

DEVELOPMENT CONTROL COMMITTEE

Wednesday, 9th February, 2022
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

COMMITTEE ROOMS 2 & 3, BURNLEY TOWN HALL

Wednesday, 9th February, 2022 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 - 22

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

To consider reports on planning applications for development permission:

- | | |
|---|---------|
| a) HOU/2021/0607 - Southside, The Grange, Marsden Road | 23 - 30 |
| b) ADV/2021/0679 - 150-152 St James St, Burnley | 31 - 38 |
| c) FUL/2021/0659 - Land to the West of Briercliffe Road, Burnley
General Hospital, Burnley | 39 - 64 |
| d) FUL/2021/0719 - Land at Vicarage Avenue, Padiham | 65 - 74 |
| e) LBC/2021/0651 - Towneley Hall, Towneley Park, Burnley | 75 - 86 |
7. **Decisions taken under the Scheme of Delegation** 87 - 94

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

Tuesday, 1 February 2022

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DEVELOPMENT CONTROL COMMITTEE

MECHANICS THEATRE

Thursday, 13th January, 2022 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

Paul Gattrell	– Head of Housing & Development Control
Janet Filbin	– Principal Planner
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer

66. Apologies

Apologies for absence were received from Councillors Alan Hosker and Neil Mottershead.

67. Minutes

The Minutes of the last meeting held on 9th December 2021 were approved as a correct record and signed by the Chair.

68. List of Deposited Plans and Applications

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

Amar Rasool – HOU/2021/0465

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

69. FUL/2021/0270 - Burnley College, Princess Way, Burnley

The Chair informed the Committee that this item had been deferred to a meeting to be held on the 24th January 2022 at 6.30 pm.

There was no dissent and the item was duly DEFERRED.

70. HOU/2021/0465 - 18 Basnett Street, Burnley

Decision

That planning consent be REFUSED for the following reason:

1. The proposed development would lead to an unacceptable level of amenity for the adjacent occupiers No. 99 and 101 Thurby Road by virtue of the proposal not meeting the required separation distance standards as set out in HS4. Therefore the proposal would result in a loss of privacy, outlook and light, contrary to the requirements of Policies HS5 and SP5 of the Local Plan and the NPPF.

71. HOU/2021/0637 - 5 Tedder Avenue, Burnley

Decision

That planning consent be REFUSED for the following reasons:

1. By virtue of its excessive and dominant scale and design, the proposed development would not be subordinate or sympathetic to the character of the existing house or the wider character of the street scene. The proposals would appear as prominent and incongruously large addition which fails to appropriately respect the existing proportions and appearance. The application therefore conflicts with Policies HS5 and SP5 of the Burnley Local Plan and the NPPF.
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 undermine the inherent character of the existing building, imbalance a pair of semi-detached properties contrary to Policies HS5 and SP5 of the Local Plan and the NPPF.

72. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation for the period 25th November 2021 to 5th January 2022.



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Monday, 24th January, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), F Cant, P Chamberlain, S Cunliffe, S Graham, S Hall, J Harbour, J Inckle, K Ingham, M Ishtiaq and A Royle

OFFICERS

Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer
Chris Gay	– Governance Manager

73. Apologies

Apologies for absence were received from Cllrs Birtwistle, Hosker and Mottershead.

74. List of Deposited Plans and Applications

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

Mr Ian Chapman – FUL/2021/0270
Cllr Andy Fewings – FUL/2021/0270
Ms Debbie Smith – FUL/2021/0270

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

75. FUL/2021/0270 - Land at Stoneyholme Recreation Ground and Burnley College, Grosvenor Street, Burnley

Decision

That approval be delegated to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to secure Playing Pitch Mitigation works and a Travel Plan contribution and the following conditions.

Conditions and Reasons

1. The development comprising the Full application (Phase 1) must be begun within three years of the date of this decision.

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

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the Reserved Matters" for Phase 2 of the development) shall be submitted to and approved in writing by the Local Planning Authority before any development of Phase 2 begins and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

3. 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.

1. The development at Phase 2 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.

5. The development hereby permitted comprising the Full application (Phase 1) shall be carried out in accordance with the following approved plans:
Location Plan – drawing number BURN02-ABW-IH-ZZ-DR-A-2000, received on 18th October 2021;
Masterplan – drawing number 21172_MLD_XX_XX_L_DR_002_P4, received on 16th December 2021 (Full planning application indicated by Dashed red line);
Landscape General Arrangement – drawing number 21172_MLD_XX_XX_DR_L_003_P6, received on 16th December 2021;
Landscape Philosophy – drawing number 21172_MLD_XX_XX_DR_L_006_P3, received on 11th October 2021;
Boundary Treatments – drawing number 21172_MLD_XX_XX_DR_L_007_P4, received on 23rd December 2021;
Proposed Ground Floor – drawing number BURN02-ABW-IH-A-DR-A-2101, received on 19th May 2021;

Proposed First Floor – drawing number BURN02-ABW-IH-B-DR-A-2102, received on 19th May 2021;
Proposed Elevations (South and North) - drawing number BURN02-ABWIH-ZZ-DR-A-2800, received on 19th May 2021;
Proposed Elevations (East and West) - drawing number BURN02-ABW-IHZZ-DR-A-2801, received on 19th May 2021; and,
Proposed Roof Plan - drawing number BURN02-ABW-IH-ZZ-DR-A-2103, received on 19th May 2021.

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

6. The development hereby permitted comprising the Outline application (Phase 2) shall be carried out in accordance with the following approved plans:
Location Plan – drawing number BURN02-ABW-IH-ZZ-DR-A-2000, received on 18th October 2021;
Masterplan (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_L_DR_002_P4, received on 16th December 2021 (Outline planning application indicated by solid red line);
Landscape General Arrangement (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_DR_L_003_P6, received on 16th December 2021;
Landscape Philosophy (Indicative only for purposes of Outline planning application) – drawing number 21172_MLD_XX_XX_DR_L_006_P3, received on 11th October 2021;
Boundary Treatments – drawing number 21172_MLD_XX_XX_DR_L_007_P4, received on 23rd December 2021;
Proposed Site Section (Indicative only for purposes of Outline planning application) – drawing number BURN02-ABW-IH-ZZ-DR-A-1111, received on 16th December 2021.

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

7. The development comprising the Outline planning application (Phase 2) shall be limited to a maximum gross floorspace of 5,300 sqm.

Reason: To ensure the amount of development is appropriate and not excessive for the site, having regard to its location adjacent to the River Calder and its surroundings as well as the provision of car parking, open space, footpaths and landscaping as indicated on the proposed Masterplan, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

8. The development comprising the Outline planning application (Phase 2) shall be limited to buildings(s) no more than 3-4 storeys in height.

Reason: To ensure the scale of development is not excessive for the site, having regard to its location adjacent to the River Calder and its surroundings, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and

Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the development hereby approved shall be used for the provision of education only (Class F1) and shall not be used for any other use falling within Class F1 or for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the basis of the proposed use only and would require further assessment, particularly in respect of the site's employment land allocation, access and parking arrangements, for an alternative use, in accordance with Policies EMP1/3, IC1, IC2 and IC3 of Burnley's Local Plan (July 2018).

10. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, details and representative samples of the external materials of construction to be used on the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.
- Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Any application for the approval of Reserved Matters for the appearance, layout and scale of the development, shall be accompanied by details and representative samples of the external materials of construction to be used on the elevations and roof of the development. The development shall thereafter only be carried out in accordance with the approved materials.

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

11. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, full details of the existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
- Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4:
Any application for the approval of Reserved Matters shall be accompanied by full details of the existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site). The development shall thereafter only be carried out in accordance with the approved details.

Reason: In order to ensure that these details are satisfactory and to ensure the satisfactory implementation of the proposal, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). These details are required prior to the commencement of development to ensure that the development is carried out as agreed at the early stages of development.

12. An application for the approval of Reserved Matters shall be accompanied by details of the construction, drainage and layout of the proposed car park that shall include a

minimum of 2no. electric vehicle charging points. The approved car park shall thereafter be constructed, completed and available for use (including the approved electric vehicle charging points) prior to any building in Phase 2 (the outline application) being first brought into use. The car park shall thereafter be retained as approved for the purposes of parking at all times.

Reason: To ensure the proposed car park is suitable and appropriate and is provided as approved to cater for the needs of the development, In accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

13. The car park in Phase 2 of the development (the Outline application) shall be for use by for staff and visitors of the development as a whole (including Phase 1) and not for students.

Reason: To ensure the car park that is to be provided for the scheme is able to service the key parking requirements that have been identified which are for staff and visitors, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018).

14. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, details of secure cycle storage to be provided for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be constructed and made available for use by staff and students prior to any part of the development being first brought into use and shall be retained as such at all times.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: An application for the approval of Reserved Matters shall be accompanied by details of secure cycle storage to cater for Phase 2 of the development. The approved cycle storage shall thereafter be constructed and made available for use by staff and students prior to any part of the development in Phase 2 being first brought into use and shall be retained as such at all times.

Reason: To encourage the use of cycles as a sustainable mode of travel, in accordance with Policy IC3 of Burnley`s Local Plan (July 2018). The details are required prior to the commencement of development to ensure that they are appropriately factored into the detailed design of the scheme.

15. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: Prior to the commencement of development in Phase 1, details of refuse and recycling storage, facilities and means of disposal for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage and facilities shall thereafter be constructed and made available for use prior to any part of the development being first brought into use and shall be retained as such at all times.

Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: An application for the approval of Reserved Matters shall be accompanied by details of refuse and recycling storage, facilities and means of disposal for Phase 2 of the development. The approved refuse and recycling storage and facilities shall thereafter be constructed and made available for use prior to any part of the development in Phase 2 being first brought into use and shall be retained as such at all times.

Reason: To ensure that these details are satisfactory, to ensure a clean and tidy appearance to the site, in accordance with Policy SP5 of Burnley's Local Plan. The details are required prior to the commencement of development to ensure that they are appropriately factored into the detailed design of the scheme.

16. Phase 1 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: No development shall be commenced within Phase 1 until an assessment of how energy efficiency measures have been designed into Phase 1 of the development to achieve a `Very Good` rating or rating equivalent to that rating of BREEAM (Building Research Establishment's Environmental Assessment Method) has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in full and a BRE certificate or verification report to demonstrate compliance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the approved industry hub building in Phase 1 being first brought into use.
- Phase 2 of the development as defined on drawing number 21172_MLD_XX_XX_L_DR_002_P4: An application for the approval of Reserved Matters shall be accompanied with an assessment of how energy efficiency measures have been designed into Phase 2 of the development to achieve a `Very Good` rating or rating equivalent to that rating of BREEAM (Building Research Establishment's Environmental Assessment Method). The approved measures shall thereafter be implemented in full and a BRE certificate or verification report to demonstrate compliance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any building in Phase 2 of the development being first brought into use.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The assessment and measures are required prior to the commencement of development in order that the agreed measures can be factored into the design and construction of the development at the earliest stages of construction.

17. No development shall be commenced until details and specifications for the multi-use games area (MUGA), outdoor gym and improved 7v7 grass pitch (including details of illumination) that form part of Phase 1 of the development, together with details of the future management of these facilities, have been submitted to and approved in writing by the Local Planning Authority. Each of these facilities shall thereafter be constructed and completed in accordance with the approved details and specifications and shall be made available for unrestricted access for use by members of the public prior to any part of the approved development being first brought into use. The approved MUGA, outdoor gym and 7v7 grass pitch shall be managed in accordance with the approved details of the future management of the facilities and shall be retained and remain available for use by the public at all times, in perpetuity.

Reason: To ensure that the details of new and improved community outdoor facilities and their future management arrangements are appropriate and that these facilities are provided for use by the public to partly mitigate against the impact of the development from the loss of recreation open space, in accordance with Policies EMP1/3 and the

National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the approved details can be implemented as early as possible in order that the agreed mitigation is available for use without delay.

18. Prior to the commencement of development, details of the design and construction of the proposed 5-a-side pitch within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The 5-a-side pitch shall thereafter be constructed and completed in accordance with the approved details.

Reason: To ensure that the details and specifications are appropriate for the use of the pitch, to ensure that it contributes fully to the outdoor sporting activities to be provided on the site, in accordance with Policies EMP1/3 and the National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the approved details can be implemented at the appropriate stage of Phase 1 of the development.

19. Prior to the commencement of development, details of improvements to the width, construction and surfacing of Public Footpath No. 11 that crosses the northern side of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved improvements to the footpath shall be carried out and completed prior to any part of the development being first brought into use.

Reason: To ensure that the footpath is made suitable for the additional use that will be generated by 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 they can be satisfactorily implemented and if applicable, to allow the applicant to seek a diversion of the public right of way.

20. Notwithstanding the submitted scheme of landscaping for the site, a revised detailed Landscaping Scheme for Phase 1 of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in this phase. The revised scheme shall provide for a revised seed mix for the enhancement of off-site grassland; replacement of dogwood (*Cornus sanguinea*), lavender species and beech (*Fagus sylvatica*) with species to improve biodiversity; details of the planting in and around the open water body of the site; and details of the surfacing materials to be used in the hard landscaped areas and paths within this phase, together with timescales for the implementation of such works.

Reason: To ensure that the landscaping scheme is appropriate for the site, has full regard to the benefits of landscaping to enhance biodiversity and provides full details for the hard landscaping aspects of the scheme, in accordance with Policies SP5, NE1 and NE4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in Phase 1 to ensure that the details are satisfactory and can be implemented at the appropriate stage in the development.

21. All planting, seeding or turfing comprised in the approved details of landscaping within Phases 1 and 2 of the development 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, within each phase of the development.; 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. All hard landscaping works shall be carried out in accordance with the agreed timescales.

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).

22. Prior to the commencement of development in each phase 1 and 2, a fully detailed scheme for the construction of the site access works and access roads and footways as indicated on the Masterplan for that phase (to include engineering, drainage, street lighting and constructional details of access roads and footways and details of their maintenance and timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The site access, access roads and footways shall thereafter be constructed, completed and maintained in accordance with the approved scheme and made available for use prior to any building in each phase of the scheme being first brought into use.

Reason: To ensure the details are satisfactory, in the interests of public safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in each phase to ensure that the agreed details can be correctly implemented at the beginning of the development process.

23. Phase 1 of the development shall be carried out and completed in accordance with the approved boundary treatment plan prior to the approved building in this phase being first occupied. Notwithstanding the approved Boundary Treatments Plan, details of materials, height and specification of the boundary treatment adjacent to the River Calder shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development above ground level in Phase 2 of the development. Phase 2 of the development shall thereafter be carried out and completed in accordance with the revised approved boundary treatment plan prior to any building in Phase of the development being first occupied. All approved boundary treatments shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance and amenity to the development along the riverside, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to any built development above ground level in Phase 2 of the development to ensure that they can be implemented at the appropriate stage of Phase 2 of the development.

24. No development shall be commenced in each phase (Phases 1 and 2) of the development until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site in that phase, 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 for each phase of the development shall be implemented in its entirety before any works are carried out, including any site clearance work, within that phase and shall thereafter be retained during building operations until the completion of the development in each phase.

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 Policies NE1 and NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development in each phase to ensure that provision can be made for their implementation at the appropriate stage of the development process.

25. No development shall be commenced until a Construction Environment Management Plan (CEMP) to include details of protective measures to prevent earthworks, storage of materials or equipment, or any construction activities within a 8m wide buffer of the top of the bank of the River Calder adjacent to the site and to control external lighting during the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The protective measures and lighting details in the approved CEMP shall thereafter be strictly adhered to from the start of any site clearance works, site preparation works or development taking place and shall be retained and adhered to at all times until the completion of the development.

Reason: To protect the habitats of the site and the adjacent watercourse, in order to protect biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that protective measures can be put in place when needed at the earliest stages of the development process.

26. None of the trees that are indicated on the approved plans to be removed or require pruning shall be removed or pruned unless and until the Reasonable Avoidance Measures outlined in section 5.3.9 of the submitted Ecological Survey and Assessment (prepared by ERAP Consultant Ecologists Ltd, dated May 2021) have been carried out and adhered to in full.

Reason: To ensure that there are sufficient checks prior to any harm to such trees to ensure that there are no bat roosts present, in order to protect bats which are a protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

27. Prior to the commencement of development in each phase (Phases 1 and 2), an external lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the types and design of light sources and luminance levels and demonstrate how it has been designed and located to avoid excessive light close to wildlife habitats and trees.

