

# EXECUTIVE

Tuesday, 14th June, 2022  
6.30 pm





# EXECUTIVE

## ROOMS 2 & 3, BURNLEY TOWN HALL

Tuesday, 14th June, 2022 at 6.30 pm

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

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 on the day 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: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

There is limited space to accommodate members of the public. You are advised to contact [democracy@burnley.gov.uk](mailto:democracy@burnley.gov.uk) in advance of the meeting.

## AGENDA

### 1) *Apologies*

To receive any apologies for absence.

### 2) *Minutes*

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

5 - 10

### 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*

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 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) *Public Question Time***

To consider questions, statements or petitions from Members of the Public.

**PUBLIC ITEMS**

**7) *Executive Portfolios 2022/23***

11 - 20

To present the confirmed Executive Portfolios for 2022/23.

**8) *Urgent Executive Decisions***

To inform the Executive of any Urgent Executive Decisions taken since the last meeting.

a) ***Household Support Fund 06/05/2022 Urgent Officer Decisions*** 21 - 28

b) ***Levelling Up Fund 26/05/2022 Urgent Officer Decisions*** 29 - 42

**9) *Executive Outside Body Appointments***

43 - 56

To make those appointments to Outside Bodies which are required to be made by the Executive as set out in paragraph 5 of the report to Full Council 18.5.22.

**10) *Tennis Court Improvements and Management***

57 - 68

To consider a report on Tennis Court Improvements and Management- prior to it being considered by the 14 June Executive.

**11) *Residential Extensions Supplementary Planning Document***

69 - 120

To seek approval to undertake formal public consultation on the draft supplementary planning document.

**12) *Planning For Health Supplementary Planning Document***

121 - 196

To seek approval to carry out formal consultation on the draft supplementary planning document.

### **13) Exclusion of the Public**

To consider the exclusion of the public from the meeting before discussion takes place on the following items of business, on the grounds that in view of the nature of the items for consideration, there would be disclosure to them of exempt information within the meaning of Paragraph 3 of Schedule 12a of the Local Government Act 1972.

### **PRIVATE ITEMS**

Details of any representations received by the Executive about why any of the following reports should be considered in public – None received.

Statement in response to any representations – Not required

### **14) *Charter Walk Progress 2022-23 and Proposals* 197 - 200**

To consider a report on Charter Walk Progress 2022-23 and Proposals.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

### **15) *Enforcement and Cash Collection Contract* 201 - 204**

To consider a report on Enforcement and Cash Collection Contract.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

### **16) *Sale of Residential Properties* 205 - 210**

To consider a report on the Sale of Residential Properties.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

### **MEMBERSHIP OF COMMITTEE**

Councillor Afrasiab Anwar (Chair)  
Councillor Sue Graham (Vice-Chair)  
Councillor John Harbour

Councillor Shah Hussain  
Councillor Margaret Lishman  
Councillor Mark Townsend

### **PUBLISHED**

Monday, 6 June 2022





## EXECUTIVE

### BURNLEY TOWN HALL

Wednesday, 6th April, 2022 at 6.30 pm

#### PRESENT

#### MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), J Harbour, M Lishman and A Raja

Cllr Bea Foster was present by video link as an observer.

#### OFFICERS

Mick Cartledge	– Chief Executive
Paul Gatrell	– Head of Housing & Development Control
Howard Hamilton-Smith	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Alison McEwan	– Democracy Officer
Carol Eddleston	– Democracy Officer

#### 104. Minutes

The minutes of the last meeting were confirmed as a correct record and signed by the Chair.

#### 105. Rotunda Café Licence, 17th March 2022 - Executive Member for Resources and Performance

Members noted the Individual Member Decision made by the Executive Member for Resources and Performance.

#### 106. Local List Supplementary Planning Document

#### PURPOSE

1. The purpose of this report is to consider the representations received in response to statutory consultation on a draft of The Local List Supplementary Planning Document (SPD), and to seek its adoption.

2. The SPD has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material planning consideration to be used in the determination of relevant applications.

## DECISION

3. That the Executive:
  - i. Notes the representations received on the draft version of The Local List Supplementary Planning Document (SPD) as set out in the Schedule of Representations Received at Appendix B.
  - ii. That Executive adopts The Local List Supplementary Planning Document (SPD) attached at Appendix A under the provisions of Section 23 of the Planning and Compulsory Purchase Act 2004 and Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
  - iii. Authorises the Strategic Head of Economy and Growth to make any minor typographical corrections to the SPD required prior to its publication.

## REASONS FOR DECISION

4. To meet the Council's commitment to preparing a Local List SPD as set out in Burnley's Local Plan and the Council's Local Development Scheme (LDS).

<b>107. Houses in Multiple Occupation (HMO) and Small Flats Supplementary Planning Document</b>
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## PURPOSE

1. The purpose of this report is to consider the representations received in response to statutory consultation on a draft of the Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD), and to seek its adoption.
2. The SPD has been prepared to support the implementation of Burnley's Local Plan in response to concerns raised by Councillors and local residents. It will provide additional detail on the policies of the Plan and how they apply to developments involving small flats or HMOs and will assist applicants, officers and members in preparing and determining planning applications. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

## DECISION

3. That the Executive:
  - i. Notes the representations received on the draft version of Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD) as

set out in the Schedule of Representations Received and agrees the Recommended Responses at Appendix B.

- ii. Adopts the Houses in Multiple Occupation and Small Flats SPD attached at Appendix A.
- iii. Authorises the Strategic Head of Economy and Growth to make any minor typographical corrections to the SPD required prior to its publication.

#### REASON FOR DECISION

4. To meet the Council's commitment to prepare a Houses in Multiple Occupation and Small Flats SPD as set out in the Council's Local Development Scheme (LDS).

