that for proposals for convenience and other retailing (A1 to A5 Use Class) and other main town centre uses are required to be located in Town Centres. Where suitable sites are not available, these are required to be located in accordance with the following sequential test: Edge of Centre locations (300m of the Town Centre boundary); out of Centre.

Part 2) of Policy TC2 sets out the requirements of the aforementioned sequential test. The site is located outside of Burnley Town Centre. It would, therefore, be considered to be located on an out of centre site, however, it is considered to be in a sustainable location, in walking distance of a wide range of services and a number of bus services. Further to this, the development will ensure the viability of the area by ensuring the property is in use rather than being a vacant unit.

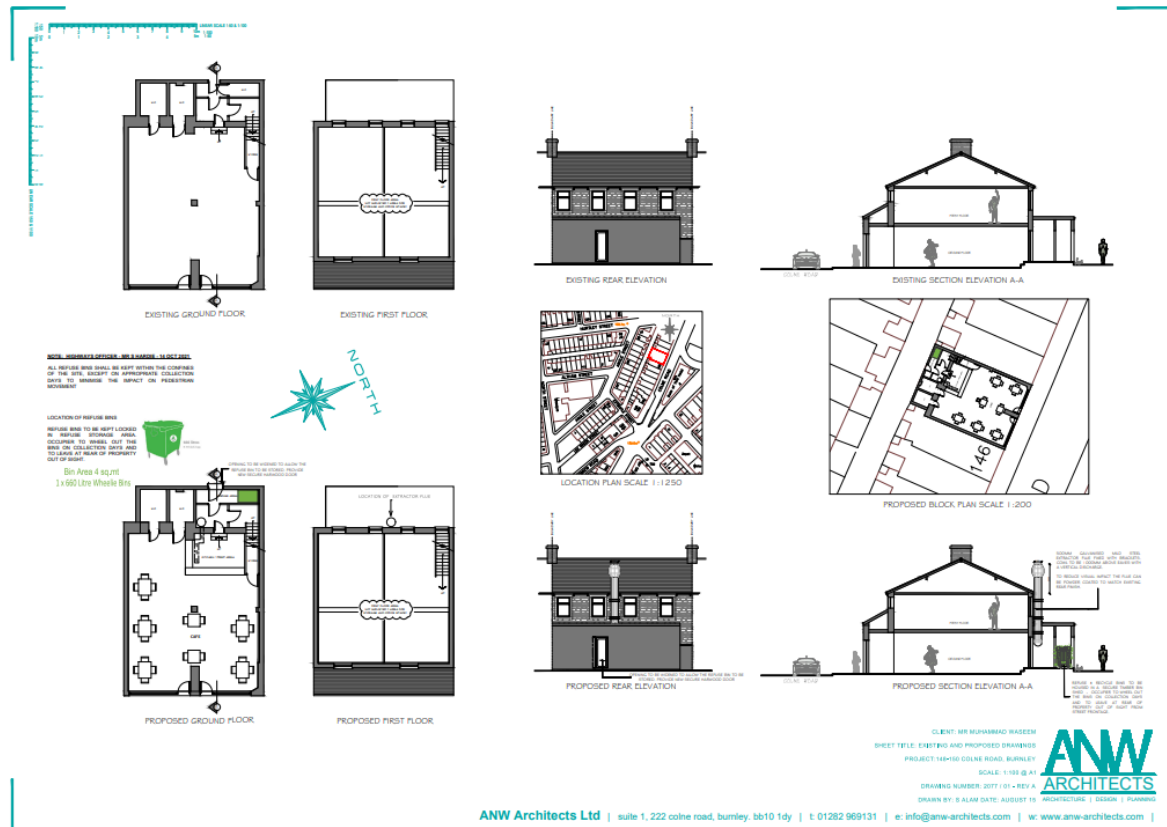
Policy TC 6 states that within a district centre development appropriate for commercial and community uses will be considered acceptable in principle providing that it satisfies other policies elsewhere in the plan and

- a) it is of a reasonable scale in relation to the centre and
- b) it does not unreasonable harm the amenities of local or adjoining residents or users.

As such the development is considered acceptable subject to an assessment of the above as well as impact on the visual amenity of the area and an assessment on any highway impact.

Scale:

The development proposes the use of the site as a café with a seating area and kitchen at ground floor. The first floor is proposed to be used for storage and office space associated with the business. The floor space to be used for the café is considered to be of a reasonable scale in relation to the district centre.



Visual Amenity:

The proposed alterations to the premises will not significantly change its appearance externally other than the erection of the flue to the rear. To reduce the visual impact of the flue, the flue will be powder coated black to reduce the impact when viewed from the rear. The development does not propose any signage. A separate application for advertisement consent may be needed.

Impact on Residential Amenity:

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

The application property backs onto residential dwellings and the first floor of the property immediately adjacent to the application site has a residential use. As there is no outside space associated with the application site it is considered that the use of the premises would have minimal impact on the residential amenity of the dwellings to the rear.

The attached neighbour, a first floor flat, benefits from a raised platform at the rear that is used as an external space for the property and the proposed flue has the potential to result in smells to this area. The EHO raised concerns with the height of the flue and subsequently the flue was increased in length so that the flue exceeded the eaves of the building. The EHO considers that the flue would have an acceptable impact on this property. Notwithstanding the above, the dwelling is located in a commercial area and the following a planning history search the platform does not have planning consent.

In addition, the nature of the use of property as a café would not expect to create a significant amount of noise apart from noises from customers and staff. A condition will be attached to the permission restricting the opening hours of the business.

Furthermore, in the wider vicinity Colne Road is populated by a mix of commercial development and as the site is within the district centre a certain level of noise from vehicles and businesses is to be expected.

Any antisocial behaviour or unacceptable noise is for the licensee and bodies such as the police and licensing authority to control and enforce as necessary.

Highway and Waste:

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

The LCC highway engineer has no objection in principle as the site is in a sustainable town location but has advised that the applicant needed to provide details of refuse storage. The applicant's agent submitted an amended plan showing internal refuse storage and the highways engineer confirms the proposed refuse storage is acceptable.

Recommendation:

That planning consent be granted subject to conditions.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Existing and Proposed Plans: 2077/01 Rev A

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The use of the premises hereby permitted, shall only be operated between the following hours: 09:00 - 22:00: Monday to Sunday including Bank Holidays.

Reason: To define the scope of the consent hereby approved and in order to protect nearby residential amenity.

4. Unless otherwise agreed in writing with the Local Planning Authority, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), shall be used as a cafe (Use Class E) at ground floor with ancillary storage and office at first floor (Use Class E) and for no other use within these use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the property is used solely as its intended use as any other use within use class may not be considered acceptable in the interest of amenity of the area and the area generally in accordance with Policies SP1, SP4, SP5, TC2 and EMP3 of the Local Plan.

5. The proposed refuse provision hereby approved shall be implemented prior to the commencement of the use hereby approved. Thereafter the approved facilities together with the means of access thereto shall be maintained and carried out as approved and be retained for the benefit of the lifetime of the development hereby permitted.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan

6. Prior to the extraction flue being first brought into use all external parts of the flue and cowl and associated fittings shall be coloured black/a dark matt finish and retained as such at all times in the future.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan

Rebecca Bowers
24th November 2021

Housing & Development
Town Hall, Manchester Road

Ref.