Only the external lighting hereby approved shall be installed at the site and this shall be retained as approved. No additional external lighting shall thereafter be erected or installed at the site without the prior written permission of the Local Planning Authority.

Reason: To protect birds, bats and other wildlife that are sensitive to artificial lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in each phase in order to provide sufficient time for a scheme to be agreed and for the appropriate lighting to be sourced and installed at the appropriate stage in the construction process.

28. 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).

29. Prior to the commencement of development in each phase (Phases 1 and 2), a scheme of biodiversity enhancement measures for that phase, in accordance with the recommendations of the submitted Ecological Survey and Assessment (prepared by ERAP Consultant Ecologists, dated May 2021), to provide a minimum of five bat boxes and five bird boxes across the site as a whole, shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be carried out and completed prior to any building in each phase being first brought into use.

Reason: To ensure that the scheme provides adequate benefits for bats and birds in order to enhance the biodiversity of the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of the development in each phase so that it can be effectively implemented from the earliest stages of the development.

30. Prior to the removal of any vegetation on the site or commencement of development in each phase (Phases 1 and 2), a method statement for the removal of Indian balsam and to prevent its spread both within and from the area covered by that phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of each phase of the development so that it can be effectively implemented from the earliest stages of the development.

31. Prior to the commencement of development in each phase (Phases 1 and 2) of the development, a Landscape and Habitat Management Plan (LHMP) pertaining to

that phase, shall be submitted to and approved in writing by the Local Planning Authority. The submitted LHMP for each phase of the development, 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) timescales for the implementation of the LHMP;
- g) details of the body or organisation responsible for implementation of the plan; and,
- h) on-going monitoring and remedial measures.

The LHMP shall also include details of the resourcing 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 LHMP shall thereafter be carried out and adhered to at all times in accordance with the approved details.

Reason: To ensure that the ecologically sensitive areas of the site, including the riverside, areas of trees, woodland and new habitat areas are appropriately managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Plan is required prior to the commencement of each phase of the development so that it can be effectively implemented from the earliest stages of the development.

32. Prior to the commencement of the development in each phase of the development (Phases 1 and 2), a programme of archaeological work for that phase, in accordance with a Written Scheme of Investigation, shall be submitted to and approved in writing by the Local Planning Authority. This programme of works shall include a phase of trial trenching to investigate the presence or absence of buried archaeological remains and their nature, date, extent and significance. In the event that archaeological remains are encountered then a subsequent phase of impact mitigation and a phase of appropriate analysis, reporting and publication shall be developed and a further Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority which shall thereafter be implemented before any development is commenced. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor bound by the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the approved details. Reason: To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the site, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The investigation is required prior to the commencement of each phase of the development to ensure that any archaeological interest can be identified and

recorded or mitigation proposed prior to any work which may remove, harm or destroy any such finds.

33. Prior to any building being first occupied, a full and up to date Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months. The measures contained with the Travel Plan shall be adhered to at all times.

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

34. No development shall be commenced until an Arboricultural Method Statement which shall incorporate the elements listed in section 3.9 of the submitted Arboriculture Impact Assessment (Revision A) (prepared by MP Trees, dated January 2022) 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 start of the development.

35. Prior to the commencement of development in each phase (Phases 1 and 2) of the development, details of the design and implementation of a surface water sustainable drainage scheme for that phase, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for each phase shall thereafter be implemented and completed in accordance with the approved scheme prior to any building within that 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.

36. No building within each phase (Phase 1 and 2) of the development shall be first brought into use until a Verification Report pertaining to that phase to demonstrate that the approved surface water drainage scheme has been completed (within that phase) as approved by Condition 35 above and details of a sustainable drainage management and maintenance plan for the lifetime of the development in each phase have 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 management and maintenance plan.

Reason: To ensure that the implemented drainage scheme fully accords with what has been approved and to ensure that 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).

37. 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.

38. Foul and surface water shall be drained on separate systems. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase (Phases 1 and 2) of the development. The approved scheme shall be implemented in full and completed within each phase prior to any building in that phase being first brought into use. The foul water drainage scheme shall thereafter be retained at all times.

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 development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

39. No development shall be commenced in each phase of the development (Phases 1 and 2) until a scheme to deal with contamination within the area of that phase has been 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 building in each of Phase 1 and 2 of the development shall be first brought into use until a Verification report (produced by the suitably qualified person) for that phase, 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 users of the site by the historic uses of the site and 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.

40. No development shall be commenced in each phase (Phases 1 and 2) of the development until the following has, in respect of that phase, been submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of intrusive investigations to establish the risks posed to the development by past coal mining activity; and,
 - b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary.
- The intrusive site investigations and remediation works shall be carried out in accordance with the approved details and in accordance with authoritative UK guidance. A verification report to demonstrate that any identified remediation and/or mitigation measures have been implemented in full within any phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any building within that phase of the development being first brought into use.

Reason: To ensure that the issues arising from historic shallow coal mine workings that may affect 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). The scheme is required prior to the commencement of development to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remediation and mitigation measures to be factored into the construction of the development.

41. 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).

42. 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).

43. No development shall be commenced in each phase (Phases 1 and 2) of the development, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) for that phase 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 fully adhered to throughout the construction period in each phase of 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.

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Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2021/0607

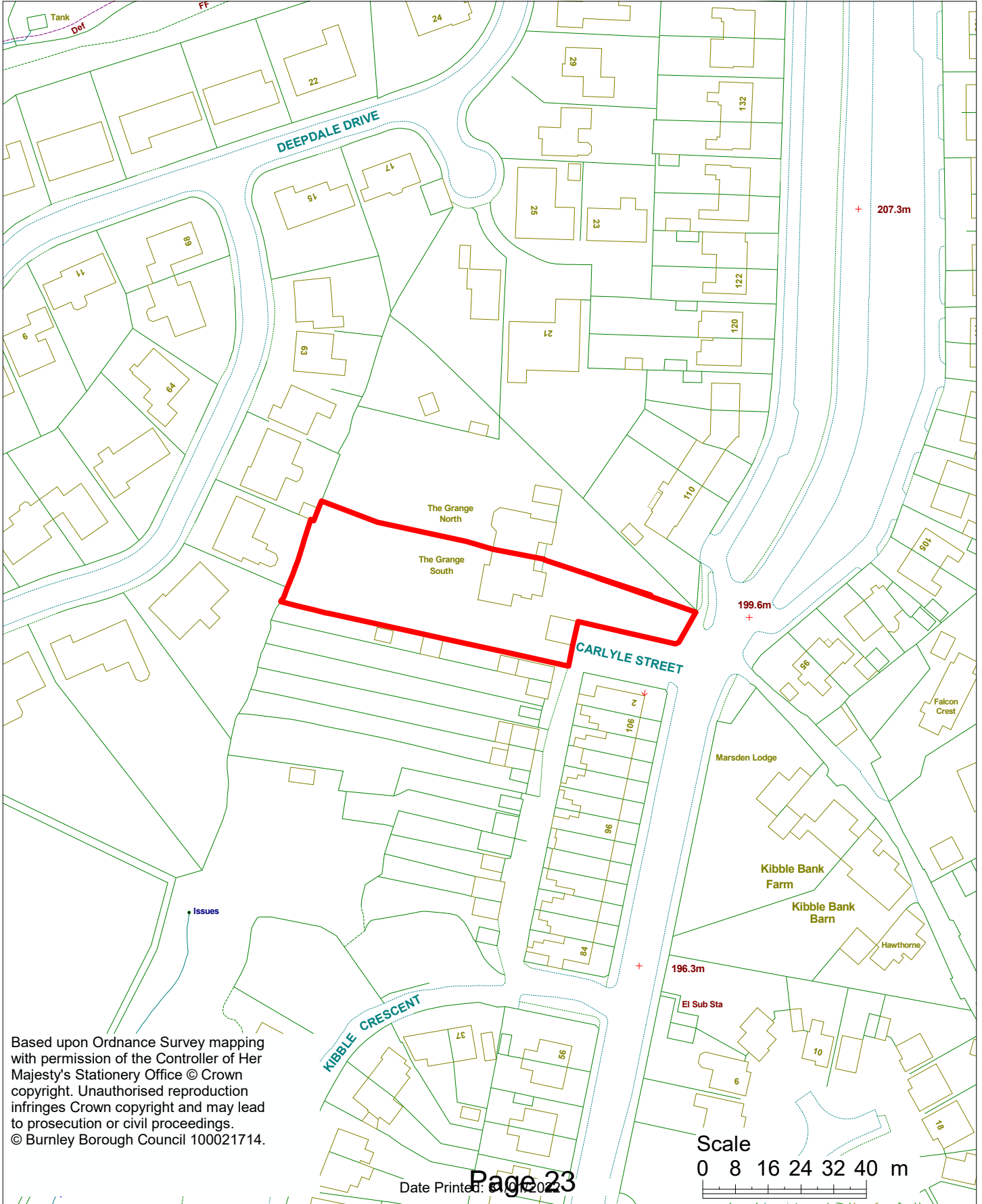
Paul Gattrell Head of Housing and Development

Location:



Southside The Grange, Marsden Road

1:1250



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Application Recommended for Approval
Lanehead

HOU/2021/0607

Town and Country Planning Act 1990
Proposed rear Lower GF and GF extension with raised patio area and associated site works
Southside The Grange Marsden Road Burnley

Applicant: Munazza Raza
Agent: Mr Hamaad Anwar

The application has been brought to Development Control Committee as a letter of objection has been received.

Background:

The application site is a semi-detached property located in Burnley. The site is set well back from the road and has a gated entrance and detached garage to the side. To the rear the property has a large private garden area.

The house is of substantial proportions and has a multi-gabled roof form and a mixture of external materials. To the rear elevation part of the ground floor has a shallow projection, with a flat roof over. There is a drop down from the rear elevation to a small patio, beyond which there is a further drop to the rear garden area.



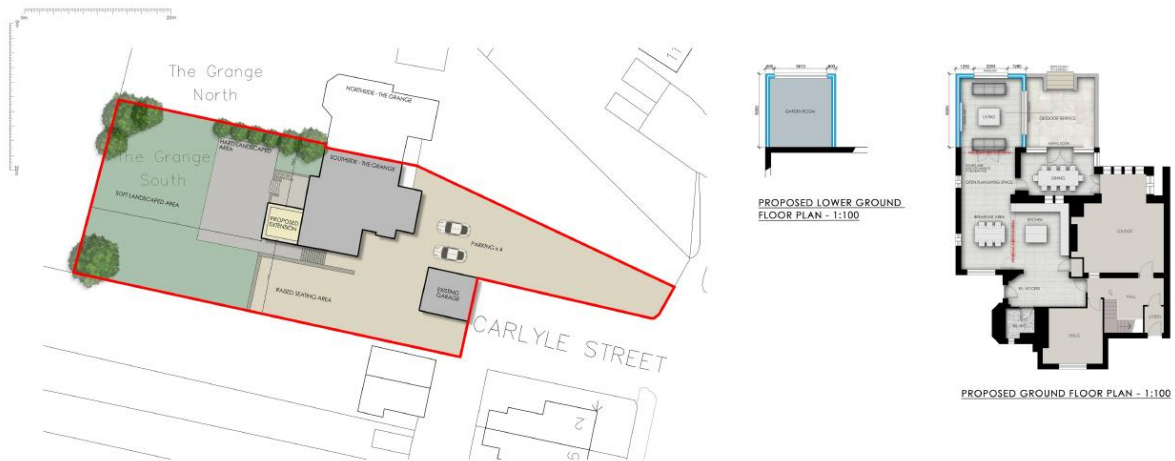
Proposed Development:

Consent is sought for the erection of a rear lower ground floor extension and ground floor extension with raised patio area.

The extension has a rearward projection of 5m and measures 4.9m in width. The works involve excavation works to form a lower ground floor extension with a ground

floor extension that has a flat roof. The extension will have a maximum height of 6m from the ground level of the garden.

Adjacent to the extension it is proposed to erect a raised patio area to the rear of the flat roof extension. The platform will measure 1.6m from ground level including a balustrade and timber privacy screen that measures 1.8m in height adjacent to the north side of the patio. The patio measures 4.8m in width.



REVISIONS:
 A. REDESIGNED RED BRICKS AND PRIVACY SCREEN AS SHOWN - 14.12.21
 B. MATERIALS AND DIMENSIONS REDESIGNED WITH CONSULTATION PLANNING OFFICER - 14.12.21
 C. REVISIONS MADE IN THE LIGHT OF COMMENTS FROM PLANNING OFFICER - 24.12.21
 D. PRIVACY SCREEN DETAILING IN LINE WITH COMMENTS FROM PLANNING OFFICER - 24.12.21

MUNAZZA RAZA
 PROPOSED SCHEME
 SOUTHIDE, THE GRANGE, MARSDEN ROAD, BURNLEY, BB10 2QP
 SCALE: AS ABOVE
 DRAWING NUMBER: 2022 / 1020
 DRAWN BY: PLANNING DATE: SEP 2021
 ARCHITECTURE | DESIGN | PLANNING

ANW Architects Ltd | suite 1, 222 colne road, burnley, bb10 1dy | t: 01282 969131 | e: info@anw-architects.com | w: www.anw-architects.com |

Relevant Policies:

Burnley Local Plan

- HS5 – House Extensions and Alterations
- SP5 – Development Quality and Sustainability

NPPF

Site History:

App Number	Proposal	Status	Received Date	Decision Date

TPO/2019/06 34	Application to prune trees covered by the Burnley (The Grange South, Marsden Road) TPO 2015	NO	18.12.2019	11.08.2020
HOU/2020/02 76	Creation of rear balcony	APPC ON	24.06.2020	19.08.2020

Consultation Responses:

Interested Party Comments	Two letters of representation have been received from one address that has objections to the development as follows: <ul style="list-style-type: none"> • Loss of privacy • Safeguarding • Noise nuisance • Proposed materials are out of character.
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Planning and Environmental Considerations:

The key issues in relation to this application are:

Principle of Development
Visual Amenity / Design
Residential Amenity
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 sited within the development boundary of Burnley the principle of the development is considered acceptable.

Impact on Residential Amenity:

The application property is a semi-detached dwelling and therefore, the neighbour that has the most potential to be affected by the development in the attached property Northside.

This neighbouring house has a shallow patio surround to the rear of the house; however, the main outdoor seating/leisure area is situated towards the northern boundary well away from the application site. Between the application site and this neighbour there is a boundary fence. In the neighbouring garden a boundary hedge extends along the shared boundary.

Northside is to the north of the application property and the original submission was considered to result in the loss of privacy to the garden of this neighbour. As the development has been amended so that the balcony has been set back from shared boundary by 1.8m and a 1.8m privacy screen is proposed it is considered that this would ensure that the balcony would not result in detrimental loss of privacy to warrant refusal of the development. Furthermore, the plans proposed soft landscaping to extend along the shared boundary and therefore the trees/hedging would further protect the privacy of this neighbour.

As such the proposed development in its amended form is considered to have an acceptable impact on the neighbouring dwellings.

Visual Amenity:

The proposed extension and raised patio would extend beyond the rear wall of the dwelling by 5m and measure approximately 9.75m in total width. As submitted, it was considered that the size of the patio would not result in a development that would not remain subservient to the main dwelling and the design and proposed materials of the extension were out of keeping with the application property. It was requested that the plans be amended to reduce the extent of glazing, change the building materials, and reduce the footprint of the raised patio.

Subsequently the applicant's agent has submitted amended plans and it is considered that the extension and raised patio will remain subservient to the main house due to the scale and proposed building materials and therefore the development is considered to have an acceptable relationship with the visual amenity of the area.

Recommendation:

That planning consent be granted.

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 Plans Dwg no 2082/102 Rev D received 25.01.2021
Site Location Plan: Dwg no 2028/10

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

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

4. The landscaping proposals hereby approved indicated on Dwg no 2082/102 Rev D shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

Reason: To ensure the adequate visual amenity value on and adjacent to the site or those likely to be affected by the proposed development.

5. The proposed roof terrace hereby permitted shall be fitted with the privacy screen as detailed on the amended plan Dwg no 2082/102 Rev D received 25.01.2021. For the avoidance of doubt the screen shall be 1.8m tall. The screen shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter.

Reason: To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity.

Rebecca Bowers
21st January 2022

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Part One Plan

Agenda Item 6b

Housing & Development
Town Hall, Manchester Road

Ref.