### **108. Strategic Risk Register**

#### PURPOSE

1. To update members on the Strategic Risk Register.

#### DECISION

2. The Executive agreed the Strategic Risk Register whilst noting that with regards to Risk 14 the Council's stance recognised that national guidance re COVID-19 had been updated and restrictions removed. The Council continued to monitor the situation and had tried and tested systems to ensure business could continue in the event of any further lockdown.

#### REASON FOR DECISION

3. The Audit and Standards Committee have recommended the Strategic Risk Register to the Executive.
4. That the Executive receive the Strategic Risk Register.

### **109. COVID-19 Additional Restrictions Grant**

#### PURPOSE

1. The purpose of the report is to seek approval for the eligibility criteria for the Covid-19 Additional Relief Fund.

#### DECISION

2. The Executive:
  - a) Approves the eligibility criteria and allocation of the Covid-19 Additional Relief Fund as set out in appendix 1.

- b) Delegates authority to Head of Finance and Property in consultation with the Executive Member for Resources and Performance Management to agree any amendments to the allocation to ensure any remaining funding is awarded.

## REASONS FOR DECISION

3. On 15<sup>th</sup> December 2021 the Government announced a new Covid-19 Additional Relief Fund, with an allocation for the Council of £2.04 million. The fund is available to support those businesses affected by the pandemic but that are ineligible for existing support linked to business rates.
4. The proposed scheme is based on a hybrid approach to awarding relief automatically, for relief below the threshold, and an application form for those at or above the threshold. This was to ensure that the relief was awarded equitably to those businesses that had been impacted more during the pandemic.

### **110. Council Tax Rebate Scheme**

#### PURPOSE

1. To propose a scheme for the Council Tax Rebate and Discretionary Fund.

#### DECISION

2. That the Executive:
  - a) Approves the eligibility criteria as set out in the report.
  - b) Delegates authority to the Head of Finance and Property to waive standing orders and negotiate terms for the administration of the scheme.
  - c) Recommends to Full Council, approval for a budget of £113,585 to fund the administration of the scheme, which will be met from new burdens funding.
  - d) Delegates authority to Head of Finance and Property in consultation with the Executive Member for Resources and Performance Management to agree any amendments to the discretionary scheme criteria.

## REASONS FOR DECISION

3. The Government announced a package of support to help households with rising energy bills which the Council, as billing authority, has been asked to administer on its behalf.

### **111. Pennine Lancashire Building Control - Withdrawal from Joint Agreement**

#### PURPOSE

1. To seek approval for Burnley Council as a Partner Authority of the Pennine Lancashire Building Control (PLBC) Partnership Agreement, to give notice of withdrawal from membership of the Joint Committee and proceed with all withdrawal

arrangements including completion of contractual obligations and settlement of financial commitments.

## DECISION

2. That the Executive approves the issuing of a written notice of withdrawal of Burnley Council from the PLBC Partnership Agreement.
3. That the Executive delegates authority for completion of all exit arrangements, including but not limited to contractual obligations, settlement of financial commitments and staff transfers to the Head of Housing and Development Control in consultation with the Executive Member for Housing.
4. That the Executive recommends to Full Council that the PLBC Constitution is removed from Burnley Council's constitution (currently Part 3 Appendix B 2d).

## REASONS FOR DECISION

5. To carry out all necessary steps that will enable the Council to withdraw from the PLBC Partnership Agreement.
6. Blackburn with Darwen Council is the other Partner Authority of PLBC, and by mutual consent of the two parties they are also progressing their approval arrangements to withdraw from the Partnership Agreement.

## Thanks to Outgoing Member

The Leader and Executive Members expressed thanks to Cllr Bea Foster as she was retiring at the elections in May. Her service both as a Member and as a Member of the Executive, and support and encouragement to other members was recognised.

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<b>Executive Member Portfolios 2022-23</b>					
<b>Portfolio</b>	<b>Services</b>	<b>Officer</b>		<b>Responsibilities</b>	<b>Lead Roles</b>
Leader Councillor Afrasiab Anwar	Policy & Engagement	Chief Executive  Head of Policy and Engagement		<p>Ensure effective leadership of Council as a whole, that work is co-ordinated, resources are linked to agreed strategic priorities and the culture is responsive, open and helpful</p> <p>Determining the Council's strategic framework - Strategic Plan and ensuring this is translated into action</p> <p>Community Strategy Strategic direction of local, sub- regional and regional partnerships</p>	<p>Promotion of Burnley Community Strategy Strategic regional/sub-regional agenda Education and skills lead UCLan lead Local Government Association Barnfield and Burnley Development Company PLLACE  Covid 19 Economic Recovery Board</p>

				<p>Overseas links and corporate hospitality</p> <p>Promoting inclusive growth and social inclusion within the borough</p> <p>Climate Change</p>	
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<b>Portfolio</b>	<b>Services</b>	<b>Officer</b>	<b>Responsibilities</b>	<b>Lead Roles</b>
Deputy Leader	People & Development	Chief Operating Officer	Budget Preparation & monitoring	Financial Planning and budget preparation
Executive Member for Resources & Performance	Legal & Democracy	Head of Finance & Property	Asset Management HR & Workforce Planning	Budget Consultation
Councillor Sue Graham	Finance & Property	Strategic HR Manager	Performance & Improvement	Risk Management
	Revenues & Benefits		Procurement	Organisational Development
	Policy and Engagement	Head of Legal & Democratic Services	Corporate Health & Safety	Performance
		Head of Policy and Engagement	Corporate Governance	Liberata Partnership
			Freedom of Information	Climate Change
			Customer Services & IT	
			Civics - Civic matters/mayoral matters, Parish liaison	Sustainability Member Champion
			Climate Change	NWLA Employers Organisation