OUT/2021/0443

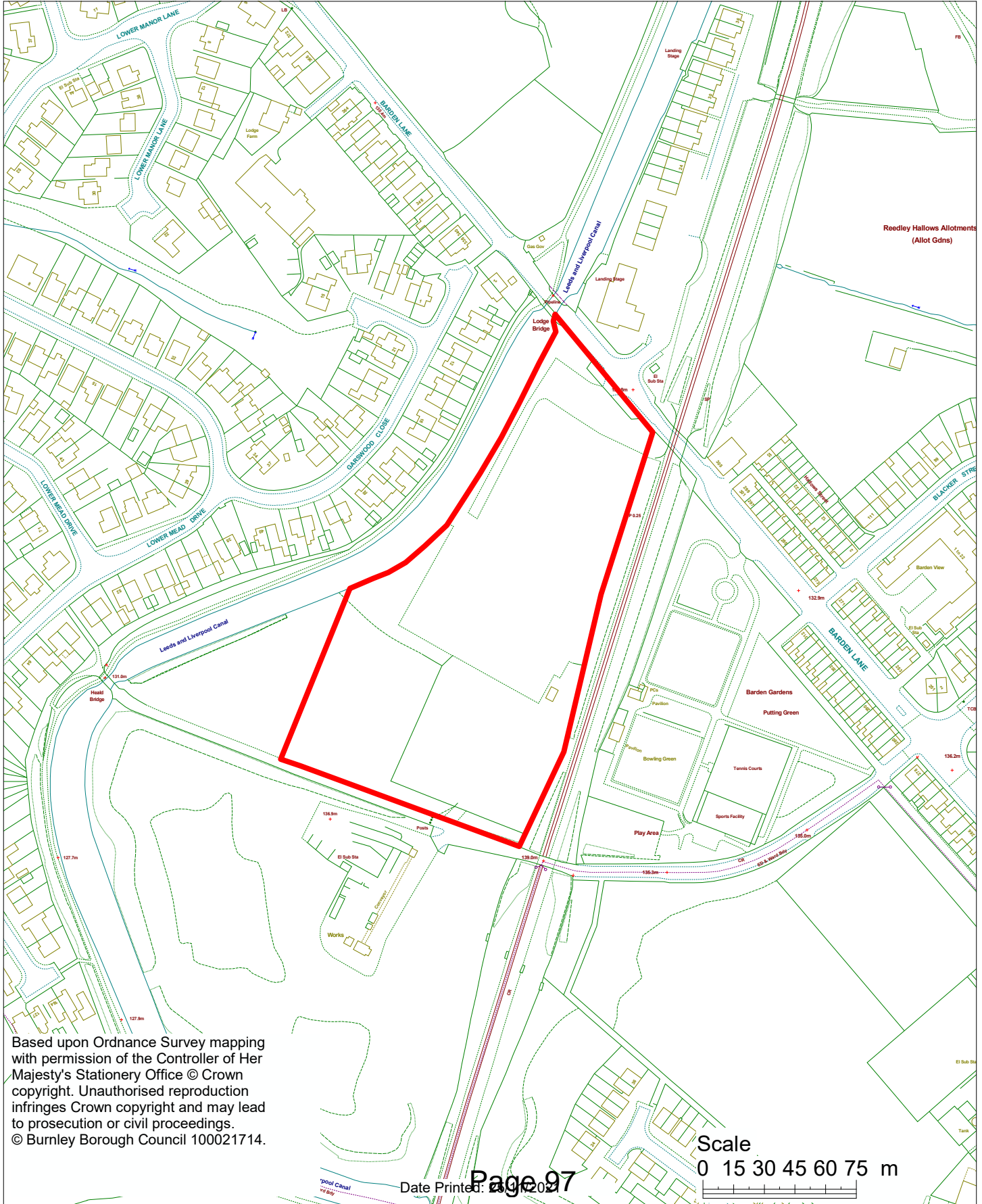
Paul Gatrell Head of Housing and Development

Location:



Land at Barden Lane Burnley

1:2500



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

OUT/2021/0443

Town and Country Planning Act 1990

Outline application for up to 73 no. dwellings and associated works including details of access (all other matters reserved)
Land At Barden Lane Burnley

Applicant: Colin Muller, Muller Property Group

Background:

The application is being considered by this Committee following the receipt of objections to the development.

The application seeks outline planning permission, including permission for the proposed access to the site, and all other matters (Appearance, Landscaping, Layout and Scale) are reserved for subsequent approval for a development of up to 73 houses on approximately 2.65ha. The site is the former Lodge Mill where only the remnants of the mill floor and hardstandings remain, interspersed with scrub and grasses. To the south side of the application site is an area of self-seeded woodland, beyond that is a bridleway (12-1-BW6) between Heald Road and Heald Bridge/Lower Mead Drive and a concrete works.

Site looking towards Barden Lane



View towards trees to south side of site



Canal and Grade II listed bridge to west boundary of the site



Railway to east boundary of the site



To the north of the site is a residential development on the site of the former Barden Mill (site allocation HS1/31). The eastern boundary is flanked by the East Lancashire railway line and Barden Gardens and the western side of the site is bound by the Leeds and Liverpool Canal and a residential area. The stone canal bridge (Lodge Canal Bridge) on Barden Lane is Grade II listed.

The existing access from Barden Lane would be improved to provide access to the proposed development. An Indicative Masterplan has been submitted to show how the site would accommodate up to 73no. dwellings.

Indicative Masterplan



The Masterplan indicates how the site could be laid out with up to 73 dwellings whilst demonstrating design principles with formal frontages and path along the canal corridor, frontages to Barden Lane, open space consisting of woodland, pond and amenity open space. No details are provided of house types although the submitted Design and Access Statement states that there would be a mix of semi-detached,

terraced groups and a small number of detached houses that provide predominantly three bedroom dwellings. It also states that there are some 2½ storey dwellings shown on the indicative layout and that detailed design will form part of the reserved matters application.

Relevant Policies:

Burnley`s Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- SP6 – Green infrastructure
- HS1/29 – Housing allocations – Lodge Mill
- HS2 – Affordable housing provision
- HS3 – Housing density and mix
- HS4 – Housing developments
- HE2 – Designated heritage assets
- HE4 – Scheduled monuments and archaeological assets
- NE1 – Biodiversity and ecological networks
- NE4 – Trees, hedgerows and woodland
- NE5 – Environmental protection
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards
- IC4 – Infrastructure and planning contributions

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:

APP/2004/0534 - Change from storage/distribution unit (Class B8) to storage and distribution and retail (Class B8/A1). Refused July 2004.

APP/2005/0862 - Use of first floor as dance & fitness studio (Class D2) opening hours Mon - Fri 9am-10pm, Sat 9am-7pm, Sun 10am-6pm. Approved October 2005.

NOT/2014/0480 - Proposed demolition of former weaving shed. Prior Approval granted February 2015.

Consultation Responses:

LCC Highways

No objections. The level of traffic generated by a development of this size and nature

at this location would not have a severe impact on highway safety or capacity within the immediate vicinity of the site. The proposed vehicle and pedestrian access arrangements are acceptable. The proposed development encroaches into a section of the existing adopted highway and therefore a stopping up order will be required. From observations on site and the information provided, the sight line requirements would be fully achievable at the indicated access point. However, to provide the new access including an unrestricted footway clear from obstructions and achieve the required sightlines to the south east of the proposed junction, the existing road sign and cabinets will need to be relocated. The proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. Conditions are recommended relating to car parking standards, the design and construction of the internal road layout and a Construction Management Plan.

Local Lead Flood Authority

No objection. Conditions are recommended to require the development to be carried out in accordance with the principles of the submitted flood risk assessment and drainage strategy and to require a detailed sustainable drainage strategy, a construction phase surface water management plan and an operation and maintenance plan and verification report to be submitted and agreed.

United Utilities

Proposals are acceptable in principle. A water main crosses the site for which unrestricted access is required. There is a concern in respect of the proposed levels on the foul drainage network, with the proposed cover levels being lower than the receiving existing cover levels. Conditions are recommended to require full details of the drainage scheme.

Greater Manchester Ecology Unit (GMEU)

GMEU had extensive pre-application discussions on this site and have the following comments:

- The site is bounded to the west and northwest by the Leeds Liverpool Canal, which is a Biological Heritage Site (83NW11) and acts as a wildlife corridor.
- The southern part of the site supports woodland (priority and regenerating woodland) which is identified as part of the Lancashire Woodland Ecological Network (as 'stepping stone')
- During the pre-application discussions GMEU indicated that although these material biodiversity constraints are present that there was scope in principle for housing development to come forward on the site subject to suitable mitigation and compensation.
- Subject to an appropriate scheme an application could conform to the relevant policies within Burnley's Local Plan (July 2018 SP6, NE1 and NE4), the site's allocation (HS1/29 point 3) and the national NPPF (now amended version July 2021 paras 174 d), 175 and 179b)).
- GMEU's overarching view has not altered substantively by the current submission.