ADV/2021/0679

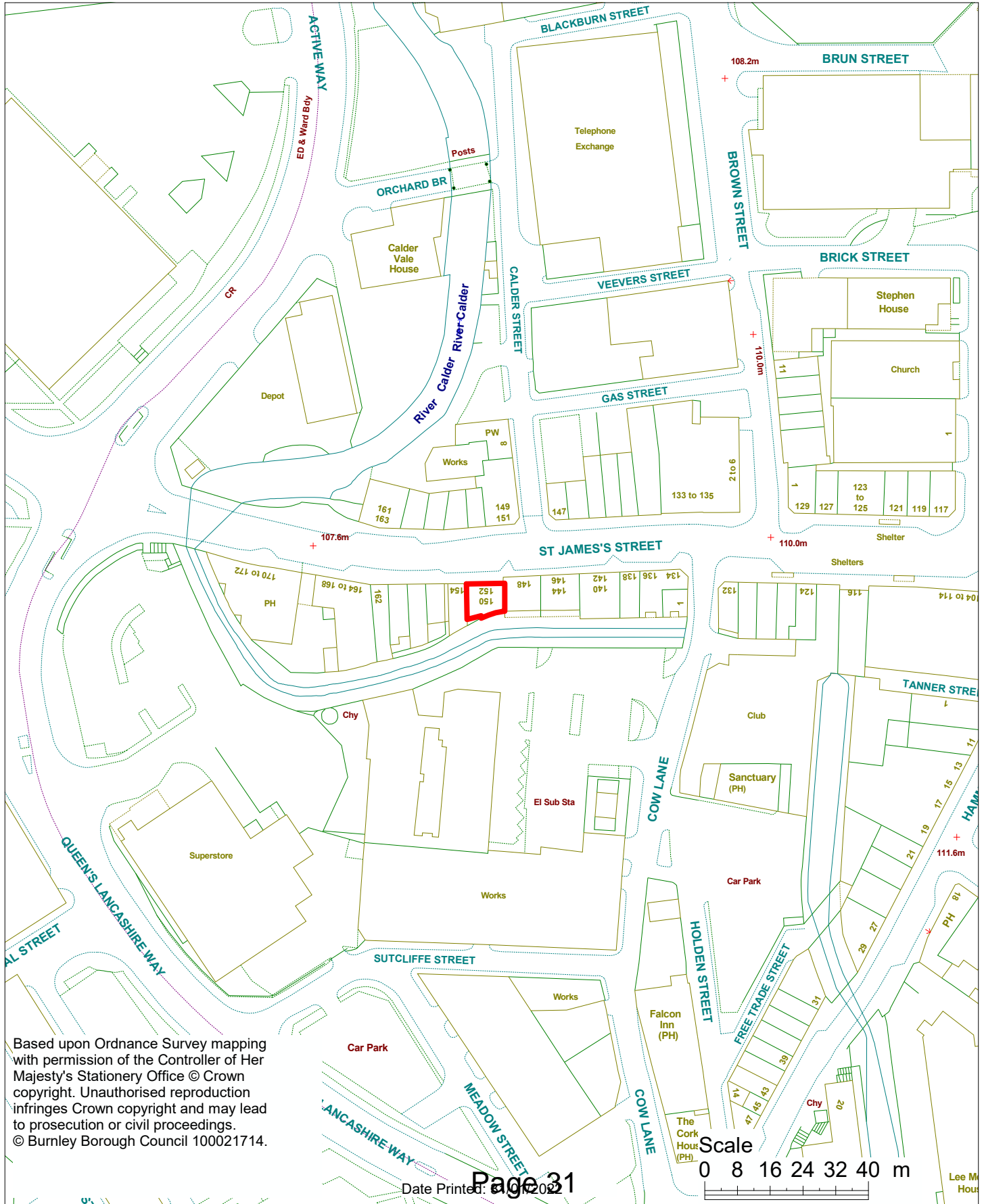
Paul Gatrell Head of Housing and Development

Location:



150-152 St James's Street, Burnley

1:1250



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Application Recommended for Approve with Conditions

ADV/2021/0679

Daneshouse With Stoneyholme

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

Proposal: Proposed temporary hoarding on the ground floor shop front.

At: 150 - 152 St James Street Burnley Lancashire BB11 1NR

The application has been brought to the Development Control Committee as the application is the Councils own development.

Background:

The application site relates to a mid-terrace property located in Burnley Town Centre. The application relates specifically to the ground floor shop front of the property. The site is currently vacant but was previously Windmill Models.



Proposed Development:

Advertisement consent is sought for the erection of a temporary non illuminated hoarding to cover the existing chip hoarding which is currently over the ground floor windows of the premises for one year.

The hoarding will provide information about the Heritage Action Zone and will include logos of all the funders of the project, including Burnley Council and Historic England and specific HSHAZ branding.

The hoarding will measure 3m in height by 7.2m in width and will be made from aluminium composite panels with digitally printed and laminated vinyl graphics.



Proposed hoarding

Relevant Policies:
Burnley Local Plan

- Policy SP5: Development Quality and Sustainability
- Policy TC8: Shopfront & Advertisement Design
- Policy HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

Site History:

None relevant.

Consultation Responses:

Highways - The Highways Depot (Burnley District)	No Comment Received.
Lower St James Street Development Group	No Comment Received.

Planning and Environmental Considerations:

The key issues in relation to this application are:

Principle of Development
Impact on the character of the Conservation Area.

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. As the site is located within Burnley Town Centre the development is acceptable in principle.

Impact of character of the Conservation Area.

This application is in Burnley Town Centres designated Conservation Area and therefore an assessment needs to be made of the proposed temporary hoardings impact on the CA.

Policy HE2 of the Local Plan states that proposals affecting designated heritage assets and/or their settings 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. All levels of harm should be avoided.

The proposed hoarding would enclose the existing temporary hoarding that current covers the shop front windows of the site. The hoarding will advertise the Heritage Action Zone Project that the council are undertaking partnering with Historic England to refurbish buildings on Lower st James's Street. The hoarding is proposed to be erected for a temporary period of one year as the site will also be refurbished in the future. The use of hoarding would not conserve the character of the Conservation Area however due to the temporary nature of the hoarding the development is considered to have less than substantial harm to the Conservation Area.

Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In accordance with the Local Plan development that is considered to have less than substantial harm on the heritage asset must achieve substantial public benefits that outweigh the harm or loss, or all of following apply:

- a) The nature of the heritage asset is preventing all reasonable uses of the site;

- b) No viable use of the heritage asset that can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant funding or charitable or public ownership of the asset is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefits of bringing the site back into use.

The hoarding will be used as an advertisement for the Heritage Action Zone project. Historic England have released information on Heritage Action Zones and High Streets Heritage Action Zone. Specifically, Burnley High Street Heritage Action Zone will involve key buildings on Lower St James' Street being restored, whilst the town's growing local arts scene will be strengthened by creating more opportunities for artists and the local community to celebrate Burnley's identity.

The signage will advertise the work being undertaken in the area and then eventually the site will be restored as part of the scheme. Therefore, considering the application is for temporary consent it is considered that the public benefits of the proposal will outweigh the harm to the Conservation Area

Recommendation:

That temporary advertisement consent be granted.

Conditions

1. The signs hereby approved shall be removed from the site by 09/02/2022.

Reason: In the interests of visual amenity

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:

Location Plan: Dwg no 1 RLB
Proposed Hoarding: Dwg no 2 RLB

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

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

Reason: Required to be imposed by the Town and Country Planning (Control of

Advertisement) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Imposed by Regulation 14 (7) (a).

Rebecca Bowers
21st January 2022

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0659

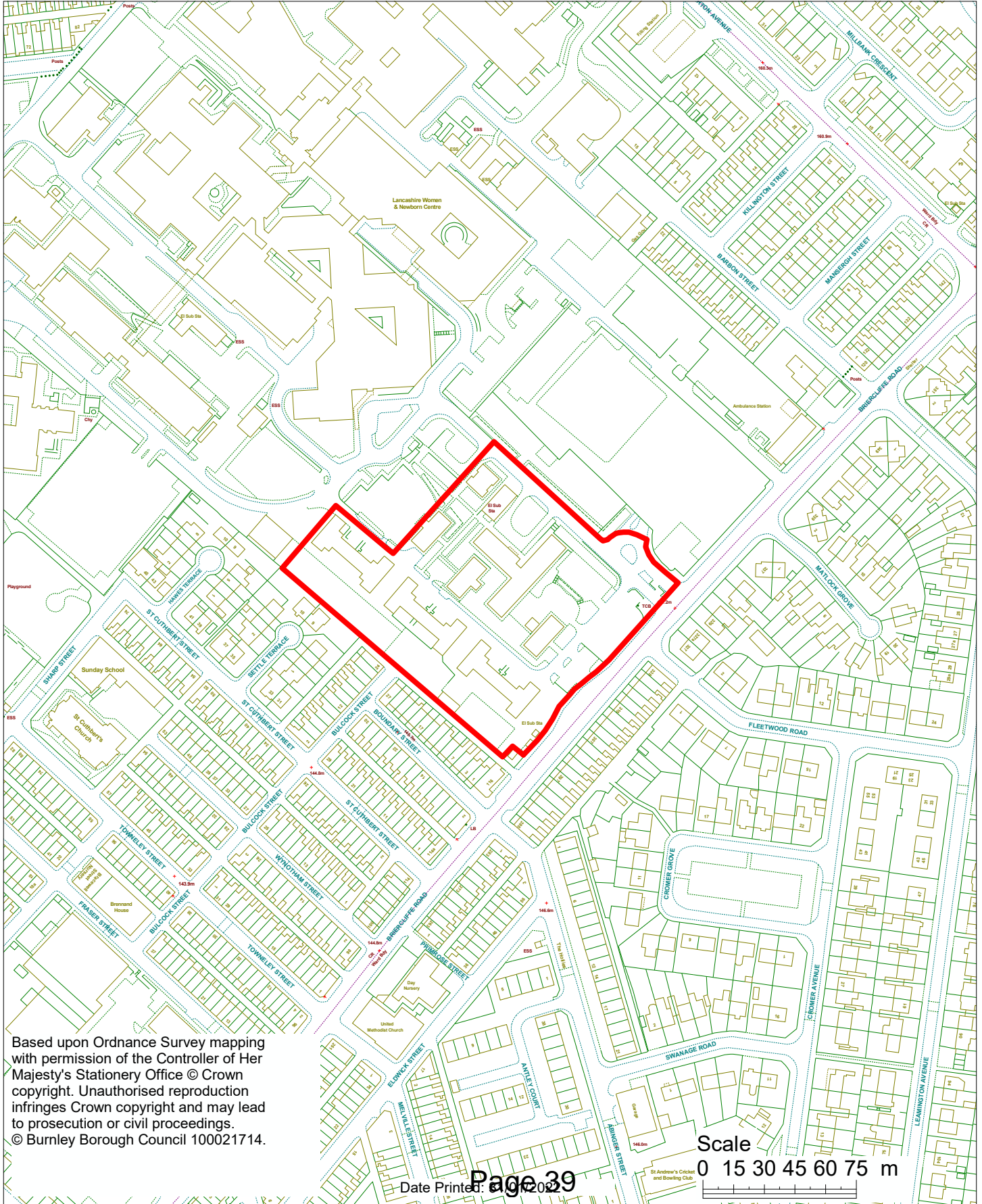
Paul Gatrell Head of Housing and Development

Location:



Land To The West Of Briercliffe Road, Burnley

1:2500



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

FUL/2021/0659

Town and Country Planning Act 1990

Demolition of existing buildings and erection of 3/4 storey extra care accommodation comprising 93 no. apartments (Class C3) with ancillary commercial facilities (Class E), landscaped gardens, and car parking with access from Briercliffe Road.
Land To The West of Briercliffe Road, Burnley General Hospital, Burnley BB10 2PQ

Applicant : Calico Homes

Background:

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

The application site is part of the grounds of Burnley General Hospital. The site which is approximately 1.27ha is located on the southern side of the grounds and served by access at the signalised junction with Briercliffe Road. The current site contains six stone cottage buildings built in 1890 and a number of flat roofed brick buildings built in the 1960`s/70`s and some later additions.



Publisher: Google Maps

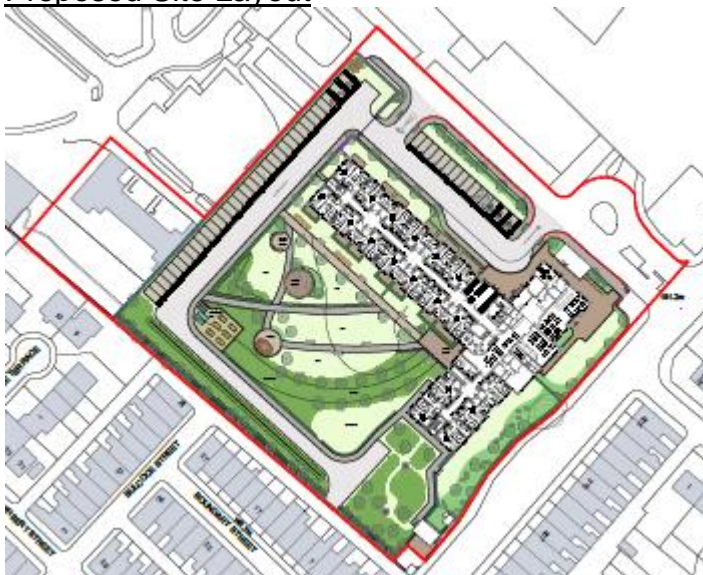


Stone Cottages (photo from submitted Historic Building Survey report)

This part of the hospital site has a frontage with Briercliffe Road and to its south western side bounds the rear of a terrace of houses on Boundary Street. Within this portion of the site, the existing buildings which are now unused are connected by internal roads and car parks used by hospital staff.

The proposal involves the demolition of the existing buildings and the re-development of the site with a `T` shaped 3/4 storey building to accommodate 93 extra care apartments (Class C3).

Proposed Site Layout



Vehicular access to the site would be from the existing signalised junction on Briercliffe Road, with a new in and out arrangement from the hospital access road. The site frontage would be set back from Briercliffe Road behind a retained stone wall and a deep landscaped verge.

Site frontage – Briercliffe Road

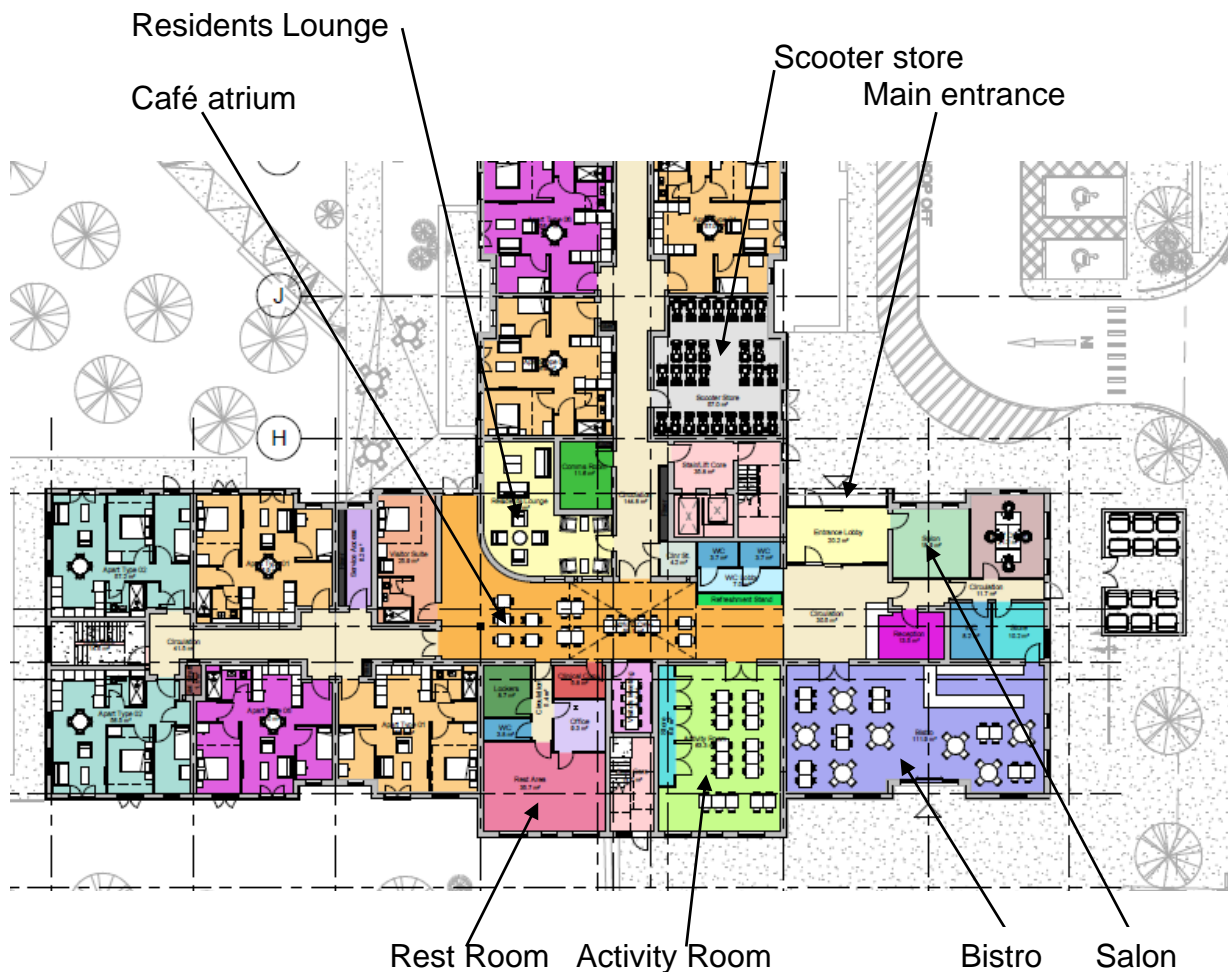


Proposed Hospital Access Road elevation



The majority of the proposed scheme is four storey high with some three storey parts on higher ground . As the site slopes towards the west, the building steps down towards Boundary Street. The front elevation is also partly stepped back and forwards to create relief for the scale and mass of the building. The proposed external materials are natural coursed stone and brick.