<b>Portfolio</b>	<b>Services</b>	<b>Officer</b>	<b>Responsibilities</b>	<b>Lead Roles</b>
Portfolio Holder for Health & Wellbeing  Councillor Margaret Lishman	Green Spaces & Amenities  Leisure & Culture	Chief Operating Officer  Head of Green Spaces & Amenities  Head of Policy and Engagement	Cemeteries & Crematoria  Parks, Open Spaces and Allotments  Towneley Hall  Leisure & Culture  Health  Engagement and Communication  Climate Change	Leisure Trust  Armed Services/Military Covenant Champion  Older People  East Lancashire Health & Wellbeing Partnership  Burnley and Pendle Children's Partnership  Burnley Together

<b>Portfolio</b>	<b>Services</b>	<b>Officer</b>	<b>Responsibilities</b>	<b>Lead Roles</b>
<p>Executive Member for Housing and Development Control</p> <p>Councillor John Harbour</p>	Housing & Development Control	<p>Chief Operating Officer</p> <p>Head of Housing &amp; Development Control</p>	<p>Development Management</p> <p>Building Control</p> <p>All aspects of Housing, including Homelessness and Rough Sleeping</p> <p>Climate Change</p>	<p>Heritage Member Champion</p> <p>Pennine Lancashire Building Control Joint Committee</p> <p>Housing Associations in the Borough</p> <p>Private Rented Sector Forum</p> <p>Housing Joint Venture Contract</p> <p>Selective Licensing</p>

<b>Portfolio</b>	<b>Services</b>	<b>Officer</b>	<b>Responsibilities</b>	<b>Lead Roles</b>
Executive Member for Economy & Growth  Councillor Mark Townsend	Economy & Growth	Chief Executive  Strategic Head of Economy & Growth	All aspects of Economic Development  Strategic Transport  Town Centre Strategy  Markets  Planning Policy  Climate Change	Economic Development Transport Policy Local Plan Business Engagement Town Centre and Canalside Masterplan  Burnley Town Centre Partnership  Growth Lancashire  LEP Scrutiny


<b>Portfolio</b>	<b>Services</b>	<b>Officer</b>	<b>Responsibilities</b>	<b>Lead Roles</b>
<p>Executive Member for Community &amp; Environmental Services</p> <p>Councillor Shah Hussain</p>	<p>Streetscene</p> <p>Policy and Engagement</p>	<p>Chief Operating Officer</p> <p>Head of Streetscene</p> <p>Head of Policy &amp; Engagement</p>	<p>All Streetscene issues</p> <p>Waste Collection/Recycling</p> <p>Community Safety</p> <p>Emergency Planning</p> <p>Equalities</p> <p>Young People</p> <p>Environmental Health &amp; Licensing</p> <p>Climate Change</p>	<p>Equality &amp; Inclusion</p> <p>Lancashire Police &amp; Crime Panel (Liaison)</p> <p>County Waste Management Group</p> <p>Lancashire Waste Partnership</p> <p>Urbaser</p> <p>Public Transport Issues</p> <p>Environmental Enforcement Partnership</p> <p>Burnley and Pendle Citizens Advice Bureau</p>

Signed by Leader - Cllr Afrasiab Anwar;

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# URGENT OFFICER DECISIONS- EXECUTIVE DECISIONS

Friday, 6th May, 2022  
11.12 am





# URGENT OFFICER DECISIONS- EXECUTIVE DECISIONS

Friday, 6th May, 2022 at 11.12 am

## AGENDA

1) *Urgent Key Decision- Minute 3 -Household Support Fund (Public)* 3 - 8

PUBLISHED

6<sup>th</sup> May 2022



## URGENT EXECUTIVE DELEGATED DECISION BY THE CHIEF EXECUTIVE

BURNLEY TOWN HALL

### PRESENT

**OFFICERS** Eric Dickinson - Democracy Officer

### 3. Household Support Fund

**Purpose** To propose a scheme to allocate additional household support funding.

**Reason For Decision** The proposed scheme is targeted towards a clearly defined need and is manageable given the size of the allocation and the time available to deliver it.

An urgent decision is requested as the funding must be committed by 30th September 2022, and to allow as much time as possible to design a scheme that will be easy to access for older people. However, the recommendation may be "called-in" if members require further scrutiny.

**Decision** That the Chief Executive using urgency powers under Part 3 of the Constitution (Executive Functions) approves:

- a) That the priority for Burnley Council's allocation of additional household support funding is older residents in low income households; and
- b) That the Head of Policy and Engagement is given delegated authority to finalise a delivery plan for the scheme agreed, in consultation with the Head of Finance and Property and the Executive Member for Resources and Performance.

Decision made by: Chief Executive

Date: 6<sup>th</sup> May 2022

Decision Published on: 6<sup>th</sup> May 2022

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**HOUSEHOLD SUPPORT FUND PROPOSAL**

**URGENT EXECUTIVE DECISION BY THE CHIEF EXECUTIVE**



<b>DATE</b>	<b>6 May 2022</b>
<b>PORTFOLIO</b>	<b>Leader/Resources</b>
<b>REPORT AUTHOR</b>	<b>Rob Dobson</b>
<b>TEL NO</b>	<b>3115</b>
<b>EMAIL</b>	<b>rdobson@burnley.gov.uk</b>

**PURPOSE**

1. To propose a scheme to allocate additional household support funding.

**RECOMMENDATION**

2. That the priority for Burnley Council’s allocation of additional household support funding is older residents in low income households.
3. That the Head of Policy and Engagement is given delegated authority to finalise a delivery plan for the scheme agreed, in consultation with the Head of Finance and Property and the Executive Member for Resources and Performance.

**REASONS FOR RECOMMENDATION**

4. The proposed scheme is targeted towards a clearly defined need and is manageable given the size of the allocation and the time available to deliver it.
5. An urgent decision is requested as the funding must be committed by 30<sup>th</sup> September 2022, and to allow as much time as possible to design a scheme that will be easy to access for older people. However, the recommendation may be “called-in” if members require further scrutiny.