Ecological Assessment (EclA) and baseline surveys

- The current submission has not been supported by an update in the surveys to inform the Ecological Assessment (EclA). These surveys were conducted during 2019 and 2020 and were at the time considered valid and appropriate.
- Having visited the site GMEU are of the view that it will not have altered to any material extent in the intervening period and GMEU are content that the Planning Authority (LPA) can use this EclA assessment as the basis for their decision making.

- As it may be some time before development is implemented – should the scheme be approved – there are a number of mobile species which may alter in their distribution in the intervening period. These can be secured via pre-commencement conditions for updated surveys of the following species/groups: -
 - Badger – in advance of Reserved Matters and within 6 months of a planned start of construction. Identified in the EclA
 - Water vole – any works within 5m of the water’s edge/banktop of the Canal should be preceded by a water vole survey. This is identified within the EclA but should not be necessary in the event given that there is a minimum 6m stand-off to the Canal BHS.
 - Bat roosts in trees – Although not identified within the EclA it is anticipated that tree felling will occur more than 2 years after the initial assessment. Trees shown on plan in the EclA (‘Bat Tree Assessment Plan’ dwg MAN.1922.001.EC.D.003), should be reassessed and inspected prior to the commencement of works on site to monitor for change in condition and the need for aerial and/or pre-felling activity inspection.

Ecological Impacts, Habitat Loss and Protection

- It is acknowledged by the developer (EclA and Planning Statement) that woodland habitat within the Lancashire Woodland Ecological Network will be lost. Compensation has been identified and this was deemed satisfactory during the pre-application discussions.
- It is recommended that this matter is dealt with via a Section 106 Obligation, as the areas are outwith the edge red or blue of the applicant, are necessary to make the proposal policy compliant and should be applied to all successors ‘in title’. The remuneration for the planting and initial 5-year establishment should be provided by the developer and a management plan should be provided.
- The retained woodland and scrub should be temporarily fenced during construction to an appropriate standard, as identified within the EclA. This can be secured within the condition for a Construction Method Statement or CEMP.
- The CMS/CEMP should also include the details of the construction lighting which should be designed to avoid light spillage onto the canal and the woodland edge.
- The minimum of 6m stand-off to the Canal BHS should also be fenced to a suitably robust standard during construction.
- Table 3 of the EclA included details of methods to be used to avoid vegetation clearance during the bird breeding season (March – August inclusive) and with sensitivity to onsite common reptiles and priority species. These methods should be secured by condition and/or included within the CMS/CEMP
- Any outline permission should indicate that whilst the layout of the scheme is indicative the retention of the Canal stand-off and woodland to the south/southeast is part of the parameters within which the Reserved Matters scheme should be designed. A suitable condition/mechanism should be used to secure this.

Reserved Matters requirements

The scheme for Reserved Matters should include the following with these details identified and secured within a condition(s) -

- Detailed external lighting plan showing both highways, communal pedestrian lighting and domestic external/security lighting (if provided). This should be designed to the Institute of Lighting Professionals guidance notes (01/2021 obtrusive lighting and 08/2018 wildlife sensitive lighting). The scheme to include specifications of luminaires and light contour plans.
- Details of the hard and soft landscaping should be submitted at RM with planting specifications for locally native species (see attached for information). This should

include canal footpath surfacing and other informal pedestrian access, for example onto the PRoW to Heald Bridge if this is proposed.

- As indicated above the off-site compensation should be secured and the RM include locations and specifications along with management resourcing and responsibility
- Include a Landscape & Ecological Management Plan.
- The specification, layout and planting of the SuDS should incorporate biodiversity gains with native species and suitable design. Any management specifications for the maintenance of the SuDS basin should be designed to accommodate biodiversity in its implementation. GMEU would wish to comment at RM on this matter.

Biodiversity Net Gain (BNG)

- The format of the BNG calculation is not as GMEU would generally accept but despite this variance, GMEU is content that the quantum of off-site provision will compensate and provide net gains if it is secured appropriately.

GMEU Conclusion: GMEU is satisfied in terms of biodiversity that the outline application can be forwarded to determination with recommendations for conditions to ensure that the final scheme and construction can achieve policy compliance and protection of statutory and non-statutory wildlife habitats and species.

Burnley Wildlife Conservation Forum (BWCF)

Object to the proposal. The plot of land comprises the site of the former Lodge Mill in the northern part of the site and an area of woodland and scrub in the southern part of the site. The area of woodland and scrub is a valuable 'stepping stone' site which is a designated part of the Lancashire Woodland Ecological Network. The application will require the removal of 11 individual trees, two tree groups, the partial removal of three tree groups and approximately 50% of one woodland area. This is expected to have a moderate impact on the character of the site. The applicant's ecology assessment states that the area of semi-mature woodland and dense scrub at the south of the site provide significant connectivity, wildlife corridor function and structural diversity which is an acknowledgment of a significant loss of an important area of woodland and scrub habitat. The Ecological Appraisal found a wide range of species present: pedunculate oak [English Oak], ash, silver birch, crack willow, wild cherry, horse chestnut, hawthorn, holly, elder and the rare black poplar; and, considered that the woodland and scrub provided suitable nesting habitat for a wide range of bird species. A preliminary assessment stated that the habitats were suitable for foraging by bats and identified 14 trees with features with potential to support roosting bats. The Local Plan designation states that the site is suitable for around 35 dwellings. The outline proposal is for more than twice this and would be an unreasonable overdevelopment of the site as it would require a significant loss of woodland and scrub habitat which forms a designated part of the Lancashire Woodland Ecological Network and this would have a significant adverse effect on biodiversity.

Environmental Health

No objections. Conditions are recommended to require a contaminated land investigation and associated remediation, a noise assessment, dust management plan and details of refuse storage.

Head of Greenspaces and Amenities

A development of 73 houses would generate calculation of 0.438 ha (inclusive of 0.13ha of children's play space). In the Council's Green Spaces Strategy it states

that in new housing developments the focus for amenity green space should be on large functional sites rather than distributed amongst smaller sites. The developer has included a small area of public open space but is minimal and does not offer much recreational/amenity space value. There is no provision in the plans for children's play space on site. As such, in lieu of provision on site and due to the proximity with Barden Gardens, request that an off-site contribution be provided to refurbish and/or expand the existing play area as well as upgrading the existing MUGA and the surfacing of tennis courts. The contribution would be based on £350 per bedroom. There is also an opportunity to improve the footpath/bridleway along the southern boundary of the site between Lower Mead Drive and Heald Road which would create an improved link to the canal towpath and Barden Lane.

LCC Schools Planning Team

An education contribution is not required at this stage in regards to this development.

Canal and River Trust

The proposal includes construction works within proximity to the Leeds and Liverpool Canal and it is essential that structural integrity is not put at risk, including excavations and vibrations from plant or machinery. The applicant's Flood Risk Assessment states that an unnamed culvert crosses the site running from east to west and passes beneath the Leeds and Liverpool Canal. The Trust has no record of this culvert. Advise that the development should seek to utilise a layout that maximises the benefit of the waterfront location, including taking opportunities to optimise views and natural surveillance. The indicative layout would offer opportunities to promote surveillance of the canal corridor to the east of the site which is generally appropriate as this part of the site features a reduced amount of vegetation. The amenity strip aside of the canal could help promote the use of the canal as a place of amenity and wellbeing. Tall fences or boundary treatments should be avoided next to the proposed pathway. The retention of vegetation to the east of the site would help to retain existing foliage and enhance the semi-rural character of this stretch of canal. The addition of new native species to strengthen the landscaping area would be encouraged. The development should seek to protect and enhance biodiversity along the canal corridor. It is noted that the recommendations of the applicant's assessment includes the provision of ecological buffers to the canal. Several trees on the canal boundary would be removed; appropriate new native species trees should be planted in the buffer and other landscaped areas next to the canal to ensure that the green corridor role of the canal is strengthened and to compensate for the loss of any trees. Conditions are recommended to require a Risk Assessment and Method Statement for the works in proximity to the canal; sufficient information relating to the culvert on the site to assess its impact on the canal; to require details of soft landscaping details; land contamination investigations and remediation; and, details of surface water discharge.