Part Ground Floor Plan



The proposal would provide 16 no. one bedroom and 77 no. two bedroom apartments which are to be provided as Extra Care apartments, generally targeted at people aged 55 and over which would allow residents to live independently for longer, but with an appropriate level of support where necessary. The applicant who is a Registered Provider intends to provide 100% affordable housing by way of Affordable Rent, working with other organisations, including Lancashire County Council who would appoint a future care provider to work at the facility. The extra care scheme would provide 15-20 jobs.

The proposed ground floor would provide a community hub and communal living and dining areas for residents of the extra care apartment. A central atrium would bring light into the core area of the building. Residents communal areas would be sited around the atrium on each floor.

The ground floor plan indicates a bistro (112sqm) and salon (19sqm) close to the main entrance on the ground floor. These facilities (Class E) would be independently run but provide facilities that be sited here for the benefit of residents and visitors. These facilities would also be open to the public.

The rear elevations of the proposed scheme would overlook a landscaped garden for residents, to be laid out with paths and landscaping and suitable for outdoor

gatherings, walking, gentle exercise and amenity. A dedicated horticultural area would be available for residents to work.

The proposed car park would be constructed on the north and east edges of the site, providing a total of 50 car parking spaces, inclusive of six disabled parking bays and two electric vehicle charging points. Fifteen of the spaces on the east side of the site would be accessible to the public and visitors with the remainder only accessible through a barrier.

In respect of the energy efficiency of the scheme, it would be electricity-led and include the use of a photovoltaic cell array at roof level, heat recovery ventilation and exchange and an air source heat pump to deliver the majority of the hot water heating requirements.

The applicant carried out some community involvement prior to making the application; this involved a public consultation event in October 2021 and the distribution of leaflets in the local area.

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
- HS1/10 – Housing allocations – Land at Burnley General Hospital
- HS2 – Affordable housing provision
- HS3 – Housing density and mix
- HS4 – Housing developments
- HE2 – Designated heritage assets
- HE3 – Non-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
- IC5 – Protection and provision of social and community infrastructure

Material Considerations

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

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

The National Planning Policy Framework (2021)

National Design Guide (2021)

Site History:

APP/2003/0059 - Proposed prefabricated building to provide children's nursery. Approved April 2003.

APP/2003/0488 – Proposed new access link road onto Briercliffe Road; relocation of bus stop and formation of pedestrian access through boundary wall. Approved August 2003.

APP/2003/0858 - Proposed single storey workplace nursery (56 places) with external play space, parking and drop-off point. Approved March 2004.

APP/2005/0793 - Creation of staff car park (78 spaces) located at Briercliffe Rd side of site, and erection of 8m high lighting columns. Refused October 2005.

Consultation Responses:LCC Highways

No objection. The proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposed development will be directly accessed from Burnley General Hospitals internal roads. The adjacent internal road connects to the local highway network via a signalised junction with Briercliffe Road. This arrangement is acceptable for the proposals. It was observed onsite that approximately 90 vehicles are currently parked within the red edge of the proposed development site. The Transport Assessment indicates that the hospital has secured alternative parking arrangements to accommodate the displaced vehicles. This has also been shown in the submitted 'Hospital Car Parking Plan'. This plan indicates that 80 parking spaces are currently available to replace the lost 90. The hospital has also submitted a planning application for a temporary car park (200 spaces) adjacent to the Rakehead Rehab centre. It should be noted that this would be a temporary arrangement and has not yet been approved. If the planning application for the temporary car park is not successful there will be a shortfall in accommodating the displaced vehicles. I am however of the opinion that this short fall would not cause a severe impact on parking or the adjacent highway network.

A Construction Method Statement has been submitted in support of the application. The approach to the demolition and construction phases of the development as detailed within the document are acceptable to Lancashire County Council highways.

To support sustainable travel to and from the proposed development it is requested that the two adjacent bus stops on Briercliffe road are upgraded (under a section 278 agreement). However due to the width of the footway a shelter is not required for the bus stop on the opposite side of Briercliffe Road.

The Framework Travel Plan is acceptable for its most part. However the action plan does not indicate that a Full Travel Plan will be developed post initial travel survey. It is requested that a Full Travel Plan is produced within 3 months of the initial travel survey. A condition should also require an updated Framework Travel Plan. A contribution of £6000 is also requested to enable Lancashire County Council to monitor and support the development, implementation and review of the Travel Plan for a period of up to 5 years.

No objection subject to the development being carried out in accordance with the principles set out within the flood risk assessment and to conditions to require a detailed surface water sustainable drainage strategy; a demolition/construction phase surface water management plan; and an operation and maintenance plan and verification report.

Greater Manchester Ecology Unit (GMEU)

A Preliminary Ecological Appraisal and Dusk and Dawn Survey Results have been submitted to support the application. The survey work appears to have been undertaken by qualified and competent surveyors, following best practice methodology. There are therefore no reasons to doubt the findings of the survey.

Based on the submitted information, I have the following comments to make:

The preliminary ecological report identifies three main ecological factors required further survey work/mitigation. These being potential presence of bats, nesting birds and invasive species. No negative impacts on any sites with conservation designations were considered likely, given the nature of the proposed development and the lack of habitats linked to designed sites. Requirements for the provision of net gain, and measures to safeguard priority species, are also made within the report.

Bats

The predominant 'habitat' on the site is buildings, which are proposed to be demolished to accommodate the development. These were assessed for their potential to support roosting bats. 5 buildings were identified as having low roost potential, 1 had moderate potential and 3 had high potential. As such appropriate levels of activity survey were undertaken in May and June 2021, and no evidence of bats roosting (emerging or re-entering) was found. Sufficient survey work has been provided to be confident in this result. Some individual trees were assessed as having low potential for roosting bats. No further survey work in relation to potential roosts in trees is required.

Nesting birds

The trees, vegetation and buildings on the site, on the site could potentially support nesting birds, and the active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Swifts were confirmed nesting on Buildings 8-10 (observed incidentally in the findings of the dusk/dawn surveys) and also by starlings and pigeons. Specific compensation measures in relation to swifts and starlings will therefore be required.

Other Considerations

No evidence of any other protected species was found on the site, however given the location and habitats on the site, there is potential for priority species such as hedgehogs and toads to be encountered.

Invasive Species

Wall cotoneaster was identified with the site, which is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, making it an offence to plant or cause this species to spread in the wild.

Landscaping and Enhancement

The proposed scheme has the potential to deliver biodiversity benefits, given that the existing site is predominantly built development (hardstanding/buildings) and areas of amenity grassland with a low value for biodiversity, and the fact that the proposed masterplan has a larger area of open/green space within it. In this instance I would not consider it necessary to request the use of the DEFRA metric, however would encourage opportunities for enhancements to be delivered in line with planning policy.

Recommendations

Conditions are recommended in respect of controlling external lighting that may affect nocturnal species; to ensure that trees with low potential to support roosting bats are felled under a method statement; to require new roosting opportunities for bats; to avoid demolition and vegetation/site clearance within the bird nesting season; to require details of compensation for the loss of nesting sites for birds (such as starling and swift); to require a CEMP to ensure that reasonable avoidance measures for species such as hedgehogs and toads are followed during site clearance and development; to require the removal/control of wall cotoneaster from the site; and, to require an ecological enhancement plan (to include for example, measures for the planting of locally native/wildlife friendly species through the landscaping scheme and provision of bird and bat boxes).

Burnley Wildlife Conservation Forum (BWCF)

Some concerns are raised in respect of the old stone built buildings which have been a longstanding nesting site for a colony of swifts. Also, all the existing buildings on the site are potential roosting sites for bats. Swifts are a significantly declining bird species classed as a conservation cause for concern and can be present between mid April and mid August. Demolition must be outside of the bird nesting season and swift boxes should be installed on the new buildings. A bat survey should be undertaken before the buildings are demolished and bat boxes should be installed on the new buildings.

The Coal Authority

No objections. The application site falls partly 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 the determination of this planning application.

The Coal Authority's information indicates that the Water coal seam is conjectured to outcrop at or close to the surface within the application site, close to the south western site boundary, dipping in a south westerly direction. This coal seam may have been subject unrecorded coal mining activity in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The applicant's Supplementary Coal Mining Risk Assessment report includes the results of two phases of intrusive (borehole) investigations on the site. Based on the results of the investigations, the report author is able to conclude that the site is not anticipated to be at risk from any instability in the subsurface materials. As such, no remedial or mitigatory measures are proposed in respect of coal mining legacy matters. Further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

LCC Historic Environment Team (Archaeology)

No objection. The buildings proposed for demolition are, as described in the Heritage Statement provided as part of the application, part of the former Burnley Union Workhouse and were built originally as housing for children resident in the workhouse to provide them with accommodation that was more like a home than the wards used to house adult inmates. The workhouses were institutions to provide housing for people who had become destitute or were unable to support themselves for a variety of reasons including disability and old age. They were an extremely prominent feature of 19th century society and even after the institutions had long closed down and the welfare state had been created the shadows cast remained in the minds of many older people well into the latter half of the 20th century. The construction of the "cottages" for children were a late 19th century attempt to humanise the conditions for juveniles who ended up being accommodated in the institution and as such are significant pieces of social history and are therefore of historical interest, as is their re-use and repurposing as parts of the hospital.

The buildings have, however, been substantially altered, including by the construction of extensions to link pairs of the original buildings together and create more accommodation for the hospital. The Heritage Statement acknowledges their significance and accurately reflects it, given the alterations that have taken place. Following the further submission of a Level 2 Historic Building Survey (December 2021), the Historic Environment Team confirm that this provides an appropriate record of the buildings and as such it will be added to the Historic Environment Record (HER) and that no further action is required.

Environmental Health

Recommends conditions to ensure that the development is safely protected from landfill gas; to require a noise assessment and soundproofing; to restrict the use of machinery on the site and hours of construction work; to require a scheme for dealing with cooking odours; to require details of refuse storage enclosures; and, to require the use of electric vehicle charging points.

Contaminated Land Officer

The submitted Phase I and Phase II investigations, along with the remediation and enabling works reports, have been reviewed. Affirms that the remediation method statement is satisfactory and recommends a condition to require a Validation/completion report.

LCC Schools Planning Team

An education contribution is not required [this is assuming that the development would be occupied by elderly persons].

Publicity

Two letters have been received from residents on Boundary Street, making the following comments:-

- Concern regarding car parking on Boundary Street which is short and narrow and unlike other nearby streets off Briercliffe Road does not have residents only parking.
- Visitors to the hospital already park on the street rather than pay the cost of parking on hospital grounds which leaves nowhere for residents to park. Request resident only parking on Boundary Street to deal with this problem.
- Question whether trees that have been cut down on the boundary with Boundary Street will be replaced.

County Councillor Usman Arif

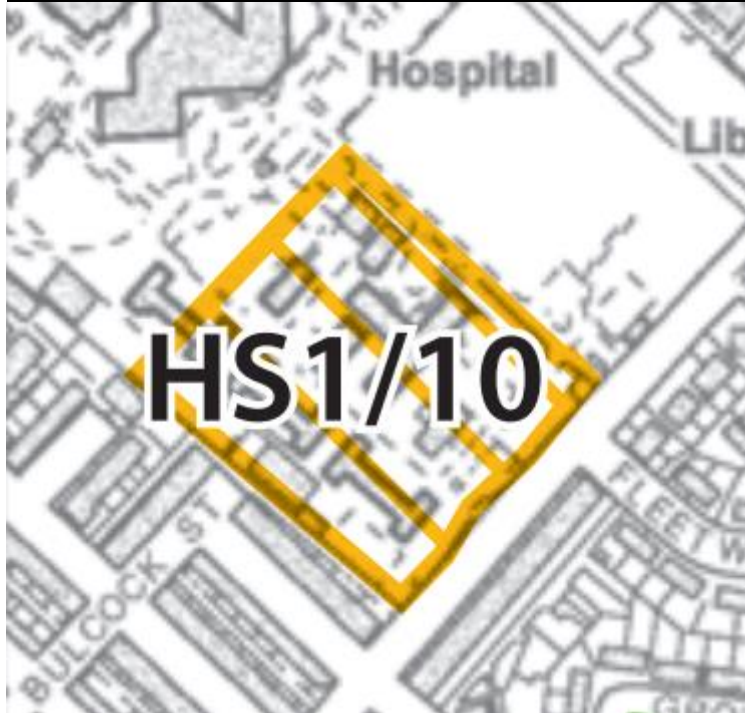
Consideration should be given to ensuring that minimum disturbance in terms of noise is caused to the neighbouring residents. In addition, parking on the hospital site is already a problem and it is important that sufficient parking spaces are created for this development.

Planning and Environmental Considerations:

Principle of proposal

The site is a brownfield site, located within the main urban area of Burnley where development and investment will be focussed in accordance with the development strategy (Policy SP4) of Burnley`s Local Plan. In addition, the site is allocated for housing development under Policy HS1/10 and as such contributes to the meeting the housing requirement for the borough between 2012 and 2032, as identified at Policy SP2 of Burnley`s Local Plan.

Extract from Policies Map (East) of Burnley`s Local Plan



Policy HS1/10 states that the site is acceptable for around 64 dwellings, including C3 extra care or sheltered housing. Policy HS1/10 highlights site specific policy requirements and design principles relating to the need to consider protected species on the site, a potential requirement for off-site highway improvements, the need for a parking strategy for the hospital site, and consideration to the archaeological significance of the site of the former Burnley Union Workhouse. These issues should be considered along with other material considerations, including the visual impact of the proposal and its impact on residential amenities. The proposal is therefore acceptable in principle subject to detailed consideration of the site specific considerations listed in Policy HS1/10 and other material considerations, including any benefits that would arise from the development.

Amount of development

Policy HS1/10 states that the allocated site is suitable for around 64 dwellings. The proposed development for 93 apartments (16 no. one bedroom and 77no. two bedroom) and additional Class E facilities (bistro and hair salon) would exceed this

expectation, in which case it is necessary to consider whether the scale and size of the development is suitable on this site. The submitted scheme would deliver 73 dwellings per hectare. Policy HS3 states that higher densities of at least 40dph will be expected within or close to the town or district centres and the density should be informed by the size, characteristics, context and marketability of the dwellings. In this case the site is located within a built-up urban area in the context of large institutional buildings on the hospital site and close to the Briercliffe Road district centre. The Planning Statement submitted with the application explains that an appropriate number of units would be provided to ensure a viable scheme to achieve an appropriate ratio of living accommodation to supporting communal floorspace (65%/35% proportions). The use of the apartments for `extra care` adds a further dimension to the viability of the operational running of the scheme. It is accepted that providing a facility in Burnley that would provide support for older people to live more independently for longer is a significant benefit. Subject to adequate open space, car parking, effect on residential amenities and visual impact, there is no objection in principle to the proposed amount of development.