**SUMMARY OF KEY POINTS**

6. Fund amount and overview of the scheme
  - The county council is set to receive additional household support funding from Government, following the Chancellor’s March Statement.
  - The funding covers the period 1 April 2022 to 30 September 2022 inclusive. Burnley Council’s allocation is expected to be £375,000. The council does not know when this will be paid, but it is expected in May.

- The Government's expectation is that the fund should primarily be used to support households in the most need particularly those including children and pensioners who would otherwise struggle with energy bills, food and water bills.
- The guidance also says that authorities have the flexibility within the scheme to identify which vulnerable households are in most need: "In doing so they should particularly consider households who cannot increase their income through work. Authorities can request applications for support or can proactively identify households who may benefit or can take a mixture of the two approaches."
- The guidance also says that at least one third of the total funding will be ring-fenced to support households with children, at least one third of the total funding will be ring fenced to support pensioners, with up to one third of the total funding to other households genuinely in need of support. This may include households not currently in receipt of DWP welfare benefits;
- Delivery can be through a variety of routes including direct payments into personal bank accounts, providing vouchers to households, making direct provision of food, or issuing grants to third parties (with the exception of grants to advice organisations).
- In delivering proposals the council has a responsibility to take account of and manage the risk of fraud.
- The council can claim reasonable administration costs. Following consultation on the most accessible and cost effective service design, the council is likely to partner with Liberata and/or the Council for Voluntary Services to deliver the scheme.

#### 7. The proposed scheme for Burnley

- Lancashire County Council will use its share of the funding to issue free school meal vouchers. This will ensure that at least a third of the funding is ringfenced to support low income households with children.
- In order to support older residents, it is proposed that the Burnley Council scheme targets all residents over 60 in receipt of council tax support.
- Subject to confirmation of the number eligible and the amount allocated to the council, it is proposed that these households will be offered £85 in supermarket food vouchers or paid directly into their bank account or council tax account. The scheme will also target any residents claiming a disability reduction on their council tax.
- A grant to the third parties will also be awarded to help alleviate food poverty amongst any household in need. The total grant pot available will not exceed £35,000, again subject to confirmation of the amount allocated to the council and the total number of residents eligible under the targeted element of the scheme.

### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

8. There are no new revenue budget implications arising from this report. The scheme is allocating a portion of funding given to the council by Lancashire County Council (LCC). LCC is the accountable body for household support fund.

<b>POLICY IMPLICATIONS</b>
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- 9. The Council will need to ensure fair access to the fund. Policy and Engagement will work with the CVS and other VCFS networks to get the word out.
- 10. Demand is expected to be high. Communications will be developed to manage applicants' expectation on decision timescales.

<b>DETAILS OF CONSULTATION</b>
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- 11. Council for Voluntary Services.

<b>BACKGROUND PAPERS</b>
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- 12. <https://www.gov.uk/government/news/household-support-fund-doubled-to-help-most-vulnerable-tackle-cost-of-living>

<b>FURTHER INFORMATION</b>	
<b>PLEASE CONTACT</b>	<b>Rob Dobson</b>



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# URGENT OFFICER DECISIONS- EXECUTIVE DECISIONS

Thursday, 26th May, 2022  
5.15 pm





# URGENT OFFICER DECISIONS- EXECUTIVE DECISIONS

Thursday, 26th May, 2022 at 5.15 pm

## **AGENDA**

1) *Urgent Key Decision - Minute 1 - Levelling Up Fund (Private)*

3 - 8



## URGENT EXECUTIVE DELEGATED DECISION BY THE CHIEF EXECUTIVE

BURNLEY TOWN HALL

### PRESENT

**OFFICERS** Carol Eddleston - Democracy Officer

<b>1. Levelling Up Fund</b>
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**Purpose** To enable delivery of the Levelling Up Fund Newtown Mill project.

**Reason For Decision** Further to discussions with UCLAN the timescales for delivering the scheme have been brought forward by three months. To achieve this there is a need to do more extensive pre-planning and enabling works and asbestos removal and to progress design work to RIBA stages 3 and 4.

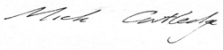
An urgent decision is necessary to achieve the delivery programme agreed with UCLAN to deliver the building by December 2023. An Executive decision would lead to a significant delay in commencing the enabling works and consequently in the completion date.

It is necessary to waive call-in as the delay that would be caused by not approving until the next meeting and subsequent call-in period put the project at risk of not meeting deadlines for completion.

**Decision** That the Chief Executive using urgency powers under Part 3 of the Constitution (Executive Functions) approves:

- a) That the funds agreed by the Executive for advanced enabling and design works be increased as outlined in the report;
- b) That authority be delegated to the Strategic Head of Economy and Growth to issue a revised “letter of intent” with Barnfield Investment Properties, and
- c) That in accordance with and following the requirements set out in Paragraph 15 of Part 4.5 of the constitution regarding the agreement provided by the Chair of Scrutiny, it is stated that in the opinion of the Chief Executive this decision is an urgent one and therefore not subject to call-in.

Decision made by: Chief Executive



Date: 26 May 2022

Decision Published on: 26 May 2022

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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<b>REPORT TO FULL COUNCIL</b>
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<b>DATE</b>	<b>18<sup>th</sup> May 2022</b>
<b>PORTFOLIO</b>	<b>None</b>
<b>REPORT AUTHOR</b>	<b>Eric Dickinson</b>
<b>TEL NO</b>	<b>01282 477256</b>
<b>EMAIL</b>	<b>edickinson@burnley.gov.uk</b>

<b>Outside Bodies Appointments for 2022/23</b>
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<b>PURPOSE</b>
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1. To seek appointments to the Council's Outside Bodies for 2022/23.