Network Rail

No objection in principle to the proposal. There are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway. Conditions are recommended to require a Method Statement and Risk Assessment; a suitable trespass proof fence adjacent to the boundary with the railway to protect from unauthorised access; details of scaffolding works within 10m of the railway boundary; a risk and method statement of

any vibro-impact works on site; details of the disposal of both surface water and foul water drainage directed away from the railway; details of ground levels, earthworks and excavations to be carried out near to the railway boundary; the inclusion of a minimum 3 metres gap between the buildings and structures on site and the railway boundary; and, details of appropriate vehicle safety protection measures along the boundary with the railway. Network Rail also require a Basic Asset Protection Agreement (BAPA) to be agreed between the developer and Network Rail.

Network Rail also refer to potential noise and vibration for future occupiers and consideration to noise mitigation measures. It states that there should be no trees planted adjacent to the railway and provides various informatives for the developer.

The Coal Authority

No objection subject to conditions. The application site falls marginally within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals at the site.

The Coal Authority records indicate that there are several mine shafts located to the south of the application site. The potential zone of influence/instability associated with the nearest of these, shaft 383434-004, may encroach into the site across the southern boundary. Due to potential plotting inaccuracies this shaft may depart/deviate from its recorded position by several metres. We hold no details of any past treatment of the shaft. Whilst only indicative, it is noted that the proposed layout would be located entirely outside the Development High Risk Area, i.e. beyond the potential zone of influence/instability associated with shaft 383434-004.

The planning application is accompanied by a Preliminary Geoenvironmental Appraisal. Based on a review of relevant sources of coal mining and geological information, the report acknowledges the presence of a cluster of five mine entries beyond the southern boundary of the site.

Taking into account factors including the assumed depth to rockhead, the report does not consider that the potential zone of influence of ground instability posed by an off-site collapse of these shafts would extend into the application site. Nevertheless, they recommend that assumptions made regarding the depth to rockhead are confirmed by site investigation (boreholes) close to the southern site boundary. The Coal Authority welcomes these confirmatory works. Should it be established that the depth to rockhead is greater than expected, we would expect appropriate measures to be incorporated into the proposed development to mitigate the risk posed by an off-site shaft collapse. This could include avoiding development in the affected area, the deepening of building foundations and the incorporation of geogrid type reinforcement.

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the Local Planning Authority.

The Coal Authority also state that their records indicate that surface coal resource is present on the site. The impact of SuDS on mining features should be considered by others.

In conclusion, the Coal Authority notes that the applicant's Preliminary

Geoenvironmental Appraisal considers that the possible collapse of recorded off-site mine entries is unlikely to pose a risk of instability to the application site. Nevertheless, the Coal Authority welcomes the recommendation that intrusive investigations are required to confirm assumptions made with respect to the depth to rockhead in the vicinity of the shafts and the resulting extent of the zones of influence/instability associated with these former coal mining features. Appropriate conditions are therefore recommended.

Publicity

One letter of objection has been received from a neighbour at Garswood Close, referring to traffic hazards and accidents at the railway bridge and canal bridge, plus parking that occurs on the main road near the canal bridge (for fishing and walking) and the increased hazards from a further access road at this position.

Planning and Environmental Considerations:

Principle of Proposal

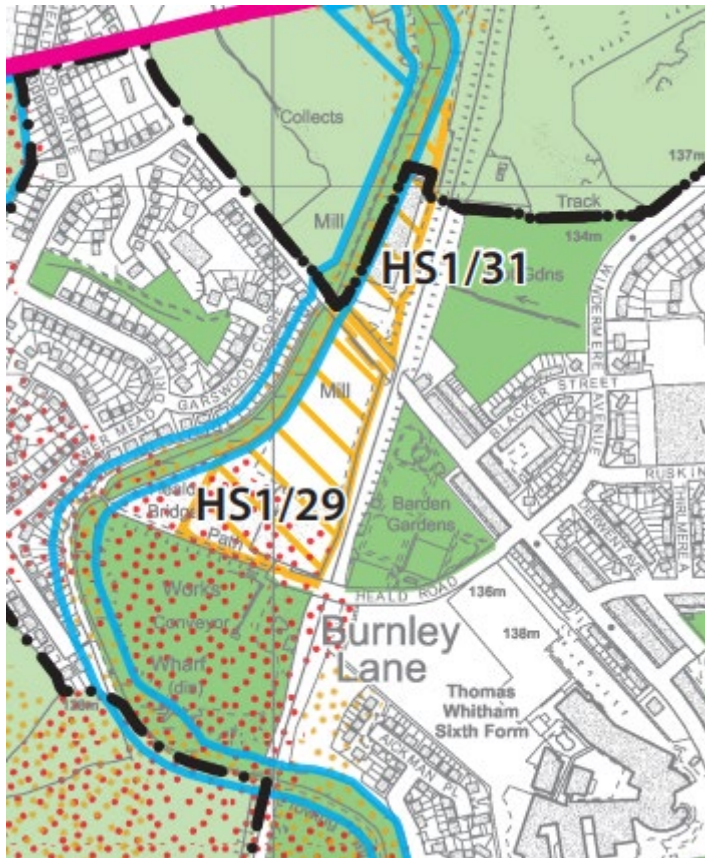
Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which 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. Policy HS1 identifies those sites that have been chosen through the local plan process to meet this requirement. The application site is one of these identified sites for housing, identified as Policy HS1/29 – Former Lodge Mill, Barden Lane (2.32ha) identified as a Brownfield site. The site also falls within the defined Development Boundary and is partly surrounded by established and new residential development and close to recreational facilities at Barden Gardens and the canal towpath and to schools and a bus service on Barden Lane. Policy HS1/29 states that the site is suitable for around 35 dwellings. The southern part of the site (approximately 20% of the site) consists of scrub and self-seeded woodland and forms part of an Ecological Network. A proposal for outline permission to develop the site for residential purposes would be consistent with the housing allocation to develop the site subject to consideration to the amount of development and its impact on the site specific requirements of Policy HS1/29.

Housing allocation and amount of development

Policy HS1/29 states that the housing allocation at the former Lodge Mill site is suitable for around 35 dwellings and also sets out a number of additional and site specific policy requirements and design principles. These refer to: a mix of dwelling types; highway improvements to either Barden Lane or Heald Road; an ecological survey to take account of the Leeds and Liverpool Canal Biological Heritage Site and Lancashire Ecological Network; and an archaeological evaluation of any remains from past industrial use.

Extract from Policies Map (West), Burnley`s Local Plan



These issues, particularly relating to ecology are important considerations to the amount of development on the site and have been considered in detail.

Ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible as well as protecting Protected Species, Priority Habitat and local and regional sites and maintaining Ecological Networks. In addition, Policy SP6 seeks to protect and enhance the borough`s green infrastructure.

There are two key areas of ecological interest at this site. Firstly, the canal corridor which is a designated Biological Heritage Site (BHS). The Design and Access Statement submitted with the application states that a 6m green corridor buffer would be maintained between the development and the canal corridor. This would provide protective measures to the canal bank and protection to the habitat corridor. Whilst there is no evidence of otter or water vole currently at the site, GMEU recognise that it is habitat that is suitable for these protected species and is satisfied that a 6m buffer would be sufficient to protect wildlife along the canal bank. A condition is recommended to ensure any Reserved Matters application provides for this 6m green corridor buffer.

Secondly, the southern portion of the site contains approximately 1.3ha of woodland and dense scrub vegetation and is part of a Lancashire Woodland Ecological Network. This consists of lowland mixed deciduous woodland, part of which is Priority Habitat woodland and has the function of `stepping stone` habitat. Part of this area contains semi-mature broadleaf trees 20-30 years old with occasional more mature trees,

dominated by willow but including ash, cherry, poplar, silver birch and occasional oak. These trees are generally within the south west portion of the site. To the south east portion of the site and a localised area at the centre of the woodland towards the south west area is woodland of approximately five years of age, which is characterised by dense stands of saplings and scrub to an average 4m height, including willow, ash, bramble, hawthorn and elder. This represents young woodland habitat but would not constitute Lowland Mixed Deciduous Woodland or Priority Habitat. The proposed Indicative Layout that demonstrates how 73 dwellings can be accommodated on the site would lead to the loss of 0.6ha of woodland, out of which approximately 0.3ha would be young woodland habitat that would not be regarded as a Priority Habitat.