Policy HS2 requires a proportion of Affordable Housing in developments of ten units or more. In this case, the full development would be delivered as Affordable Housing through Affordable rent. The proposal would therefore comply with Policy HS2. A condition is recommended to secure the details of this.

Visual impact and design

Policy SP5 requires a high quality of design and for developments to, amongst other things, respect existing or locally characteristic street layouts, scale and massing.

Site wide view on Briercliffe Road



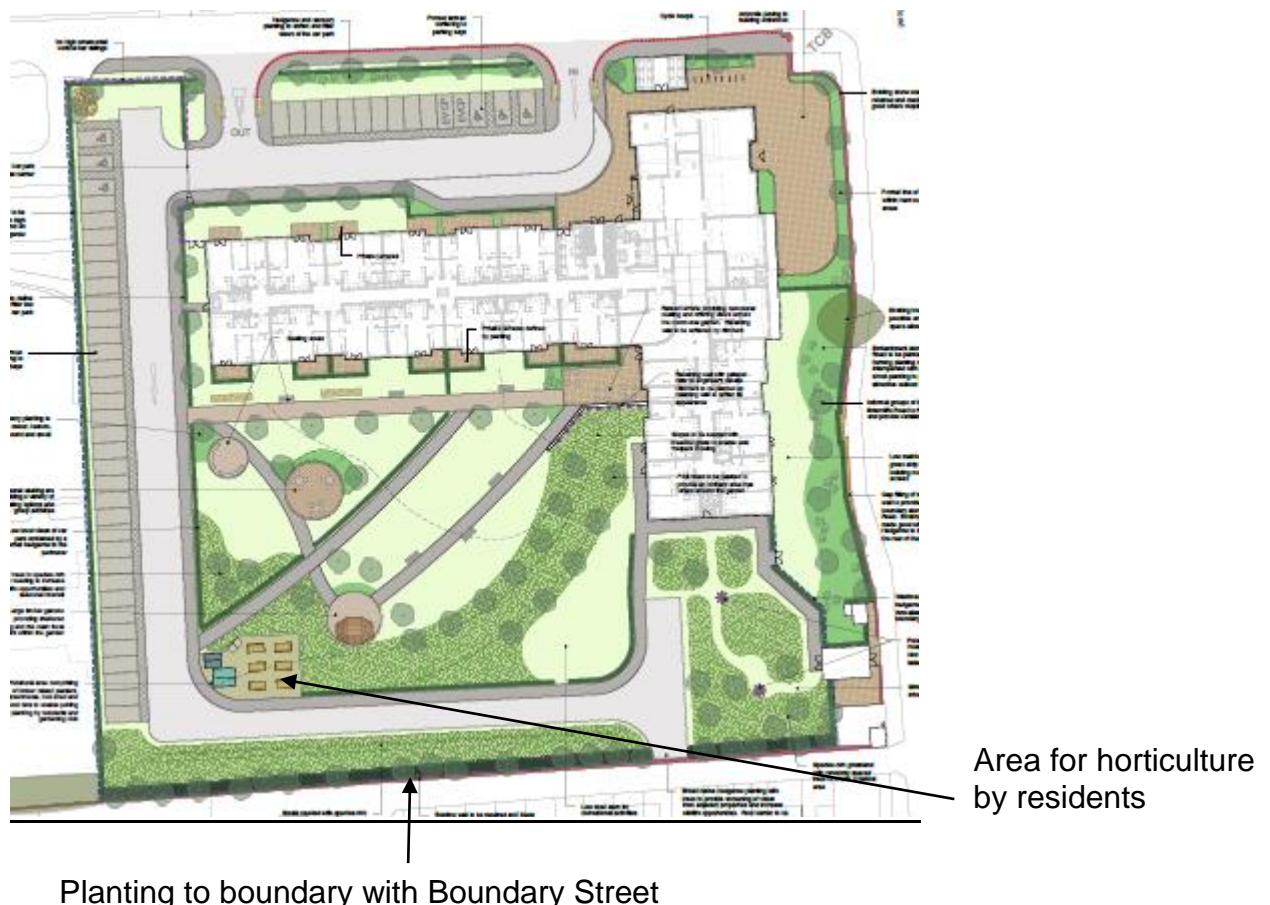
The predominant four storey appearance of the development as indicated above would appear higher than the two storey houses on Briercliffe Road and Boundary Street to the south and the modern ambulance station to the north. Given, however, Illustration of proposed development



the space and distance between the buildings as well as the background of the larger hospital buildings, and the use of the slope to create stepping in the roofline, the scale of the proposed development would not appear overly dominating. The staggering of the building frontage with the use of contrasting materials would also create relief from the mass of the building. This design principle is used on all the proposed elevations. The use of natural stone on a significant proportion of the development would reflect the traditional materials on the terraced houses on Briercliffe Road. The setting back of the building frontage on Briercliffe Road also allows for the retention of a single tree to the front and further tree planting to enhance the street view. The initial scheme also included an element of coloured glass to the apartment windows but this has been removed at the request of Officers. The siting of a refuse store towards the entrance to the site has been improved with stone detailing to provide an appropriate appearance to the hospital access road.

Policy HS4 requires residential development to provide adequate open space. In this case, shared space is appropriate. The proposal would provide a regular shaped area of open space that would be landscaped to provide walkways, seating areas and also provides a place for residents to grow plants.

Landscape Masterplan



Given that the residents of the scheme are most likely to utilise the garden and open space on-site, no contribution is being sought for improvements to off-site open space provision. This would not however be the case for regular apartment development, in which case a condition would be necessary to ensure the scheme is occupied by older residents as proposed by the scheme.

The proposed scheme has been well designed to integrate into its surroundings and provide a distinctive prominent new building and adequate open space for new residents. The proposal would in this respect comply with Policies SP5 and HS4.

Impact on residential amenities

Policy SP5 requires development to ensure that there is no unacceptable impact on the amenity of neighbouring occupants and would not result in unacceptable conditions for future occupiers of the development.

The applicant has shown consideration to the privacy and outlook of neighbouring properties that would face the development on the opposite side of Briercliffe Road by stepping the building back from the road. Taking into account the difference in storey heights, the minimum separation distance required by Policy HS4 would be 26m. The proposed development would exceed this with a minimum separation distance between frontages of 29m that would increase at various sections due to the staggering of the building line. The separation and difference in heights between the facing buildings is illustrated below:

Illustrative section between development and houses opposite site on Briercliffe Road



The distance between the buildings would protect the privacy, outlook and daylight/sunlight of residents on Briercliffe Road. The separation from the development and the rear of dwellings on Boundary Street would range between 43m and 69m which would also be sufficient to protect residential amenities.

The occupiers of the development would be afforded large windows for daylight/sunlight, Juliette balconies to some upper floor apartments and accessible patio areas to some of the ground floor apartments. A noise assessment has been submitted which demonstrates that noise from traffic on Briercliffe Road can be mitigated through the type of glazing that is used.

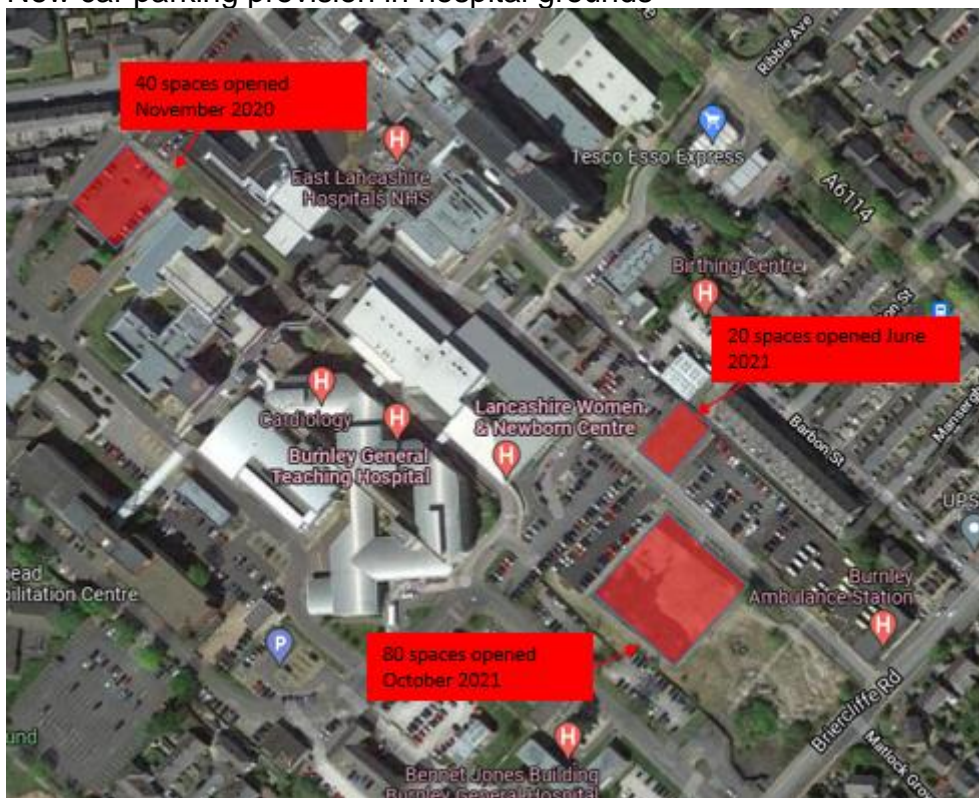
The proposed development would therefore safeguard existing residential amenities and provide a good level of amenity for future occupiers.

Impact on traffic and parking

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 site is accessible within the urban area by public transport (bus stops immediately to the site frontage on Briercliffe Road) and within walking distance of the district centre at Briercliffe Road. The main traffic to the site would be generated by staff and visitors, although it is expected that some residents would have a car. A scooter storage room would be provided on the ground floor of the development. LCC Highways has assessed the Transport Statement submitted with the application and is satisfied that the traffic that would be generated can be accommodated by the existing junctions and highway network. Off-site highway improvements are sought to upgrade the bus stops either side of Briercliffe Road adjacent to the site.

The proposed car park would be sufficient in size to accommodate the needs of the development. Policy HS1/10 refers to the need to take account of the hospital's car parking needs to ensure that the development of this site would not lead to pressure on on-street parking in neighbouring streets. Neighbour representations refer to concerns that the proposal may lead to more parking on Boundary Street to the south of the site. The applicant affirms that the hospital has been preparing for the release of this allocated site by providing three sites indicated below which total 140 spaces. New car parking provision in hospital grounds



This has therefore adequately compensated for the loss of approximately 90 spaces from the application site. Burnley General Hospital is also preparing longer term plans for improvements to hospital car parking. At the current time, however, adequate mitigation has been demonstrated which would limit any disruption to car parking and the reduce the risk of further on-street parking. LCC Highways has recommended a condition to require a Full Travel Plan which would also aim to reduce the number of car borne trips to the site. The applicant has agreed to a request for a contribution of £6,000 that will be used by LCC to support travel plan preparation and monitoring.

Subject to the conditions recommended by LCC Highways and a contribution towards travel plan preparation and monitoring, the proposed scheme would not significantly impact on the highway network and would provide sufficient parking. The proposal would not therefore conflict with Policies IC1 and IC3.

Impact on 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. Where development would affect protected species, Policy NE1 states that the first preference is to avoid disturbance, the second to provide suitable inter-connecting new habitats within the development site and if this is not feasible, suitable alternative habitats should be provided. Policy HS1/10 also makes reference to protected species on this site. The survey reports that have been submitted have indicated that the vacant stone cottage buildings are not being used as bat roosts but have been used by swifts. GMEU recommend conditions to require the use of reasonable avoidance measures, to avoid any demolition in the bird nesting season, to control external lighting and to provide compensation measures to provide new bat and bird boxes. Further biodiversity enhancement can be achieved through planting. With these provisions, the proposed development would provide adequate protection to protected species and to enhance biodiversity. As such, the proposal would comply with Policy NE1.

Impact on heritage assets

Policy HE3 states that development proposals affecting the setting of non-designated heritage assets will be required to give consideration to its significance and ensure it is protected or enhanced where possible. A Heritage Statement has been submitted with this application. This acknowledges the social history of the site and its association with the Burnley Union Workhouse that was previously located adjacent to this site. Given the demolition of the former workhouse and the amount of alteration to the cottage buildings, the historic interest of these non-designated heritage assets can be adequately safeguarded by a formal historic recording. The applicant has submitted an appropriate Level 2 record which has been accepted by the LCC Historic Environment Team. The proposal therefore complies with Policy HE3 and would not significantly affect historic assets.

Impact on drainage and ground conditions

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

The submitted coal mining report has demonstrated that there is no significant risk of ground conditions being affected by mining legacies. The submitted land contamination and gas surveys demonstrate that the site can be safely developed for residential use. A condition is recommended to require verification of the completion of remediation works.

An Air Quality Assessment has been submitted that demonstrates that the proposal would not significantly affect air quality in the local area.

Conclusion

The proposed development would be beneficial in developing an allocated brownfield site which would contribute to the delivery of the Council's housing requirement and would, in this case, provide an additional benefit through the provision of extra care apartments (Class C3), all of which would provide Affordable Housing. The impact of a loss of hospital car parking has been adequately mitigated through alternative provision made by Burnley General Hospital. The proposed scheme would provide a high quality development that would have a distinctive appearance and integrate into its surroundings. The proposal represents sustainable development; it complies with the development plan and there are no material considerations which 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 secure a Travel Plan contribution

Conditions

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

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

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

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

3. Prior to the commencement of development, details of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The material details are required prior to the commencement of development to ensure that the approved materials are available for use at the appropriate stage of the development.

4. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Report (dated October 2021). All measures contained within the report shall be adhered to all times and there shall be 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. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The protective fencing is required to be erected prior to the commencement of development in order to give adequate protection to the trees from construction vehicles, plant, deliveries and other site activities.

5. Prior to the commencement of development , a scheme of landscaping, to include details of retained trees and new tree and shrub planting, to include native species (noting species, plant sizes/heights on planting and proposed numbers/ densities where appropriate), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping t=in the interests of viusal amenities and biodiversity, in accordance with Policies SP5 and NE1 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 5) 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).

7. Prior to the commencement of development , a scheme of off-site works of highway improvement to include improvements to tow bus stops adjacent to the site on Briercliffe Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to the approved development being first occupied.

Reason: To ensure that satisfactory access is provided to the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the works can be agreed and carried out at the appropriate stage of the development.

8. The approved access and egress and access 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.

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).

9. Prior to the commencement of built development above ground level, a scheme of biodiversity enhancement measures, which shall include measures for the planting of locally native/wildlife friendly species and details of the amount, type and positions of bat boxes and nesting boxes (suitable for swifts and starlings) shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be carried out and completed prior to the approved development being first occupied or in the case of planting proposals, shall be carried out as part of the approved landscaping scheme.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and to compensate for lost habitat for bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the approved measures can be incorporated into the building design.

10. Prior to the removal of any vegetation on the site or commencement of development, a method statement for the removal of Wall cotoneaster and to prevent its spread from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 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 from the earliest stages of the development.

11. 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 of reasonable avoidance measures for species such as hedgehogs and toads. 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). This must be carried out prior to the commencement of development in order to prevent any potential harm to wildlife.

12. No 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). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

13. No trees on the site shall be felled unless a method statement for their removal, in accordance with the recommendation of the Preliminary Ecological Appraisal (reference 80-250-R1-1, dated February 2021) 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 approved method statement.

Reason: To protect protected species (birds and bats), in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This is required prior to the commencement of development in order to prevent any potential harm to birds or bats.

14. Prior to the commencement of built development, a scheme for external lighting to be sensitive to wildlife, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To ensure sensitive external lighting to avoid harm to birds, bats and other wildlife, in accordance with Policy SP5 of Burnley's Local Plan (2018). A scheme is required prior to the commencement of development in order it can be satisfactorily integrated into the design of the development.

15. The approved development shall not be first occupied until the car park and manoeuvring areas as indicated on the approved plans have been constructed, drained, surfaced in tarmac or an alternative bound treatment to be previously agreed in writing with the Local Planning Authority, marked out and made available for use. The car parking area shall thereafter be kept free of obstruction and available for the parking of cars at all times.

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

16. 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).

17. 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.

18. 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).

19. 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.

20. 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).

21. 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 for condition: 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.