<b>RECOMMENDATION</b>
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2. That Members approve the Outside Bodies list for 2022/23 attached as Appendix 1, outlining the removal of Burnley Education Trust and Burnley Town Centre Partnership and the addition of Burnley Improvement District Board and Burnley Together Steering Group.

<b>REASONS FOR RECOMMENDATION</b>
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3. To ensure that the Outside Bodies list, which the Council appoints Members and Officers to, contributes to the Council's Objectives.

<b>SUMMARY OF KEY POINTS</b>
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4. Since Full Council in May 2007, there has been an agreed criteria for the inclusion of an Outside Body (OB) as set out below;
  1. The appointment was a Statutory requirement
  2. The appointment would make a direct and significant contribution to the Council's Strategic Objectives
  3. There was not significant cost and resource implications for the Council set against any benefit accrued.
  4. That the balances of risk having been considered there would be a detrimental effect on the Council were it not represented.
  5. The appointment would raise the profile of the Council at a National or Regional level

Since May 2007 Members who have been appointed to OB have been asked annually to complete a report on their activities.

Every two years a full review has been undertaken of the OB list to complement the annual OB appointments process at the Appointments Council in May of each year.

The last biennial review took place in May 2021, and so the next one is due in May 2023.

5. It should be noted that the majority of appointments to OBs are made by Full Council but are by qualification to the relevant Executive Member, as informed by their Executive Portfolios.  
In addition some OBs are appointed to directly by the Executive due to their function.
6. During 2021/22 at the 23<sup>rd</sup> February 2022 Full Council meeting a change to the process for nominating the Council's two potential trustees to Burnley Leisure was agreed.

Their qualification would firstly include attendance at a briefing session organised by Burnley Leisure at which the role and responsibilities will be discussed and provide an opportunity for fact finding by prospective trustees, and secondly that Burnley Leisure would ask Members who have attended the briefing session to give an assurance that if elected as a Local Authority they will fully commit to the role and use all reasonable endeavours to attend each board meeting.

In addition due to the timescales involved post election the appointments would be made at the July 2022 Full Council meeting, with the 18<sup>th</sup> May 2022 Full Council asked to continue its current appointments where possible until July 2022. To ensure that Trustees had greater continuity in the role, it was agreed that the two Trustees who were nominated by the Council would be appointed for a term of two years and three years respectively. Whilst initially the two Trustees would both be appointed at the same time, thereafter, appointments would be staggered and be for a term of two years.

7. An analysis of the 2021/22 returns so far received in April 2022 from a number of Members/Officers indicates that the following issues were raised regarding whether there should be continued inclusion on the current OB list;

**(a) Burnley Town Centre Partnership - has been dissolved , and “replaced” by Burnley Improvement District Board (BIDB) on which Kate Ingram, Strategic Head of Economy and Growth, represents the Council- it is recommended that BIDB be added to the OB list and that the qualifying appointment be to the Strategic Head of Economy and Growth**

**(b) Burnley Together Steering Group- this OB serves an important strategic function, and it is recommended that BTSG is added to the OB list, with the qualifying representation be the Chief Operating Officer, Executive Member of Health and Wellbeing, and the Head of Policy and Engagement.**

**(c) Burnley Education Trust has not met for a long period, and the recommendation is to remove it from the OB list.**

8. For completeness, please note that there are also 2 Leaders meetings which the Leader is invited to attend as a Lancashire Leader and which meets regularly during the year- a Lancashire District Leaders Forum which is attended by District Leaders only (without Officers apart from the Chair's secretariat support), and which usually precedes and informs a wider Lancashire Leaders Meeting which includes District, Unitary, and County Council Leaders and their Chief Executives and is more formal.
9. In conclusion, other than the removal of Burnley Town Centre Partnership and potential replacement with Burnley Improvement District Board (BIDB), there are

no further changes recommended to the OB list for 2022/23, and the recommended list for 2022/23 is as set out in the attached Appendix 1.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

10. None.

**POLICY IMPLICATIONS**

11. None.

**DETAILS OF CONSULTATION**

12. OB Appointees, Management Team, Group Leaders.

**BACKGROUND PAPERS**

13. Member and Officer returns 2022/23.

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**ALSO:**

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**REPRESENTATION ON OUTSIDE BODIES**  
**FOR THE MUNICIPAL YEAR 2022/23**

	<b><u>Outside Body</u></b>	<b><u>Qualification</u></b> <b><u>2021/22</u></b>	<b><u>Appointed</u></b> <b><u>2021/22</u></b>	<b><u>Qualification</u></b> <b><u>2022/23</u></b>	<b><u>Nominated</u></b> <b><u>2022/23</u></b>
1.	Barnfield and Burnley Developments Limited - Directors  *Appointed by the Executive.	Leader  Chief Executive	(By 090621 Exec) Leader- Cllr Afrasiab Anwar  Chief Executive- Mick Cartledge	<b>Leader</b>  <b>Chief Executive</b>	
2.	<b>Burnley &amp; Pendle Children's Partnership</b>	Any Executive Member	Cllr M Lishman	<b>Any Executive Member</b>	<b>Cllr Margaret Lishman-LD</b>
3.	<b>Burnley Education Trust</b> <b>REMOVE</b>	Chief Executive	Mick Cartledge	<b>Chief Executive</b>	