Policy NE1 states that where development may adversely affect the effective functioning or connectivity of Ecological Networks, schemes should where practical, retain and enhance existing landscape and natural features and ensure an alternative corridor can be provided to ensure equivalent connectivity is maintained.

The applicant affirms that the loss of some woodland habitat is unavoidable in order to make residential development at the site feasible submitted ecological report (due to the abnormal costs associated with this site) and has proposed a set of mitigation measures:-

1. Retaining, managing and enhancing a woodland buffer of mostly 15m (with small section of 10m) along the full length of the southern boundary to maintain a wildlife corridor function; and
2. A Woodland Management and Enhancement Scheme for the 0.4ha triangular shaped piece of land which is outside the south west edge of the application site. This area of land is owned by Burnley Borough Council and requires substantial management, including felling and replanting. The improvement of this area would also connect to the wildlife corridor of the canal.
3. To use two areas of currently species-poor improved grassland close to the site (immediately south of the cement works to the southside of the application site and plant with a favourable diverse native woodland mix. The area of removed woodland habitat covers an area of approximately 3,931sqm, whilst the two new areas would amount to approximately 5,500sqm of current amenity grassland within the same part of the Lancashire Woodland Network.

The proposed areas for new woodland creation are directly to the south side of the Cemex cement works and are owned by the Council. The area was originally laid as a football pitch but has been too wet for recreational use and the Council's Head of Greenspaces and Amenities considers it would be suitable for tree planting. GMEU and could be planted with a similar mix of willow, alder and native shrubs The location of these is indicated below. GMEU agree that the planting and manging of these areas with native woodland would improve a principal area of the Lancashire Woodland Ecological Network close to the site and together with other measures to maintain and enhance a woodland buffer to the south side of the site and to improve a 0.4ha area of off-site woodland that bounds the south west corner of the site, would adequately compensate for the loss on site. These appropriate alternative measures would satisfy the requirements of Policy NE1 for maintaining ecological networks.

Woodland 1



Woodland 2



A s106 Agreement would be required to secure the off-site mitigation works and secure their retention and future management.

The objection from the Burnley Wildlife Conservation Forum which relates to the loss of woodland, including Priority Woodland, within the Lancashire Ecological Network, has been considered. Notably, the proposals would significantly reduce the area of woodland, but a large proportion of this is regenerating young growth and the amount of semi-mature broadleaf trees that would be removed have been minimised. A retained woodland buffer can be secured through conditions. Further on-site mitigation can be achieved through appropriate new tree and shrub planting and off-site mitigation through managing and enhancing adjacent woodland and through the establishment of new native species woodland at close proximity to the application site. In addition, whilst the area of woodland to be reduced is located at the northerly tip of the network, the proposed off-site mitigation sites of species poor grassland would be planted and managed to provide good quality native woodland which would fill those gaps in the main body of the ecological network to the south side of the site. This would strengthen and enhance the function of a key part of the network. With these measures, the proposal would protect and enhance the function of the Lancashire Ecological Network.

The submitted Ecological Impact Assessment reports on survey findings for protected species, including bats. It finds that there are 14 trees within the woodland area and bordering the site that have bat roosting potential. Two of these have High or Moderate suitability would be retained and protected, whilst for the remainder with Low Suitability, precautionary measures would be employed. GMEU accept these findings and recommend a condition to require an updated survey (including the use of aerial and/or pre-felling activity inspection) of the low value trees prior to the commencement of development.

GMEU also recommend a pre-commencement survey for badgers and measures to protect nesting birds during the bird breeding season (March to August inclusive) and protective measures for retained trees. A Landscape and Ecological Management Plan (LEMP) would be necessary to secure the long term management of retained on-site woodland and new off-site woodland. Conditions are also recommended to require a detailed external lighting strategy, a hard and soft landscaping scheme with planting specifications for locally native species and details for the planting ,

management and maintenance of the SuDS basin that is indicated on the indicative scheme. Other enhancement measures identified in the submitted Ecological Impact Assessment which include the provision of bird nest boxes, bat roost boxes, wildlife-friendly fencing and shelter/refuge for wildlife should also be secured by a condition to require further details and their implementation. With the measures and conditions that have been identified, the proposed outline proposals which affect the woodland to the south side of the site, would maintain and enhance biodiversity and the Lancashire Woodland Ecological Network. The proposal would therefore comply with Policy NE1.

Impact on trees

Policy NE4 requires development proposals to provide for the protection and integration of non-protected existing trees and hedgerows for their wildlife, landscape and/or amenity value. An Arboricultural Impact Assessment has been submitted with this application and identifies two areas of woodland, seven tree groups and 21 individual trees within the site. None of these are protected. The outline scheme for up to 73 dwellings would lead to the removal of nine individual trees (two moderate and seven low quality trees) and two tree groups (both, low quality) and the partial removal of three tree groups (all low quality) and 50% of the woodland (low quality). The ecological impacts relating to the loss of trees has been discussed in detail above. In terms of the quality of the trees to be removed, these are generally of low quality (Category C), the loss of which can be effectively mitigated by appropriate new planting. Notably, in this case there would also be considerable off-site mitigation and retained trees, individually and in groups or woodland, would need to be protected and managed. An Arboricultural Method Statement would be required to demonstrate how construction methods would protect those trees that may be otherwise harmed by standard method. A Reserved Matters application would be expected to provide a tree planting scheme to strengthen site boundaries, green corridor buffers to the southern boundary, the western boundary with the canal and Barden Lane frontage as well as providing street trees on new estate roads and around new areas of open space. A condition is recommended to require the landscaping scheme to include locally native species. Subject to these conditions, the loss of trees would be adequately compensated and new planting would help to create a landscaped setting for new homes. The proposal would not therefore conflict with Policy NE4.

Impact on heritage assets

Policy HE2 states that proposals affecting designated heritage assets or their settings will be assessed having regard to significance of the asset and states that all levels of harm should be avoided. Policy HE4 seeks to protect archaeological assets.

Lodge Canal Bridge on Barden Lane stands to the north western corner of the application site and is a Grade II listed building. The key feature of its setting is the canal. Subject to further details of the layout, scale and appearance of the development that would be considered as part of a Reserved Matters application and the use of sensitive landscaping and a green buffer along the canal bank, the proposed development is unlikely to lead to harm to the setting of the Grade II listed stone bridge.

The submitted Heritage Impact Assessment states that the original cotton spinning mill was built on this site in 1863 (initially called Barden Mill but renamed Lodge Mill by 1893) and was converted to weaving after a fire in 1905. Historic images show that the building plan was rebuilt following this event and that the original mill building had been removed prior to the demolition of Lodge Mill in 2014/15. It concludes that given

the destruction of the earlier mill by fire and the more recent demolition of its successor, that there is unlikely to be anything of historic interest on the site. On this basis, any further archaeological investigation would not be worthwhile.

The proposal would not therefore significantly affect historic assets and complies with Policies HE2 and HE4.

Accessibility, impact on traffic and highway safety

Policy IC1 states that development schemes should, as appropriate to their nature and scale, be located in areas well served by walking, cycling and public transport, should maximise opportunities for the use of sustainable models of travel, and provide for safe pedestrian, cycle and vehicular access to, from and within the development, including adequate visibility splays.

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A Transport Statement (TS) has been submitted with this application to assess the impact of traffic from the development and the proposed improved vehicular access on Barden Lane.

The site is just over 100m from the nearest bus stops on Barden Lane which provide an hourly service to Burnley and Colne; is adjacent to a national cycle route on the towpath to the west of the site and adjacent to a network of public footpaths and a bridleway. It is therefore an accessible location with good links to recreational facilities and amenities.

The existing access would be relocated by approximately 5m to the east and realigned and constructed to provide a new estate road with a 5.5m carriageway and 2m wide footways to each side. LCC Highways is satisfied that this would provide an acceptable junction with adequate visibility and recommends conditions to agree detailed matters.