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

Reason: To ensure the site can be adequately drained, in accordance with Policy NE5 of the Burnley`s Local Plan (July 2018).

23. Prior to the approved development being first occupied , the enclosed refuse store shall be constructed and available for use in accordance with the approved plans. The refuse store 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).

24. The development shall be constructed and completed in accordance with the recommendations contained within the submitted Phase I and Phase II Geo-environmental Site Assessment (report references 12-779-R1-RevA and 12-779-R2-RevB, both dated October 2021) and the Ground Gas Addendum report (reference 12-779-R3-RevA, dated October 2021). In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the approved residential care home is first occupied.

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, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

25. The development shall not be carried out otherwise than in accordance with the measures for energy and water efficiency contained within the submitted with this application and shall be completed in their entirety prior to the completion of the development.

Reason: To ensure the development delivers the expected water and energy efficiencies, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

26. A minimum of two Electric Vehicle Charging points shall be installed externally within the car park as indicated on the approved plans prior to the completion of the development.

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).

27. Prior to any apartment being first occupied, a full and up to date Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the timescales within the approved Travel Plan and shall be audited and updated at intervals of not greater than 18 months. The measures contained with the Travel Plan shall be adhered to at all times.

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

28. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders,

the approved development shall operate as an extra care apartment scheme (Class C3) for residents generally aged over 55 where care supports independent living only and shall not be used for any other purpose within Class C3 or for any other purpose.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use only, a deviation from which would need to be re-assessed in respect of potential needs for open space, education and car parking amongst other material considerations, in accordance with Policies HS4, IC4 and IC3 of Burnley`s Local Plan (July 2018).

29. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the commercial facilities (indicated as bistro and salon on the approved plans) shall not exceed a combined floor area of 131sqm and shall be used as a café/restaurant/coffee shop and retail shop or hair salon use only and not for any other use falling within Class E and shall not be used for any other purposes.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the proposed use only, to ensure that these facilities are relevant to the principal development of the site for extra care apartments, in accordance with Policies HS1/10 and TC1 of Burnley`s Local Plan (July 2018).

30. The development shall be constructed to incorporate the recommendations contained within the submitted Noise Impact Assessment (reference 50-093-R1-2, dated October 2021), details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above ground level.

Reason: To ensure satisfactory mitigation against traffic noise, in the interests of residential amenities, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018). The details are 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.

31. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

Reason: To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley`s Local Plan (July 2018).

32. Prior to the commencement of development, details of the boundary treatment on all site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to any apartment being first occupied.

Reason: To ensure a suitable edge to the development and neighbouring occupiers, in the interests of visual amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are 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.

Janet Filbin
1st February 2022

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0719

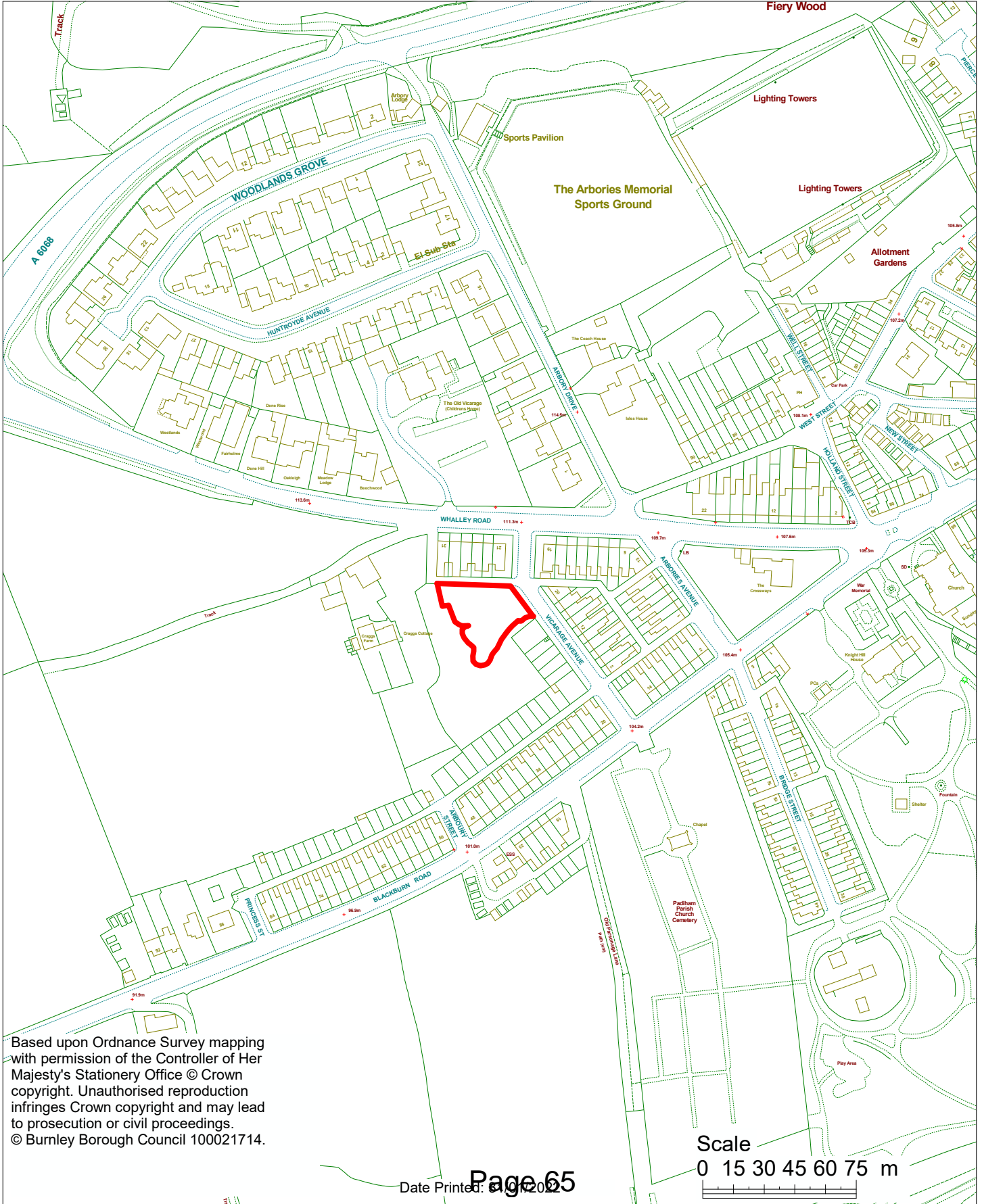
Paul Gatrell Head of Housing and Development

Location:

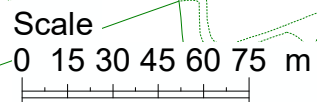


Land At Vicarage Avenue, Vicarage Avenue, Padiham

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Application Recommended for Approve with Conditions
Hapton With Park

FUL/2021/0719

Town and Country Planning Act 1990
Substitution of house type on Plot 1
Land At Vicarage Avenue Vicarage Avenue Padiham Lancashire

Applicant: Reedley Properties
Agent: Alan Kinder, AV Town Planning Ltd.

The application has been brought to Planning Committee as there has been an objection

Background:

The site is located within the defined development boundary as designated in Burnley's adopted Local Plan and has no formal local plan designations.

The site which is subject to this application formed part of recent planning approval which was granted on appeal for 6 bungalows as part of APP/2020/0147. The principle of development has therefore been accepted and work has been underway on the site since 2021.

This application relates to plot 1, as indicated below.



Plan extract: site plan

The surrounding properties which form the context to the site are predominantly terraced properties with a traditional and characteristic grid iron pattern. Properties immediately to the north along Whalley are terraced and on the opposite side of the road are larger, detached villa properties set within larger plots. Vicarage Avenue to the east is an attractive bay fronted terrace.

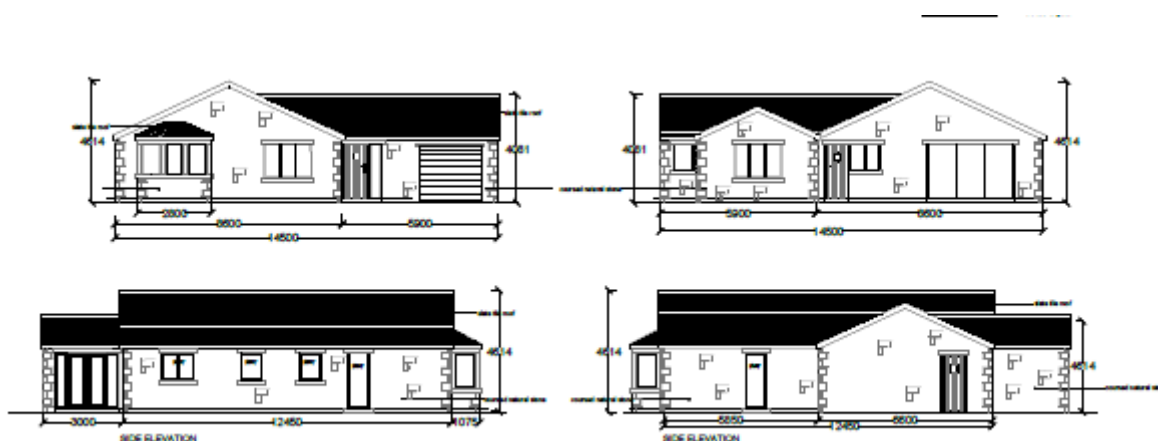
Plot one is the nearest property to Vicarage Avenue and the main entrance to the development. Plot 1 also shares a boundary to the north with the rear of properties along Whalley Road.

Proposal

The application seeks consent for changes to the approved plot 1. For ease of reference an additional plan has been provided to show the differences in the footprint.



Extract Plan: proposed plan with the previous plan overlaid in a blue dashed line



Extract Plan: extract of the proposed elevations

As a comparison the following measurements are as follows:

Approved Plot 1	Proposed	
Footprint 134 sqm	168 sqm (including garage)	34 sqm (25% inc)
Floorspace 115sqm	147 sqm (including garage)	32 sqm (27 % inc)

The main change to the layout is the link with dwelling with the garage and creation of a garden room to the west elevation with a general shift in the building footprint to the west. The proposal does not alter the existing driveway and garden area and the proposed materials remain the same as the wider site.

Relevant Policies

Burnley Local Plan

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

National Planning Policy Framework 2021

Site History:

CND/2021/0338 – discharge of conditions 3,9, 13 and 15 of FUL/2020/0147 Discharged 2/9/21

FUL/2020/0147 – Erection of 6 detached bungalows with integral garages, access, landscaping and ancillary works
Appeal allowed

FUL/2019/0628 – erection of 6 dwellings with gardens and parking Refused 5/3/20

APP/2008/0577 – erection of a 60 bedroom nursing home with adjacent extra care housing.
Refused 17/7/08 – Appeal Dismissed APP/Z2315/A/08/2091136 12/6/09

Consultation Responses:

Environmental Health – no comments received

LCC Highways –

With respect to this application, we would not wish to raise any objections to the substitution of the house type.

It is noted that since the initial planning application for this site, dating from 2019, there has been an increase in the number of electric vehicles. Should the applicant be minded to install charging points across this development, these should be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states:
- 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.

Greater Manchester Ecology – no additional comments received

Publicity

Neighbour Objections

1 objection received summarised as follows:

- Poorly designed - very cramped arrangement - all houses pushed right back to the boundary walls
- Dwellings pushed back to the boundary of the site, particularly plot 1 which is closest to 21-31
- Whalley Road who will overlook this property
- Not able to meet privacy requirements - of both the buyer of the property but also those on Whalley Road who overlook the property
- Linking the garage to the original design of the bungalow to create additional living space – this is a move back to provision of an integral garage - which has already been refused by Burnley Borough Council
- House pushed right back to boundary wall with the addition of the summerhouse, additional living space
- Would be very over dominant - this is the first house as you enter the site, visible from Vicarage Avenue
- 21-31 Whalley Road residents have balconies and will overlook the summerhouse and property
- issues with privacy for both the buyer of Plot 1 and residents on Whalley Road.

Planning and Environmental Considerations:

Main issues

The main issues in the consideration of this application are;

- The principle of development
- design and appearance
- the impact of the development on residential amenity
- traffic/parking
- impact on heritage asset
- other considerations

The principle of development

The principle of development for a residential unit on plot 1 has been accepted as part of the previous Inspectors decision in 2020.

The site is considered to be in a sustainable location and in principle the development of a residential development would be appropriate subject to the proposals meeting all other relevant policies.

Design and Appearance

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.

There are clearly changes to the building footprint and elevational changes as described above. The front elevation still reads as the principal elevation with bay window, front door and there is now the additional link with the garage. The link with the garage creates a new roof gable which has a further projection to create the garden room. Whilst there is a noticeable projection to the north, it is not considered that alteration has a detrimental impact on the design and appearance of the rest of the dwellings or to the surrounding properties.

Residential Amenity

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

Plot 1 shares a common boundary with the back street which serves properties along Whalley Road. Some properties along Whalley Road have raised balconies and all have some form of useable amenity space. Given the higher level these properties sit at, the potential for overlooking is greater and this was considered as part of the previous application.

In terms of the proposed elevation facing properties to the rear of Whalley Road, there will be no windows and therefore it is not considered to be any issues of overlooking and the proposals are considered to be acceptable in terms of policy HS4 of Burnley adopted Local Plan.

Traffic and Parking

The proposals do not alter the parking and access arrangements approved in the previous application, therefore the development remains the status quo.

LCC highways have provided comments on the application and do not object to the principle of development. The submitted plans show in curtilage parking space for 2 vehicles which would meet the parking standard requirements.

Highways

Whilst the site would present new development, the onsite level of parking is in accordance with Appendix 9 of the Local Plan.

Furthermore, LCC highways have been consulted on the application and have asked for amendments which the agent has provided. The proposed development would meet the local and national planning policies and subject to conditions, the development is acceptable on highways grounds.

Response to the neighbour objections

The proposals do alter the appearance of plot 1 and there is an increase in footprint, but the dwelling remains single storey and does not move any closer to the northern boundary closest to rear boundary with properties along Whalley Road. The Inspectors decision was clear;

'The development would appear clearly distinguishable from the make up of existing properties, sitting within a clearly defined site. Due to their size and scale, the proposed dwellings would not be dominant features in the areas nor would dilute the presence of the existing Victorian terraced properties. Their appearance would be of a traditional domestic design that would be appropriate in this context and again due to the separation from existing properties, the departure from the existing properties in terms of design, would not result in harm.'

Furthermore, the Inspector concluded that;

'The proposed development would not have a harmful impact on the character and appearance of the area.'

In terms of privacy, the summer house does have windows on the rear elevation facing onto Craggs Farm but there are no windows on the side elevation facing the north elevation onto Whalley Road. It is not considered that there will be any difference in the level of residential amenity compared against the previous extant approval.

Recommendation

Whilst there is an increase in footprint and overall design, the dwelling is still single storey and it is not considered that the proposed changes are detrimental impact to the overall design, appearance and residential amenity with surrounding properties and the scheme can be supported.

Approve subject to the following 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: REE/07 DWG 02 Proposed Site Plan REE/07 DWG 01

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

3. The new access and access way in the site the site and 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.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

4. The access road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

5. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

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

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the back edge of the footway. The gates

shall open away from the highway.

Reasons: To permit vehicles to pull clear of the footway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a car to wait off road.

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

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

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

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

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

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

10. An electric vehicle charging to serve the dwelling shall be installed prior to first Occupation and shall be retained as such at all times thereafter.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

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

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

12. In the event that any evidence of potential contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate any adverse impact on the environment.

13. The garage shall not be used for any purposes other than for domestic storage and for the garaging of private motor vehicles in association with Plot 1 and no trade or business shall be carried out therefrom.

Reason: To control the use of the development in the interests of the character of the area and the amenity of the neighbouring property and to comply with Policy SP5 of Burnley's Local Plan (July 2018)

Housing & Development
Town Hall, Manchester Road

Ref.