	<u>Outside Body</u>	<u>Qualification</u> <u>2021/22</u>	<u>Appointed</u> <u>2021/22</u>	<u>Qualification</u> <u>2022/23</u>	<u>Nominated</u> <u>2022/23</u>
4.	<b>Burnley Leisure – Trustees (D/E )</b>	Any 2 Members (except Executive Members, from May 22)  (Appointments to be made for 2 or 3 years , then both for 2 years– at July 2022 FC)  (230222 FC)	Cllr Frank Cant (from 290921)  (WAS Cllr Mohammed Ishtiaq)  Cllr Jeff Sumner	<b>Any 2 Members (except Executive Members)</b>  <b>(At this meeting appointments from May 22- July 22 only)</b>          <b>(Then at July 2022 FC further appointments to be made;</b>  <b>-1 Member for 2 years to July 2024, and</b>  <b>-1 Member for 3 years to July 2025</b>  <b>- then both for 2 years in future)</b>	<b>1 Member - Vacancy due to retirement of Cllr Cant</b>  <b>- to continue as Vacancy (May-July 2022)</b>    <b>To continue to appoint Cllr Sumner (May-July 2022)</b>
5.	<b>Burnley Pendle and Rossendale Council for Voluntary Service – Executive Committee</b>	Any 2 Members	Cllr Bea Foster  Cllr Saeed Chaudhary	<b>Any 2 Members</b>	<b>Cllr Syeda Kazmi-L</b>  <b>Cllr Anne Kelly-LD</b>

	<u>Outside Body</u>	<u>Qualification</u> <u>2021/22</u>	<u>Appointed</u> <u>2021/22</u>	<u>Qualification</u> <u>2022/23</u>	<u>Nominated</u> <u>2022/23</u>
6.	<b>Burnley and Pendle Citizens Advice Bureau</b>	Executive Member for Community and Environmental Services  1 Experienced Opposition Member	Cllr Bea Foster  Cllr Ivor Emo	<b>Executive Member for Community and Environmental Services</b>  <b>1 Experienced Opposition Member</b>	<b>Cllr Mike Steel-C</b>
7.	Burnley Private Rented Sector Forum	Executive Member for Housing  Chair of Scrutiny Committee	Cllr John Harbour  Cllr Howard Baker	<b>Executive Member for Housing</b>  <b>Chair of Scrutiny Committee</b>	
8.	<b><u>Burnley Town Centre Partnership</u></b> <b><u>NO LONGER EXISTS</u></b>  <b><u>REPLACED BY</u></b> <b><u>Burnley Improvement District Board</u></b>	Executive Member for Economy and Growth  Vice Chair of Scrutiny Committee	Cllr Asif Raja  Cllr Ann Royle	DELETED  DELETED  <b>Strategic Head of Economy and Growth</b>	DELETED  DELETED

	<u>Outside Body</u>	<u>Qualification</u> <u>2021/22</u>	<u>Appointed</u> <u>2021/22</u>	<u>Qualification</u> <u>2022/23</u>	<u>Nominated</u> <u>2022/23</u>
9.	<b><u>ADD</u></b> <b><u>Burnley</u></b> <b><u>Together</u></b> <b><u>Steering</u></b> <b><u>Group</u></b>			Executive Member for Health and Well Being  Chief Operating Officer  Head of Policy and Engagement	
10.	<b>Covid 19 Economic Recovery Board</b> <b>(added 161220)</b>	Leader  Experienced Opposition Member	Cllr Afrasiab Anwar  Cllr Tom Commis	<b>Leader</b>  <b>Experienced Opposition Member</b>	<b>Cllr Karen Ingham-C</b>
11.	East Lancashire Health and Well Being Partnership	AMEND TO Executive Member for Health & Wellbeing  i.e. as per current Exec Portfolios	Cllr Margaret Lishman	<b>Executive Member for Health &amp; Wellbeing</b>  <b>i.e. as per current Exec Portfolios</b>	



	<b><u>Outside Body</u></b>	<b><u>Qualification</u></b> <b><u>2021/22</u></b>	<b><u>Appointed</u></b> <b><u>2021/22</u></b>	<b><u>Qualification</u></b> <b><u>2022/23</u></b>	<b><u>Nominated</u></b> <b><u>2022/23</u></b>
12.	Growth Lancashire (E)	REVERT TO 1 Public Sector Director - Executive Member for Economy and Growth  i.e. to replace Leader and remove An Alternate Director – was the Executive Member for Economy and Growth)	Cllr Asif Raja	<b>1 Public Sector Director - Executive Member for Economy and Growth</b>	

	<b><u>Outside Body</u></b>	<b><u>Qualification</u></b> <b><u>2021/22</u></b>	<b><u>Appointed</u></b> <b><u>2021/22</u></b>	<b><u>Qualification</u></b> <b><u>2022/23</u></b>	<b><u>Nominated</u></b> <b><u>2022/23</u></b>
13.	<b><u>Housing Joint Venture Contract</u></b> *Appointed by the Executive	<b><u>Council Representatives-</u></b> Executive Member for Housing Chief Operating Officer  <b><u>Stakeholder Representatives-</u></b> Leader  - Chief Executive  -Strategic Head of Economy and Growth	(By 090621 Exec) Executive Member for Housing - Cllr John Harbour Chief Operating Officer- Lukman Patel  Stakeholder Representatives- Leader – Cllr Afrasiab Anwar - Chief Executive- Mick Cartledge -Strategic Head of Economy and Growth- Kate Ingram	<b><u>Council Representatives-</u></b> <b><u>Executive Member for Housing</u></b> <b><u>Chief Operating Officer</u></b>  <b><u>Stakeholder Representatives-</u></b> <b><u>Leader</u></b>  <b><u>- Chief Executive</u></b>  <b><u>-Strategic Head of Economy and Growth</u></b>	