In terms of trip generation, the Transport Statement calculates that based on 73 dwellings there would be less than one additional car departing in every two minute period within the AM peak and just over one car (1.1) arriving at the site every three minutes within the PM peak hour. This would only represent a minor change to traffic using Barden Lane which would not lead to a perceptible impact on the highway network. LCC Highways confer with this view and make no request for any significant off-site highway works.

The proposed residential scheme also provides the opportunity to improve the accessibility and connectivity of the site with its surroundings. The applicant has agreed to provide an informal pedestrian route from the south west corner of the site to Heald Bridge. This would provide good links to the canal towpath and to the public bridleway and the footpath network to the south side of the site. In addition, the applicant has agreed to improve the surfacing of the public bridleway that bound the south boundary of the site between Heald Road and Heald Bridge. This would be a benefit to new occupiers of the development as well as existing local residents.

In conclusion, the proposed outline scheme that also seeks approval for access is acceptable subject to conditions recommended by LCC Highways.

Housing requirements

Policy HS4 sets out various requirements for new housing, including open space provision, separation distances to provide appropriate outlook and privacy and adaptable homes. Policy HS3 refers to housing density and Policy SP5 requires a high standard of design and sustainability in developments.

The outline application seeks approval for up to 73 dwellings. Notably, the housing allocation at Policy HS1/29 refers to the site being suitable for around 35 dwellings. This lower figure takes into account the presence of woodland and the Lancashire Ecological Network to the southern end of the site. The applicant has sought to deal with this issue in order to achieve a quantity of development on the site that would be viable. The approach is an acceptable one and following detailed consideration it is concluded that a greater proportion of the site is capable of being satisfactorily developed which would increase the capacity of the site. Policy HS3 states that new housing should be built at a density appropriate to its location and setting and at a minimum, should seek to achieve 25 dwellings per hectare. The Indicative Layout submitted with this application displays a density of 26 dwellings per hectare which remains a low density and reflects the amount of the site given over to landscaping, green corridors, woodland, drainage pond and open space. A low density in this case, as presented, would be in keeping with the site and its surroundings and it also acknowledges other constraints posed by the railway line on the eastern boundary and a culvert that crosses the site. A figure of up to 73 dwellings would therefore be appropriate and subject to detailed consideration of Reserved Matters can, in principle, be adequately accommodated on the site.

The Indicative Layout indicates a 6m green buffer along the bank of the canal and the orientation of formal frontages to the canal. This would allow adequate spacing from properties on the west side of the canal and would maximise the benefits of waterfront locations, optimising views and natural surveillance of the canal and opportunities to access it, as sought by Policy SP5.

Occupiers of the proposed development would be exposed to noise from road traffic, passing trains and the cement works. A Noise Assessment has been submitted that indicates that mitigation measures would be necessary, including attenuation fencing on the eastern boundary and trickle ventilation to parts of the site. A condition is recommended to require a further detailed noise assessment to accompany a Reserved Matters application.

The proposed residential development would be principally up to two storeys, although the Design and Access Statement indicates that there would be a number of 2.5 storey dwellings. A two storey development would be in keeping with the dominant scale of development. Given, however, that scale is a Reserved Matter, this will be considered with full details at a later stage. An Informative can be added to the decision notice to indicate that a development principally no more than two storey is considered to be suitable for this site.

Policy HS1/29 requires a mix of dwelling types at this site. The Indicative Layout display a mix of semi-detached, terraced and a smaller number of detached houses which would provide the opportunity to provide a range of properties and bedroom numbers to cater for a range of housing needs. The details of the range and type of housing will form part of the assessment of a Reserved Matters application.

Details of the design of dwellings to comply with a 20% compliance with the optional Part M4(2) standards of the Building Regulations to provide adaptable homes will be considered as part of a Reserved Matters application. A condition is recommended to require the details of adaptable homes to be submitted with the appropriate Reserved Matters application.

The Planning Statement submitted with the application acknowledges the requirements of Policy SP5 in respect of measures to minimise energy and water consumption and states that this will be presented at the Reserved Matters stage.

Open Space

Policy HS4 requires new housing developments to provide or contribute to public open space provision at a rate of 0.3ha per 50 dwellings (inclusive of 0.09ha of equipped childrens play space). In this case, the developable areas of the site are reduced by retained woodland, green corridors and a sustainable drainage pond. As such, the Indicative Layout displays only a small area of amenity open space that would add to the openness of the residential area but wouldn't provide functional open space for activities or play equipment. In this case, the site sits adjacent to Barden Gardens that offers public open space and childrens play facilities. In these circumstances, the Head of Greenspaces and Amenities has requested a contribution towards improving the open space and play facilities at Barden Gardens. This would be easily accessible from the site and would provide adequate open space and play facilities for the future occupiers of the development. The contribution would be calculated at the Reserved Matters stage based on £350 per bedroom in accordance with the Developer Contributions SPD. The applicant is willing to enter into a s106 Agreement to secure this contribution. In addition, the site also benefits from the recreation opportunities of the canal. The proposal would therefore provide access to satisfactory open space and equipped childrens play space to provide a good standard of amenity for future occupiers.

At this outline stage, the amount of development on the site would be suitable for the site and would secure a good quality new residential development.

Provision of Affordable Housing

Policy HS2 requires the provision of affordable housing through all housing developments of over 10 units unless plan policies and viability evidence demonstrate otherwise. The Developer Contributions SPD which applies evidence from the Local Plan Viability Assessment indicates that there is likely to be a ceiling of a 5% contribution towards Affordable Housing. Policy HS2 states that this should be provided on-site where this can be achieved without compromising other important policy considerations. The applicant has agreed to a 5% contribution which would be delivered on site, in which case the exact number would be calculated at the Reserved Matters stage. The applicant has indicated that that the Affordable Housing units would be delivered as First Homes which have been recently introduced by the Government and will provide a first home at a discount of 30% below market value for eligible first time buyers (at a price that must not exceed £250,000). This would comply with the requirements of Policy HS2 and provide a significant benefit and would be secured through a s106 Agreement.

Impact on flooding

Policy CC4 states that the Council will seek to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere.

A Flood Risk Assessment has been submitted with the application that identifies the site within Flood Zone 1 where there is the least risk of flooding. No objections are raised by the Local Lead Flood Authority or United Utilities subject to conditions to require a detailed drainage strategy and details of asset protection, management and maintenance and pollution prevention measures. With these provisions, the proposal would not lead to a significant increase in the risk of flooding on the site or elsewhere and would not conflict with Policy CC4.

Impact on ground conditions

Policy NE5 requires development proposals to demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise risks.

A Preliminary Geo-environmental Appraisal has been submitted that identifies potential contamination from past industrial uses and the need for intrusive investigations and appropriate remediation.

The Geo-environmental Appraisal also reports that there are five mine entries beyond the southern boundary that whilst are unlikely to affect the built development should be further assessed. A condition is recommended to require this.

Network Rail and the Canal and Rivers Trust have highlighted the need to maintain the structural integrity of their structures and in addition to any permits or agreements that they will require between themselves and the developer, have requested various conditions which are mostly reasonable and necessary.

Air quality

An air quality assessment has been submitted that indicates that there would be no significant adverse impact on air quality resulting from the proposed development. In accordance with the Air Quality Management SPD, electric vehicle charging points will be required as standard mitigation. A condition is recommended to require these details to be provided as part of a Reserved Matters application.

Conclusion

The proposed development would deliver a brownfield housing allocation identified in Burnley's Local Plan which would be beneficial by providing new homes, including a small portion of First Homes. It would enable the cleaning up and redevelopment of a former mill site and provide new homes at an accessible and attractive location. The outline application has had full regard to the challenges and constraints of the site. The approach to mitigate the loss of an area of woodland with new native tree planting close to the site would protect and enhance the Lancashire Woodland Ecological Network. An Indicative Layout shows how the site could accommodate up to 73 dwellings whilst creating a green buffer along the canal corridor and a setting that would provide an appropriate canal frontage as well as a green woodland buffer to the south side of the site. Access can be satisfactorily provided to the site and the proposal would improve connectivity to its surroundings by a new informal path to the public bridleway at the south western corner of the site and improvements to the surfacing of the public bridleway. Whilst the site would not provide functional on-site public open space, it is accessible to Barden Gardens to the east side of the site. The applicant has agreed to a contribution to improving this public open space and equipped area for play which would adequately cater for the recreational needs of future occupiers. It has been demonstrated that the proposal complies with the development plan and there are no material considerations that would outweigh this finding.