LBC/2021/0651

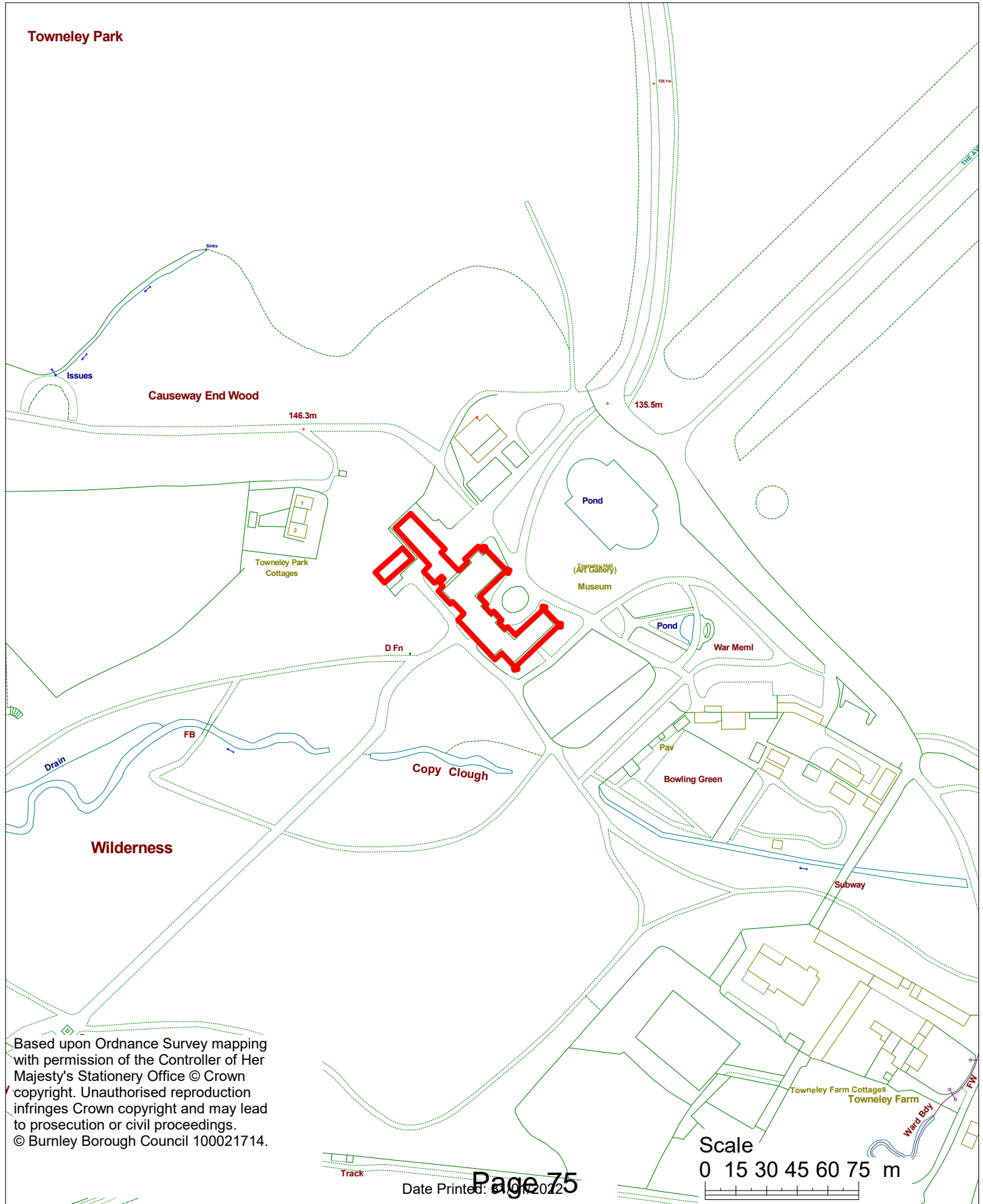
Paul Gatrell Head of Housing and Development

Location:

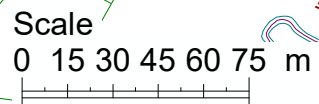


Towneley Hall, Towneley Park, Burnley

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Application for Listed Building Consent

Localised repairs and conservation works to the roof, stonework, rainwater goods, windows and internal plasterwork. Alterations and repairs to the North Wing roof and reconstruction of the parapet to the west elevation of the West Wing.

TOWNELEY HALL TOWNELEY PARK BURNLEY

Applicant: Burnley Borough Council
Agent: Knox McConnell Architects

The application property and summary of heritage significance:

This application relates to Towneley Hall, a heritage asset of exceptional significance which is reflected in its Grade I Listing. The Hall dates from c.1400 and has been subject to extensive phases of alteration reflecting significant periods of history, and most notably in the seventeenth to nineteenth centuries to reflect the changing architectural styles by successive generations particularly the baroque and gothic. These different phases are clearly readable in the exterior of the building but are most evident internally.

The hall is built in large sandstone rubble brought to courses, with freestone dressings, and hipped slate roofs concealed by embattled parapets. The Hall was substantially remodelled by Jeffry Wyatt in the nineteenth century who enhanced the presence and grandeur of the building by elevating the South-East wing and adding battlements and turrets considered at the time as a display of architectural and social ostentation. The interior features equally impressive period rooms including the Long Gallery, Great Hall, Red and Green Regency Rooms hung with original C19 paintings and is particularly noted for its fine 16th century (Jacobean) plasterwork, panelling and staircases. The Hall has been in civic use as a museum and gallery since 1903.

The significance of Towneley Hall derives from a number of factors, including the antiquity of parts of its fabric and from the architectural and visual grandeur of the building and its fine interiors. It also has important historic value, providing evidence of changing architectural forms and fashions, as well as allowing an understanding of the evolution of Burnley as a settlement.



Visual grandeur of the building



Great Hall

Background:

A Quinquennial Inspection, undertaken in 2020, concluded that the Hall has suffered from a lack of co-ordinated maintenance and has deteriorated significantly in recent years largely due to faulty rainwater disposal systems, poor roof details and deterioration of leadwork, pointing and masonry. It notes that some areas of the roofs have been extremely difficult and unsafe to access which has made maintenance problematic and this has led to water ingress affecting the structure and internal finishes, causing dry rot and decay to historic fabric. Long term damp issues have affected the ceilings in the Long Gallery bedrooms and Regency Room and in the

Great Hall where the highly significant early C18 plasterwork is at risk of collapse. Accordingly it is advised that there is an urgent need to make the building watertight; able to meet the demands of current rainfall patterns by increasing gutter and outlet capacity; and to make the roof easier to maintain by improving access. Following the making good of the external envelope the interior should be repaired with particular attention to the plasterwork ceiling in the Great Hall.

Proposal:

This application seeks listed building consent for essential repairs and conservation work to the exterior and interior of the Hall identified through detailed survey and investigation as described in the submitted Design and Access Statement, Drawings and Schedule of Work, Specialist Reports and Structural Engineer's details. The proposed works involve a number of interventions to improve the overall general condition of the built fabric and the weathertightness of the listed building in order to bring the Hall into a good state of repair and to allow proactive management and maintenance by the Council. The works have been designed to involve, wherever possible, the retention and refurbishment of items rather than replacement and the use of traditional materials and methods of construction.

The application is supported by a Heritage Statement which clearly explains the background, requirements and benefits of the works; and sets out in detail the degree of sensitivity of each location, justification for the works; and the impact on significance.

Having regard to the submitted Heritage Statement, a number of the works are considered to fall within the scope of like for like repairs and include:

- a) Replacing failing lead gutters, re-slating roofs and renewing lead roofs
- b) Repairing and redecorating rainwater goods
- c) Removing dangerous and decaying duckboards
- d) High level stonework repair and repointing to all stonework
- e) Repairs to timber windows and overhaul of other leaded and cast iron windows
- f) Replastering
- g) Internal repairs to timber and plaster affected by dry rot in the North Wing

A detailed specification of works and materials has been submitted in support of the application (prepared by Knox McConnell Architects).

Some of the proposed repair works, the purpose of which is to stabilise and protect historic fabric, require greater levels of intervention. A justification for the works which sets out the issues presented by the identified defects and an appraisal of the options to address them is set out in considerable detail in the submitted Heritage Statement. The works are summarised as follows:

- h) Conservation of Great Hall ceiling: Strengthening the structure of the ceiling, substantial conservation of the plasterwork insitu and subsequent redecoration
- i) Repairs to west wing parapet: reinforcing the unstable west wing wall at high level by dismantling and rebuilding the parapet wall and bulging section of the west elevation of the West Wing
- j) Structural repairs to Long Gallery: providing additional structural support to the Long Gallery first floor structure by strapping of the roof trusses, the insertion of additional hangers to partition walls and floor strengthening as necessary. Conservation of south wing ceilings
- k) Slate roof construction build up: remove unsympathetic membranes to slate roof areas and introduce breathable membranes and/or sarking boards to provide a secondary line of defence for waterproofing. Provide additional ventilation details at the ridge and eaves as necessary
- l) Repairs to North Wing roof: Reconfiguring the North Wing roof gutters to improve rainwater disposal and maintenance access by lowering the central spine wall to create a wider valley gutter to be formed from stainless steel, removing corroding cast iron gutters and their

replacement with stainless steel. Installation of discrete railings as edge protection to areas of low parapets and a replacement access stair and walkway.

The works have been informed by the findings and recommendations of expert heritage advisors and contractors, following detailed survey, research and options analysis, and has been developed in consultation with the Council's heritage planner and Historic England.

The application is supported by the following documents: Heritage Statement and Specification of Workmanship and Materials prepared by Knox-McConnell Architects Ltd; and detailed structural engineering drawings prepared by Blakett-Ord Conservation Ltd.

This application is presented to Committee as the applicant is Burnley Borough Council.

Relevant Policies:

Burnley's Local Plan (July 2018): Policy HE2 (Designated Heritage Assets) outlines the key requirement for proposals to have regard to the desirability of sustaining and enhancing the significance of listed buildings and, where appropriate, securing a viable use most consistent with their conservation. All levels of harm should be avoided. The policy adopts the NPPF's categories of 'substantial' and 'less than substantial' harm and the corresponding policy tests (as set out in the NPPF). In summary, these tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm.

The National Planning Policy Framework (2021): Section 16 of the NPPF gives guidance on conserving and enhancing the historic environment. It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF. In particular Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset (i.e. listed building), great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use .

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building.

Relevant Recent Site History:

The site has an extensive planning history which mainly relates to internal and external works to maintain the upkeep and safeguard the viability of the building, the most relevant recent applications being APP/2021/0011 for renewal of the lath and plaster ceiling to the Jacobean stairwell and APP/2018/0044 for remedial works associated with a dry rot outbreak.

Consultation Responses:

Historic England: Offer their support to the application and note that without the proposed interventions it is clear that the building would be at risk for further decay, which could lead to the loss of important fabric. It is considered that, with the exception of the reconfiguration of the North Wing roof gutters, the proposed works are sensitively specified such that they would not result in any harm to the significance of the Hall. With regards to the North Wing gutters, this would result in the loss of original, but altered, fabric and accordingly would cause a low level of harm to heritage significance. On this occasion the work is considered to be clearly necessary, in order to address the issue of water ingress, and informed through a considered analysis of

potential options. The harm arising is considered to be both justified, and outweighed, by the heritage benefits of robustly addressing the water ingress issue and therefore meeting the requirements of the NPPF.

Advise that copies of technical reports which are referred to in the application, but don't form part of the supporting documentation, are submitted in support of the proposal. This includes the structural survey and plasterwork repair. Also advise that mortar analysis would be beneficial in informing the appropriate mix for repointing.

LCC Archaeology: No objections raised. Welcome the proposal and note that the works would ensure the long term survival of the Hall. Concerns are however expressed as to the reduction of height of the wall understood to be the former exterior wall of the North Wing; and the potential loss of historic graffiti/marks that might be held in the leadwork of the site, left by either the lead workers or visitors to the roof since the lead was placed. Explain that such graffiti is fairly common, due in part to the ease in which lead can be marked and can take a number of forms such as drawn outlines of hands to signatures and initials with dates.

Advise that a programme of building recording and analysis, and the preparation of an archive detailing the work carried out is secured by condition. The programme should include, amongst others, a photogrammetric or similar recording of the areas of stonework to be removed and a survey of the leadwork to record any historical features or graffiti.

Publicity: No comments received

Assessment:

The main issue for consideration is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building, its setting or any features of special architectural or historic interest that it possesses. With regard to the NPPF and Local Plan Policy HE2 this can be defined as the impact of the proposal on the significance (special interest) of the Listed Building affected with 'preservation' in this context meaning doing no harm to the significance as opposed to keeping it utterly unchanged.

The NPPF and Local Plan Policy HE2 sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification, including whether there are any suitable alternative solutions which cause less or no harm. In cases where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The main issue is whether the proposal would preserve the special interest (significance) of the Grade I Listed Building.

Impact on the significance of the Listed Building

The application is supported by a heritage assessment prepared by Knox McConnell Architecture. This document has been assessed by the Council's Heritage Planner who advises that the proposed works are informed by a sound understanding of the significance of the heritage asset, the buildings construction and the likely causes and extend of the defects. The options available have been fully considered and the proposal is robustly justified and limited to the minimum loss of historic fabric. The proposed approach and methodology for undertaking the works is considered appropriate and sympathetic to the historic fabric and significance of the building, only removing fabric where necessary and reinstating with materials and techniques that match and are appropriate to the existing.

Having regard to the submitted heritage assessment, the impact of the key elements of the proposal on the significance of the listed building have been assessed as follows:

Like for Like Structural and Fabric Repairs:

The heritage assessment finds that the proposed repairs listed in a) to g) above would ensure that the building and its features are protected from water ingress by repairing roofs, gutters and rainwater goods. Stonework would be repaired to retain as much fabric as possible by pinning cracked stone and using lime mortar for repointing to ensure that the building continues to breathe. Repairing windows will also halt further decay and redecoration will lengthen the life-span of the frames. Other interventions will allow for significantly easier maintenance access to difficult to reach roofs. The repairs would therefore ensure that the lifespan of the fabric would be extended, resulting in an overall positive impact on the significance of the building. I have no reasons to depart from this view. Indeed these works, which are sensitively specified, are found to be absolutely necessary to prevent further decay in support of the long term conservation of the building and constitute a very desirable public benefit. As such, any minor negative impacts arising (for example, loss of original fabric) would be regarded as justifiable.

Although extensive, it has been demonstrated the works are appropriately detailed so as to preserve the special interest (significance) of the building without any negative impacts. The works are justified and acceptable and meet with the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Conservation of Great Hall Ceiling:

The proposal involves urgent repairs to strengthen the ceiling structure including works to conserve the C18 plasterwork below. The works have been carefully considered following conservator, structural engineer and timber decay specialist advice to ensure that the ceiling construction is understood as a whole. It is considered that the proposals are sensitively specified and demonstrated as absolutely necessary to stabilise the structure and prevent further decay in support of the long term conservation of the building constituting a very desirable public benefit. The works are justified and acceptable and meet with the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Repairs to West Wing Parapet:

The proposal is to dismantle and rebuild the parapet and detached upper section of wall to the west elevation of the West Wing in order to ensure structural stability and protect the West Wing roof above the Great Hall and the exceptionally significant plaster ceiling connected to it. Having regard to findings and recommendations of structural engineer and the supporting drawings it is considered that the proposals are sensitively specified and demonstrated as absolutely necessary to stabilise the structure and prevent further decay in support of the long term conservation of the building constituting a very desirable public benefit. The works are justified and acceptable and meet with the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Structural Repairs/Strengthening to the Long Gallery:

The proposal aims to address cracks and deflection associated with structural movement by strapping the existing roof trusses, inserting ties within the timber panelled partition walls and floor strengthening as necessary. Cracked plaster to the Regency Rooms and Long Gallery bedrooms would be repaired on completion. The submitted heritage assessment finds that the disruption caused by the removal of the timber panelling to introduce the ties would have a minor adverse impact on significance (at the lower end of the 'less than substantial' scale of harm) in that they will result in minor compromise of historic fabric. Taking into account that the substantive part of the listed building would not be adversely affected by the proposal and

would therefore not result in any real change in the ability to understand and appreciate the overall significance of the heritage asset. I have no reason to depart from this view.

Having regard to the supporting documents and drawings, it is considered that the applicant has adequately demonstrated that the alteration is necessary and unavoidable in order to address the identified structural defects. The works are appropriately specified so as to mitigate any harm arising and when considered against the heritage benefits resulting from the retention and good repair of historic building fabric are sufficient to outweigh the identified less than substantial harm to significance in accordance with Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Slate Roof Construction Build Up:

The proposal is to remove unsympathetic modern membranes to slate roof structures which are causing the timbers below to decay from condensation build-up and through water ingress from damaged slating. The works will involve the installation of breathable membranes and/or sarking boards and provision of additional ventilation details at the ridge and eaves as necessary. The roofs will be re-slatted with the existing and non-original Welsh slate replaced with coursed Lancashire blue/grey slate. The submitted heritage assessment quantifies the impact on significance as beneficial in that the works will ensure that the building and its valuable contents would be protected from water ingress. Having regard to the contribution of the slated roof structures to the significance of the listed building, I have no reason to depart from this view.