	<u>Outside Body</u>	<u>Qualification</u> <u>2021/22</u>	<u>Appointed</u> <u>2021/22</u>	<u>Qualification</u> <u>2022/23</u>	<u>Nominated</u> <u>2022/23</u>
16.	<b>LEP Scrutiny Committee</b> <b>(Added 240221)</b>	AMEND TO Any Member (except Leader) Sub: Any Member (except Leader)  i..e. as per clarification from LEP April 2021.	Cllr Asif Raja  Sub: Cllr Sue Graham	<b>Any Member</b> <b>(except</b> <b>Leader)</b>  <b>Sub:</b> <b>Any Member</b> <b>(except</b> <b>Leader)</b>	<b>Cllr Mark</b> <b>Townsend-L</b>  <b>Cllr Gordon</b> <b>Birtwistle-</b> <b>LD</b>
17.	Local Government Association	Leader	Cllr Afrasiab Anwar	<b>Leader</b>	
18.	<b>North Western Local Authorities Employers' Organisation</b>	Executive Member for Resources and Performance Management  Sub: Any Executive Member	Clr Sue Graham  Sub: Cllr M Lishman	<b>Executive Member for Resources and Performance Management</b>  <b>Sub: Any Executive Member</b>	<b>Cllr</b> <b>Margaret</b> <b>Lishman -</b> <b>LD</b>
19.	<b>Pennine Prospects</b>	Any Member	Cllr Cosima Towneley (220721) (WAS Cllr Marcus Johnstone)	<b>Any Member</b>	<b>Cllr Sue</b> <b>Graham-L</b>  <b>Cllr Jack</b> <b>Launer-G</b>



E - Evening

D/E - Daytime/Evening

## The Future of Burnley Parks' Tennis Provision

### Report to the Executive



<b>DATE</b>	<b>June 2022</b>
<b>PORTFOLIO</b>	<b>GS&amp;A</b>
<b>REPORT AUTHOR</b>	<b>Kieron Roberts</b>
<b>TEL NO</b>	<b>01282 425011 Ext: 3170</b>
<b>EMAIL</b>	<b>kroberts@burnley.gov.uk</b>

#### PURPOSE

- To inform members of the current position in terms of tennis provision across the Council's Green Spaces.
- To provide details of the Lawn Tennis Association's (LTA) Capital Parks Funding proposal for Burnley, including operating models for future management/maintenance of courts.
- To propose a way forward for sustainable tennis provision across Burnley in the future.

#### RECOMMENDATION

That the Executive:

- a. Notes the position in relation to the Council's current tennis offer.
- b. Notes the detail of the LTA's Capital Parks Funding offer for Burnley.
- c. Approves the suggested way forward for tennis provision across Burnley's Green Spaces as outlined in the 'Next Steps' section.
- d. Notes the current situation at Barden Gardens and Towneley Park in terms of the future of tennis provision at these sites and agrees with the proposed way forward set out in their respective 'Next Steps' sections.

#### REASONS FOR RECOMMENDATIONS

- To improve the quality of parks courts across the borough.
- To increase participation and playing opportunity to all.
- To provide a sufficient income at each site which will contribute significantly to covering operating costs and ensuring self-sustainability.
- To provide a tennis delivery operating model that will enable a range of LTA endorsed products and programmed activity to be run across park sites.
- To provide a way forward for Barden Gardens and Towneley Park

## SUMMARY OF KEY POINTS

### LTA's Capital Park Funding

In October 2021, the LTA announced that over £30 million was to be invested into public park tennis courts across Britain to bring back to life poor or unplayable courts for the benefit of their local communities.

Park tennis court facilities are owned by local authorities and are vital community assets that can help widen the impact of the physical and mental health benefits that being active through tennis can bring.

There are currently 1.7 million adults and many more children who play tennis in a local park every year with park courts being particularly important in providing affordable, engaging and accessible opportunities for all sections of the community.

Unfortunately, there are many areas of the country where park courts remain dilapidated and unappealing with 45% of park courts categorised as being in a poor or unplayable condition. Critically, half of these are in the most socially deprived areas of the country.

The LTA's ambition is to drive participation across park tennis sites as well as ensuring the future sustainability of these facilities. Subsequently, they have committed capital funds to pay for the refurbishment of public park courts but will also assist and advise on the implementation of sustainable operating models for each facility, to ensure courts are both affordable and utilised.

### **Burnley's Current Tennis Provision**

The Council has four sites that currently provide 11 tarmac tennis courts for the public to play on year-round. These are located at:

- Queens Park – 4 courts (floodlit)
- Park Road, Padiham – 3 courts
- Scott Park – 2 courts
- Ightenhill Park – 2 courts

The courts are not bookable and there are no charges associated with the use of them.

### Towneley Park

There used to be 3 courts at Towneley but due to health & safety concerns over the surface quality (red-gra) and the stability of the surrounding fencing, the courts have not been used for over 10 years and the site is now more or less derelict. The red gra surface is overgrown with vegetation. Costs were sourced in recent years for re-developing the courts and providing floodlighting as part of the project. This came in at circa £130,000.



There are no immediate plans from Green Spaces & Amenities to resurrect the courts (mainly due to finance but also due to lack of demand) although this has not been discounted in the future if funding did become available. Burnley Leisure have expressed an interest in developing adventure golf on the former courts site. In addition, there is interest in developing a petanque (boules) arena in Burnley and the old courts at Towneley have been identified as an ideal location for this as well as an idea from the Friends Group for a secure dog exercise and agility area.

### Next Steps

Due to the range of ideas that have been put forward for consideration for the former tennis court site, the options will be considered as part of the Towneley Park Vision.

### Barden Gardens

The two courts at Barden Gardens have not been used since 2019 due to issues with anti-social behaviour (ASB) resulting in the tennis nets/posts persistently being vandalised. This, along with the fact that we were also having ASB problems on the two bowling greens adjacent to the courts, resulted in the courts being taken out of operation. The remaining tarmacked area was left open for youths to use as an extra kickabout area (diversionary tactics) in the hope that they would stop using the bowling greens for playing Football and Cricket on.

### Next Steps

We are reticent to re-establish the courts at this site for the time being but because of some impending Section 106 monies being made available for recreational/play improvements, we have plans to undertake some consultation over the next year with local people to establish what facilities they want at this site in the future.