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, affordable housing, off-site woodland mitigation, off-site woodland management and enhancement, provision of new pedestrian link and improvements to public bridleway.

Conditions:

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

4. 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.

5. An application for the approval of Reserved Matters shall provide for a minimum 6m wide green buffer along the bank of the Leeds and Liverpool Canal and a 15m green buffer (with a short localised 10m exception) on the southern elevation of the site.

Reason: To protect the wildlife of the canal corridor which is a designated Biological Heritage Site and to maintain a woodland buffer to the south side of the site to protect the Lancashire Woodland Ecological Network, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

6. An application for the approval of Reserved Matters shall be accompanied by details of how a minimum of 20% of the proposed dwellings would comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to be provide adaptable homes. None of the identified dwellings to be constructed with the approved details shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has

been achieved for each dwelling , has been submitted to and approved in writing by the Local Planning Authority.

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

7. An application for the approval of Reserved Matters shall be accompanied with details of how energy and water efficiency measures have been designed into the proposed scheme. The approved measures shall thereafter be implemented in full prior to each dwelling being first occupied.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

8. A scheme for the provision of electric vehicle charging points for the proposed development shall be submitted with an application for the approval of Reserved Matters. The approved scheme shall thereafter be carried out and completed in accordance with the approved scheme prior to each dwelling being first occupied.

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

9. No development shall be commenced until an updated badger survey by a qualified ecologist has been undertaken within a period not exceeding six months prior to the start of construction and has been submitted to and agreed in writing by the Local Planning Authority. In the event that the survey finds evidence of badger activity on the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To take into account the passage of time between current ecological reports and the potential start of construction in order to protect badgers which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

9. No development shall be commenced until an updated inspection for bats by a suitably qualified bat specialist or ecologist of the trees to be removed or affected by the development (which may include the use of aerial activity inspection) has been carried out and submitted to and approved in writing by the Local Planning Authority within a period not exceeding six months prior to the tree works taking place. In the event that the survey finds evidence of bats at the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To take into account the passage of time between current ecological reports and the potential start of works to trees, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The survey is required prior to the commencement of development to ensure that the risk of harm to protected species is low.

10. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures:
- i) temporary fencing of the retained woodland and scrub on the site;
 - ii) temporary fencing at a minimum stand-off distance of 6m from the edge of the adjacent canal protection of retained trees; and,
 - iii) details of the construction lighting to be designed to avoid light spillage onto the canal and woodland edge.

The agreed measures shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until its completion.

Reason: To protect the wildlife along the canal bank and woodland during the construction period, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

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

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

12. No demolition, site works or removals of trees or shrubs on the site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:-
- a) description and evaluation of the features to be managed;
 - b) ecological features and constraints that may influence management;

- c) aims and objectives of management;
- d) appropriate management options and prescriptions for management actions;
- e) a work schedule (including an annual work plan capable of being rolled forward over a five year period);
- f) details of the body or organisation responsible for implementation of the plan; and,
- g) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity.

Reason: To ensure that the ecologically sensitive areas of the site, including the canal bank and retained woodland are appropriately managed to ensure their long term protection and benefits to biodiversity, having regard to the designated Biological Heritage Site and Lancashire Woodland Ecological Network, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

14. An application for the approval of Reserved Matters for the landscaping of the site shall provide for locally native tree and shrub species to be used and details of enhancement of the retained areas of woodland to the southside of the site.

Reason: To ensure adequate regard for the ecological benefits of a landscaping scheme and to ensure details are included for improvements to existing woodland, in accordance with Policies SP5 and NE4 of Burnley`s Local Plan (July 2018).

15. An application for the approval of Reserved Matters shall provide a detailed external lighting plan for all roads, access paths, communal areas and domestic external or security lighting. This shall include specifications of luminaires and light contour plans and be designed in accordance with the guidance notes of the Institute of Lighting (01/2021 obtrusive lighting and 08/2018 wildlife sensitive lighting). The development shall thereafter be carried out in accordance with the approved details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

16. Prior to any dwelling being first occupied, the biodiversity enhancement measures identified at Table 4 in the submitted Ecological Impact Assessment shall be carried out and completed in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To contribute to the biodiversity enhancement measures of the completed development, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

17. All planting, seeding or turfing comprised in the approved details of landscaping to be approved as a Reserved Matter shall be carried out in the first planting and seeding seasons following the first occupation of the approved development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

18. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling being first occupied.

Reason: To ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

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

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

20. No development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

21. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadem or other approved bound material) and is available for use in accordance with the

approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

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

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

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

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

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

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

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

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

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

26. The approved development shall not be first occupied until a Verification Report and Operation and Maintenance Plan for the approved surface water drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

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

27. Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion.

Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

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

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

29. No development shall take place unless otherwise agreed in writing until a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land contaminations; or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
- b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

No dwelling shall be first occupied until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority.

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

30. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details that shall be submitted with an application for the approval of Reserved Matters. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

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

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

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

32. No development shall be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in full accordance with the methods and measures in the approved Method Statement.

Reason: To ensure that vulnerable trees which are to be retained and have an amenity value are not harmed by the development, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of the development so that it can be effectively implemented to prevent any harm to retained trees from the on-set of the development.

33. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity and the extent of zones of influence/instability of off-site mine shafts; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance and a verification report to demonstrate that any identified remediation and/or mitigation measures have been implemented in full shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling.

Reason: To ensure that the issues arising from historic shallow coal mine workings close to the site are adequately dealt with in order to ensure the safety of the construction, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

34. An application for the approval of Reserved Matters shall be accompanied by a further noise assessment that shall detail remedial measures for mitigating

against identified external noise sources. The approved measures shall thereafter be carried out and completed prior to each dwelling being first occupied and the completion of the development. The approved measures shall be retained at all times thereafter.

Reason: To ensure a satisfactory level of amenity for occupiers of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

35. Prior to the commencement of any development, the following shall be submitted to and approved in writing by the Local Planning Authority in respect of works in proximity to the railway line to the east side of the application site:
- i) A Method Statement and Risk Assessment for the construction and subsequent maintenance of the development in proximity to a railway line shall be submitted to and approved in writing by the Local Planning Authority.
 - ii) a Method Statement and Risk Assessment for vibro-impact works on site;
 - iii) details of the disposal of both surface water and foul water drainage directed away from the railway;
 - iv) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary;
 - v) details of a minimum 3m easement between structures on site and the railway boundary; and,
 - vi) details of appropriate vehicle safety protection measures along the boundary with the railway.

The development shall thereafter only be carried out and maintained in accordance with the approved Method Statements, Risk Assessments and approved details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