It is considered that the proposals are sensitively specified and demonstrated as absolutely necessary to provide a secondary line of defence against water ingress which will protect the fabric and contents of the historic interiors below and to prevent further decay in support of the long term conservation of the building constituting a very desirable public benefit. The works are justified and acceptable and would preserve the special interest of the listed building thus meeting the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Repairs to North Wing Roof:

The submitted heritage statement explains sets out a number of problems with the current configuration of the north wing roof and its rainwater goods. It explains that despite numerous past interventions water ingress and ongoing maintenance continue to present issues. Without works to address the inherent defect, water ingress can only be dealt with on a reactive basis which places the highly valuable interior and artifacts at risk, particularly in storm events.

Following a detailed options appraisal, summarised in the submitted heritage assessment, the proposal is to remove the top courses of the existing central spine wall (previous external wall) of the North Wing to allow a new stainless steel valley gutter to be constructed, over the remnant wall to increase the capacity of the gutter for rainfall disposal. This will result in the loss of historic fabric, however the number of junctions on the roof are reduced decreasing the risk of leaks. The gutter can also be walked on to allow inspection and maintenance. Rusting cast iron gutters would also be removed and replaced with larger stainless steel gutters to cope with increased intensity of rainfall and reduce the risk of blockages by having steeper falls and larger outlets. Edge protection will be introduced to areas with low parapets. A replacement stair would be installed and an additional inspection hatch created allowing for improved maintenance access.

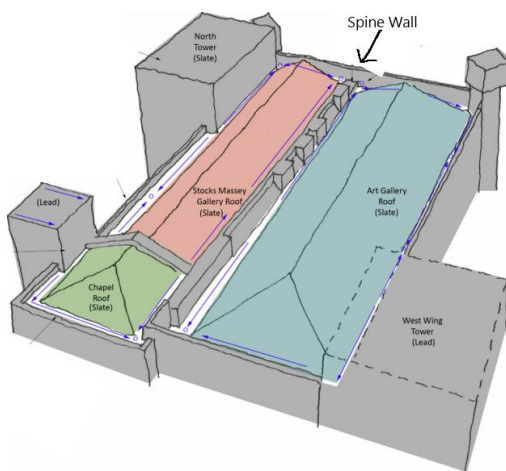
The heritage assessment identifies the remnant spine wall (albeit in a heavily altered form) as highly significant in terms of its archaeological value in that its survival assists in understanding the phased evolution of the building. It is noted that evidence of the original external wall survives elsewhere and that the proposal only removes the top courses and should the stainless steel be lifted, evidence of the wall and chimney flues would remain evident beneath.



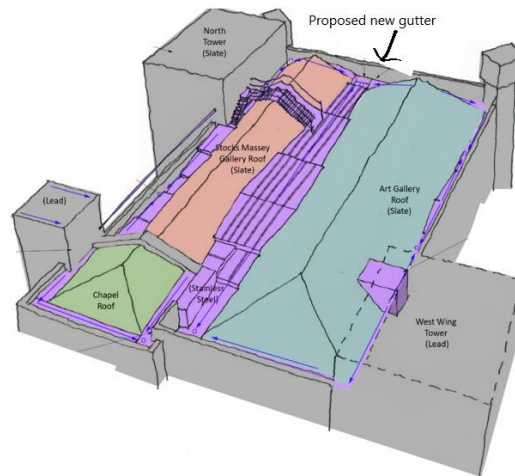
Spine wall between roofs looking east



Spine wall looking west



Existing Roof



Proposed Roof

Having regard to the findings of the Heritage Statement, the magnitude of impact on heritage significance, resulting from the loss of original, but altered fabric, is assessed as falling within the lower end of the broad category of “less than substantial harm” in that it would not result in any real change in the ability to understand and appreciate the overall significance of the Hall. On this occasion the works are considered to be clearly necessary, in order to address the issue of water ingress, and informed through a considered analysis of potential options. The harm arising is considered to be both justified, and outweighed, by the heritage benefits of robustly addressing the water ingress issue thus protecting the unique and irreplaceable nature of the Hall and the artifacts contained within. Accordingly, the proposal is justified and acceptable and meets with the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Conclusion:

The proposed works are informed by a sound understanding of the significance of the heritage asset. The options available have been fully considered and the proposed interventions limited to what is reasonably necessary to enhance the overall condition of the structure and improve its resilience to rainfall/weathering. The works have been designed to minimise harm to historic fabric and visual impact; and are robustly justified against the considerable public benefits associated with bringing the Hall into an improved state of repair.

Having regard to the significance of the heritage asset it is considered the proposals are justified and proportionate and would facilitate the continued use of the building as a visitor

attraction in support of its long-term conservation. Accordingly, the proposal is considered to comply with the NPPF, Policy HE2 and the relevant statutory duty.

Recommendation:

In giving considerable importance and weight to the duties at Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in consideration to NPPF Section 16 and Policy HE2 of Burnley's Local Plan I would recommend that listed building consent be granted subject to conditions.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than to the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved drawings are:

BTH07/P010 (Basement Floor Plan Proposed Repairs at 1:100 Scale)
BTH07/P011 (Ground Floor Plan Proposed Repairs at 1:100 Scale)
BTH07/P012 (First Floor Plan Proposed Repairs at 1:100 Scale)
BTH07/P013 (Second Floor Plan Proposed Repairs at 1:100 Scale)
BTH07/P014 (Third Floor Plan Proposed Repairs at 1:100 Scale)
BTH07/P020 (South Wing Elevations Proposed Repairs at 1:100 Scale)
BTH07/P021 (West Wing Elevations Proposed Repairs at 1:100 Scale)
BTH07/P022 (North Wing Elevations Proposed Repairs at 1:100 Scale)
BTH07/P100 (North Wing Plan Proposed at 1:50 Scale)
BTH07/P101 (North Wing South Gutter Sections Proposed at 1:50 Scale)
BTH07/P102 (North Wing Central Gutter Sections Proposed at 1:50 Scale)
BTH07/P103 (North Wing North Gutter Sections Proposed at 1:50 Scale)
BTH07/P104 (North Wing, East and West Gutter Sections Proposed at 1:50 Scale)
BTH07/P105 (West Wing Plan Proposed at 1:50 Scale)
BTH07/P108 (South Wing Plan Proposed at 1:50 Scale)
BTH07/P200 (Proposed North Wing Valley Gutter at 1:10 Scale)
W89/104 (Great Hall Ceiling at 1:100 Scale)
W89/200 (Great Hall: Ceiling Joist Repairs at 1:200 and 1:10 Scale)
W89/201 (Great Hall: External Wall Repairs at 1:00 Scale)
W89/202 (Great Hall: Cornice Strapping Detail at 1:200 and 1:10 Scale)
W89/210 (South Wing - First Floor Plan First Floor Strengthening at 1:100 Scale)
W89/211 (South Wing - Roof Plan First Floor Strengthening at 1:100 Scale)
W89/212 (South Wing Sections First Floor Strengthening at 1:50 Scale)
W89/213 (South Wing Details First Floor Strengthening at 1:10 Scale)
W89/214 33 (South Wing - Section C-C First Floor Strengthening at 1:100 Scale)

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

3. The development hereby permitted shall be carried out strictly in accordance with the Specification of Materials and Workmanship (V3 20201) prepared by Knox-McConnell Architects Ltd received on the 21.10.21 unless approved otherwise in writing by the Local Planning Authority.

Reason: To avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

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

Reason: In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with Policy HE2 of Burnley's Local Plan (July 2018).

5. Before the repointing hereby granted consent is carried out, details of the mortar(s) to be used for re-pointing (including mortar mix, colour, texture and pointing finish) shall be submitted to and agreed in writing by the Local Planning Authority. The specification shall be informed by an analysis of existing historic mortar mixes the results of which shall be submitted with the details of the mortar. The works shall be carried out only in accordance with the agreed details.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

6. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

7. Any works of making good to the retained fabric, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile, except where indicated otherwise on the drawings hereby approved

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

8. No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis, and the preparation of an archive detailing the work carried out. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of an appropriate record of those areas of the building affected by the works, with photogrammetric or similar recording of the areas of stonework to be removed and a survey of the leadwork to record any historical features or graffiti. It should include a full description of the areas affected, drawn plans, elevations and sections which may be derived from the documentation already prepared for the works, and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the building and its features into context. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net). A digital copy of the report and the photographs shall be placed in the Lancashire Historic Environment Record and other appropriate archives.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2020/0139	Mr Robert Field	Cornfield Farm Cornfield Grove Burnley Lancashire BB12 8UB	Agricultural storage building	Refuse	25th January 2022
FUL/2020/0140	Mr Robert Field	Cornfield Farm Cornfield Grove Burnley Lancashire BB12 8UB	Agricultural livestock building	Refuse	25th January 2022
FUL/2020/0143	Mr Robert Field	Cornfield Farm Cornfield Grove Burnley Lancashire BB12 8UB	Agricultural workers dwelling	Refuse	24th January 2022
FUL/2021/0427	Mr Ian Walker	27-29 Manchester Road Burnley Lancashire BB11 1HG	Proposed 2 bed apartment to the existing roof area	Refuse	26th January 2022
VAR/2021/0487	Mr N Puttnam	Land At Curzon Street And Pioneer Place Car Park Pioneer Place Burnley BB11 1DF	Variation of Condition 14 of planning permission FUL/2021/0029 to allow phased archaeology works to be undertaken.	Approve with Conditions	21st January 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
TPO/2021/0451	Northern Forestry & Arb Sam Airey	Moseley House Rosehill Road Burnley Lancashire BB11 2JS	Application to crown lift one Lime tree (within G2) and remove middle limb from one Weeping Ash tree (T6) protected by the Burnley (Moseley House, Rosehill Road) Tree Preservation Order 1990.	Approve with Conditions	10th January 2022
CND/2021/0532	.	Lidl Land Off Wyre Street Padiham BB12 8DQ	Discharge of Condition 18 (Drainage maintenance plan) of planning permission VAR/2021/0033	Conditions part discharged	25th January 2022
FUL/2021/0580	Meadowcroft	Unit 6 And 7 And F Belshaw Court Billington Road Burnley Lancashire BB11 5UB	Proposed Industrial extension to current food storage facility, B8.	Approve with Conditions	5th January 2022
FUL/2021/0528	Mr Umar Ilyas	66-68 Manchester Road Hapton Lancashire BB12 7LF	New Shop Front & Shutters with Internal Alterations	Refuse	24th January 2022
TPO/2021/0603	Mrs Val Anderson	Faustina House Ightenhill Farm Ightenhill Park Lane Burnley BB12 0RP	Works to 20 trees and removal of 8 trees covered by The Burnley (Ightenhill Farm, Burnley) Tree Preservation Order 1984	Split decision	24th January 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
VAR/2021/0608	Mrs Diane Halstead	Higher Cockden Farm Todmorden Road Briercliffe Lancashire BB10 3QQ	Application to remove Condition 3 (restricted occupancy) pursuant to planning application APP/2015/0024 to allow the use as a holiday let	Refuse	12th January 2022
HOU/2021/0600	Mrs J Nichols	14 Rosehill Avenue Burnley Lancashire BB11 2PN	Single storey rear extension with part garage conversion	Approve with Conditions	7th January 2022
NMA/2021/0624	Jessica Storrs	Land At Former Bull And Butcher Pub Manchester Road Habergham Eaves Burnley BB11 5NP	Minor amendment to add photovoltaic panels to roof and ancillary battery housing at approved care home (Non-Material Minor Amendment to planning permission FUL/2021/0135)	Non-Material Minor Amendment Granted	24th January 2022
CND/2021/0639	Miss Jessica Storrs	Land At Former Bull And Butcher Pub Manchester Road Habergham Eaves Burnley BB11 5NP	Discharge of Condition 5 (Landscaping scheme) pursuant to planning permission FUL/2021/0135 for care home	Conditions discharged	24th January 2022
FUL/2021/0601	Mr Dean Staveley	Land to the West of the A56 and to the Southwest of Junction 8 of the M65, east of the site of the former Huncoat Power Station.	Proposed energy facility compound consisting of; access track, 40 energy storage containers, associated transformers and electrical equipment cabinets, a 45MW transformer and associated electrical equipment, an electrical control building, a site office, a storage container and landscaping scheme.	Refuse	18th January 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PIP/2021/0630	Mr John Morrison	Garden Area To The Side Of 13 Saxifield Street Burnley Lancashire BB10 2ET	Two bedroom bungalow	Approve with Conditions	18th January 2022
HOU/2021/0675	Mr S Ahmed	32 Peart Street Burnley Lancashire BB10 1EP	Demolition of existing structures to make way for two rear single storey extensions	Approve with Conditions	5th January 2022
FUL/2021/0680	Shama Moghul	73 Ormerod Road Burnley Lancashire BB11 2RU	Proposed drive and footpath crossing	Approve with Conditions	18th January 2022
HOU/2021/0685	Mrs Inayat Begum	10 Prairie Crescent Burnley Lancashire BB10 1EU	Proposed wet room extension	Approve with Conditions	18th January 2022
PAG/2021/0678	Mrs Susan Field	Cornfield Farm Cornfield Grove Burnley Lancashire BB12 8UB	Construction of new building over existing muck midden	Prior Approval not required accept	10th January 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
COU/2021/0682	Ashley Dribben	13 Lyndhurst Road Burnley Lancashire BB10 4ED	Change of use of existing office to a 5 bedroom house in multiple occupation (Class C4.)	Approve with Conditions	6th January 2022
PNRD/2021/0688	Richard Bell	Stonehouse Cote Farm Dyneley Lane Cliviger Lancashire BB11 3RL	Creation of new access track for agricultural vehicles and machinery.	Prior Approval not required accept	7th January 2022
PAH/2021/0708	Mr Nerney	409 Padiham Road Burnley Lancashire BB12 6TB	To extend 4.00m externally beyond the rear wall, height of the extension to eaves 2.23m and maximum overall height 3.56m	Prior Approval not required accept	5th January 2022
COU/2021/0689	Iwona Czaicka	320 Gannow Lane Burnley Lancashire BB12 6HY	Retrospective change of use from sign-making shop (class E(c)(ii)) to Sun-bed and tanning premises (sui generis).	Approve with Conditions	7th January 2022
COU/2021/0703	Smiths Equipment Hire(Holdings)Ltd	Wash King 31 Westgate Burnley Lancashire BB11 1RY	Change of use of (B8) warehouse with ancillary retail to Charity Donation Centre to include a retail charity shop for the sale of bulky goods and ancillary smaller comparison goods (Class E)	Approve with Conditions	18th January 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2021/0718		Esp Eastham Place Burnley Lancashire BB11 3DA	Proposed cladding and refurbishment of elevation to Blakey Street.	Approve with Conditions	21st January 2022
HOU/2021/0717	Mr Ian Marsden	64 Deer Park Road Burnley Lancashire BB10 4SD	Single storey extension to side and rear.	Approve with Conditions	19th January 2022
PAR/2021/0701	Mr E Howard	Former Green Side Farm Burnley Road Hapton Lancashire BB11 5QT	Change of use of an agricultural building plus associated operational development to form 1 dwelling.	Prior Approval Granted	20th January 2022
PDEM/2021/0697	The School Governors Ian Jones	St Marys Rc School And Nursery Unit Holcombe Drive Burnley Lancashire BB10 4BH	Part Demolition of the existing Junior block	Prior Approval Granted	18th January 2022
FUL/2021/0690	Mrs Marta Strzelecka	386 Cog Lane Burnley Lancashire BB11 5JS	Dropping kerb to allow vehicles to cross the pavement from the road to a driveway	Approve with Conditions	19th January 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAH/2021/0765	Ms S Thomas	17 Hall Park Avenue Cliviger Lancashire BB10 4JJ	To extend 5.00m externally beyond the rear wall, height of the extension to eaves 2.50m and maximum overall height 4.00m	Prior Approval not required accept	28th January 2022
PAH/2021/0766	Mr R Blackburn	23 Maden Fold Bank Burnley Lancashire BB12 6EL	To extend 3.85m externally beyond the rear wall, height of the extension to eaves 2.50m and maximum overall height 4.00m	Prior Approval not required accept	28th January 2022

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