Janet Filbin
1st December 2021

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

9th December 2021

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0246	Mrs K Pakeerathan	124-126 Burnley Road Briercliffe Lancashire BB10 2HJ	SINGLE STOREY REAR EXTENSION WITH ALTERATIONS TO EXISTING STEEL STAIRCASE	Approve with Conditions	19th November 2021
FUL/2021/0351	Mr Aslam	143 St James Street Burnley Lancashire BB11 1PD	Proposed replacement shopfront and windows to front elevation. External fabric repairs including stone cleaning, repointing, re-roofing, replacement of chimney stack and re-lining of gutters	Approve with Conditions	15th November 2021
LBC/2021/0367	Rebecca Mitchell	Stockbridge Lodge Burnley Road Padiham Lancashire BB12 8SD	Repairs and conservation works to the external fabric, installation of new windows throughout; and full internal refurbishment including re-plastering, replacement staircase and strip out to provide modern kitchen and bathroom facilities	Approve with Conditions	8th November 2021
TPO/2021/0403	Mr Keith Heys	Brownside Cottage Brownside Road Worsthorne-with-hurstwood Lancashire BB10 3JP	Application to fell 6 no. Ash trees suffering from severe Ash dieback covered by the Brun Valley Map1 Tree preservation Order 1974.	Approve with Conditions	15th November 2021
COU/2021/0423	Mrs Yasmin Shah	2 Healdwood Drive Burnley Lancashire BB12 0EA	Change of use from C3 dwelling House to C2 Residential institution. Garage conversion, side extension, front porch and bay window, new fence and raised garden	Refuse	15th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2021/0466	x x	Land At Sycamore Avenue Sycamore Avenue Burnley BB12 6DH	Discharge of Condition 25 (Eastern boundary treatment details) pursuant to planning permission FUL/2020/0504	Conditions part discharged	11th November 2021
CND/2021/0477	Mrs Jo Kemp	Land At Former Bull And Butcher Pub Manchester Road Habergham Eaves Burnley BB11 5NP	Discharge of Conditions 3 (Materials), 7 (site access and off-site highway works), 12 (Construction Management Plan), 14 (Surface water drainage scheme), 16 (Surface water pollution prevention management) and 19 (Boundary treatment) of planning application FUL/2021/0135 for home for the elderly	Conditions part discharged	9th November 2021
PR/2021/0428		Ashfield Mill Active Way Burnley Lancashire BB11 1BS	Construction of a new warehouse and re-siting of existing staff car parking	Enquiry	19th November 2021
FUL/2021/0539	Mr Matthew Walton	Burleigh Street Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0540	Mr Matthew Walton	Located on the eastern side of Ulster Street on the footway adjacent the side gable of No. 27 Richmond Street.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0541	Mr Matthew Walton	Located on the eastern side of Radnor Avenue on the footway	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0542	Mr Matthew Walton	Greenbrook Road Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0543	Mr Matthew Walton	Reynolds Street	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0544	Mr Matthew Walton	Sited on the corner of Brownhill Avenue and Carholme Avenue on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0545	Matthew Walton	Hargreaves Street Briercliffe Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
ADV/2021/0566	Miss Louise Roberts	3303-0020 Todmorden Road Next To St Anne Street Burnley Turf Moor BB10 4AB	Replace existing double-sided internally illuminated 6-sheet Bus Shelter advertising displays with double-sided digital advertising displays. Replacement digital displays would portray static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade.	Approve with Conditions	8th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
ADV/2021/0567	Miss Louise Roberts	3303-0040 - Burnley Planning Application Colne Road O/S Bank Hall Care Home Burnley Thompson Park BB11 2AA	Replace existing double-sided internally illuminated 6-sheet Bus Shelter advertising displays with double-sided digital advertising displays. Replacement digital displays would portray static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade.	Approve with Conditions	8th November 2021
ADV/2021/0568	Miss Louise Roberts	3303-0044 Padiham Road O/S Tim Bobbin Ph Burnley Ightenhill BB12 6PR	Replace existing double-sided internally illuminated 6-sheet Bus Shelter advertising displays with double-sided digital advertising displays. Replacement digital displays would portray static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade.	Approve with Conditions	8th November 2021
FUL/2021/0546	Matthew Walton	Briercliffe Road Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0547	Matthew Walton	Adjacent 1 Harrogate Crescent Burnley Lancashire BB10 2NX	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0548	Matthew Walton	Pathway Opposite 2 Fairfield Drive Burnley Lancashire BB10 2PU	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0549	Mr Matthew Walton	Sited on the south eastern side of Rimington Avenue on the footway adjacent the car park of Tesco Supermarket.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0550	Mr Matthew Walton	Sited on the northern side of Brownside Road, on the footway adjacent the principle elevation of the public house Thornton Arms.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0551	Mr Matthew Walton	Sited on the northern side of Holmes Street on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0552	Mr Matthew Walton	Sited on the western side of Albert Street on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0553	Mr Matthew Walton	Sited on the western side of Hollingreave Road	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0554	Mr Matthew Walton	Hillside Close Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0555	Mr Matthew Walton	Accrington Road Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0556	Mr Matthew Walton	Located on the southern side of Victoria Road on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0557	Mr Matthew Walton	Located on the western side of Hapton Road on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0558	Mr Matthew Walton	Located on the northern side of West Street on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0559	Mr Matthew Walton	Located on the southern side of Hargrove Avenue on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0560	Mr Matthew Walton	Located on the eastern side of Palace Street on the footway adjacent the gable elevation of No. 42 Carter Street	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0561	Mr Matthew Walton	Gawthorpe Road Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0562	Mr Matthew Walton	Located on the northern side of Evans Street on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0563	Mr Matthew Walton	Located on the northern side of St Matthew's Street on the footway.	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
FUL/2021/0564	Mr Matthew Walton	St Philip Street Burnley	Erection of 15m pole, fibre cable, antennae and associated cabinets for the installation of high speed wireless internet.	Refuse	11th November 2021
TPC/2021/0452	Mr Gareth Ashworth	18 Lyndale Road Hapton Lancashire BB11 5RD	Application to fell one Ash tree (T2) protected by the Burnley (Old School House Farm, Manchester Road, Hapton no.2) Tree Preservation Order 1991	Approve with Conditions	23rd November 2021
HOU/2021/0586	Mr Saraj Din	17 Cleaver Street Burnley Lancashire BB10 3BE	Proposed wet room extension incorporating kitchen extension	Approve with Conditions	8th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
TPO/2021/0584	Mr Dave Allen	163 Manchester Road Burnley Lancashire BB11 4HR	Application to prune the canopy of one Beech Tree (T1) protected by the Burnley (Greenhill Bowling Club, Manchester Road) Tree Preservation Order 2016 and within Palatine Conservation Area	Approve with Conditions	8th November 2021
HOU/2021/0530	Mr S Sethi	8 Glen View Road Burnley Lancashire BB11 2QN	Proposed single storey extension to side and rear	Approve with Conditions	3rd November 2021
HOU/2021/0589	Javed Khan	240 Barden Lane Burnley Lancashire BB10 1HY	Proposed single storey rear extension	Refuse	19th November 2021
HOU/2021/0598	Mrs Lesley Waterworth	17 Fairfield Drive Burnley Lancashire BB10 2PU	Proposed extension to provide attached garage and bedrooms	Refuse	4th November 2021
HOU/2021/0596	Mr P Banks	18 Culshaw Street Burnley Lancashire BB10 4LL	Double storey side and single storey rear extension with internal remodelling and loft conversion.	Approve with Conditions	4th November 2021
PAH/2021/0569	Mrs Andrea Murgatroyd	54 Clarence Street Burnley Lancashire BB11 3DY	Single storey rear extension to extend 4.5m externally beyond the rear wall, height of the extension to eaves is 2.585m and maximum overall height 3.6m	Prior Approval not required accept	4th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0578	Mr Richard Halstead	25 Applecross Drive Burnley Lancashire BB10 4JP	Demolition of existing Upvc conservatory and construction a of new single story extension.	Refuse	4th November 2021
HOU/2021/0576	Mr Z H Shah	46 Cameron Street Burnley Lancashire BB10 1PY	Proposed 2nd floor level front dormer extension	Refuse	19th November 2021
HOU/2021/0614	Mrs Trish Redmond	103 Carholme Avenue Burnley Lancashire BB10 4PT	Proposed conversion of existing store room to create bedroom with new roof and other internal alterations	Refuse	15th November 2021
HOU/2021/0575	Mr M L Akhtar	103 Windermere Avenue Burnley Lancashire BB10 2AA	Single storey rear extension	Approve with Conditions	19th November 2021
FUL/2021/0628	Mr Steve Starkie	Springwood Nurseries And Garden Centre Burnley Lancashire BB10 4HR	Multi-span polytunnel canopy	Approve with Conditions	19th November 2021
HOU/2021/0629	Mr Colin Haslam	13 Stirling Court Briercliffe Lancashire BB10 3QT	Increase in size of rear extension from 2.7m to 4m in projection as an amendment to approved plan HOU/2021/0251	Approve with Conditions	19th November 2021

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0635	Mr Aidan Venn	6 Fallowfield Drive Burnley Lancashire BB12 0HQ	Single storey extension to side	Approve with Conditions	19th November 2021
HOU/2021/0636	Mrs Barbara Reid	318 Red Lees Road Cliviger Lancashire BB10 4RQ	Single storey extension to rear to form Granny Annex	Approve with Conditions	22nd November 2021