## **The Way Forward for Burnley Park's Tennis Offer**

The LTA has surveyed Burnley's courts and identified that £66,300 capital investment is needed to bring existing facilities up to at least a good standard. The courts at Queens Park were rated as 'Good' with the remaining 3 sites at Scott Park, Ightenhill Park and Park Road in Padiham all rated as 'Average'.

Capital funding has recently been approved by the LTA and is a mixture of resurfacing, repainting, new posts/nets, and replacement of existing gates which will allow a new gate access system.

The main capital investment would be at Scott Park (circa £38,000) where re-surfacing, line marking, a replacement gate and a new gate access system is proposed. Park Road (circa £17,000) is down for repainting, new posts/nets, and a new gate access system. At Queens Park, a new gate access system is outlined which is slightly different to the rest due to the advent of floodlights at this venue. Finally, a new gate

access system is to be installed at Ightenhill Park. The more detailed LTA project summary pro-forma is provided in Appendix 1.

However, funding will only be granted on the condition that the Council agrees to a sustainable operating model with gate access in place. The operating model will include tennis programme delivery, be it internally or through an external agency/organisation, delivering a number of LTA participation programmes. This is so that upgraded courts see a real growth in usage and local authorities can continue to invest in their courts over the long term.

LTA Rally, ClubSpark & Gate Access System – LTA Rally is a nationwide tennis booking website to help people search for tennis activities in their area and make it easier for people to book a court. Acting as an aggregator, LTA Rally collects all booking and coaching information via partner venues booking pages and displays it for participants in one easy to view page.

For the online booking of courts in Burnley, ClubSpark would be used. ClubSpark is an online venue management booking system that gives the general public and coaches access to book and pay for courts, classes and other resources online.

It is a funding pre-requisite from the LTA that we sign up to LTA Rally and ClubSpark for promotion and management of our tennis court sites. There is no cost associated with doing this due to it being part of the LTA funding offer.

Both systems have been developed to work hand in hand with gate access systems, where participants receive a pin code when a booking is made to access courts. New gates, with electronic key pads, will be installed at the four venues. LTA are providing funding to cover gate installation at all our sites. There is a £500 maintenance fee per annum for the gate access system.

### **Burnley Park Operating Models**

Once the capital works have been completed and the new gate access and online booking system is in place, the Council needs to have an operating model to manage the four sites. There are a number of different models that the LTA recommend dependent upon each Council's position. The models available to Burnley are:

#### Model 2: Local Authority owns court booking opportunities and outsources the provision of a coaching programme

Option 1 – The Council manages bookings and outsources coaching to Burnley Leisure Trust.

Option 2 – Burnley Leisure Trust manages bookings and outsources coaching to a national operator such as 'We Do Tennis'. We Do tennis are the LTA's Coach Development Centre for Lancashire which will be of benefit when growing the community tennis workforce.

Option 3 – Burnley Leisure Trust manages bookings and outsources coaching to local club Burnley Tennis Club.

Burnley Tennis Club are a strong, community focused club but we are unclear whether they would have the desire and capacity to activate all the parks at the levels required from the LTA.

### Model 3: Local Authority outsources the booking opportunities and the provision of a coaching programme.

Option 1 – outsource to a National Operator.

Bury Council are considering this option and are looking to put in place an initial 12 month pilot across their sites while they go through their procurement process for the tender for a long term operator.

Option 2 – outsource to Burnley Tennis Club.

As above, there would need to be some discussion with the Tennis Club to explore this option further.

### Recommended Option

The preferred and most viable option for the Council would be Model 2, Option 1. This would be dependent upon Burnley Leisure having the capacity and resources to be able to deliver the programmes prescribed by the LTA.

As part of this arrangement, an annual fee or a percentage of bookings income would need to be negotiated between the Council and the Leisure Trust.

The other models and options have been considered but disregarded due to capacity issues, and the fact that we only have a limited number of public sites and courts across Burnley so outsourcing the booking and coaching programmes to national operators would not be the most economically advantageous.

Subsequently, we would recommend that the Executive endorse Model 2, Option 1.

### **Introduction of fees for Tennis and Charging Mechanism**

At present, all Council managed courts in Burnley are free to use and are not gate access controlled. As such, if we were to progress with installing gate access systems at the four sites outlined then this would represent a huge change in the use of tennis courts across Burnley and we would need to introduce charging at all sites. We are aware that this could be seen to be prohibitive and may put some people off playing tennis but we are proposing that we continue to have some free use (using the Clubspark online booking system) at certain times dependent upon the venue as well as charging a fee for use of courts the rest of the time. These fees would be kept to a minimum to ensure all sections of the community can still access tennis if they so desired.

Case Studies clearly evidence that Gate Access enhances participation levels and the customer experience for residents, and provides access for more players, contributing to Burnley health and well-being objectives. It also shows that affordable pricing is not a barrier and helps to raise court quality in a sustainable way.

It will also provide some assurance to tennis players that they can book a court prior to playing safe in the knowledge that there will be a free court for them to play on when they arrive at their respective site. In the past, at peak times particularly and popular

sites particularly, it has come down to potluck as to whether a court would be free. The new gate access and online booking system will make this more seamless and stop any issues.

It should be noted that Park Rangers are on hand, especially during the evenings up to 9pm in the summer months, to help ensure any issues arising around access to courts are dealt with as well as any teething problems with the gate access system.

The Council would need to have an income target per site to ensure that we cover annual maintenance costs for the gate access systems, the upkeep of the courts (and floodlights at Queens Park only), Burnley Leisure fees for delivering LTA prescribed coaching programmes and have the requisite amount to put into a sinking fund (50% of income).

The sustainable charging mechanism will need to be flexible with all sites having times where free play is available with a proposed standard charge for pay and play of £3 per session and season tickets (that can be used at all sites) charged at £35 per annum to achieve the income target outlined above.

The suggested Burnley charging mechanism is provided in Appendix 2. This also includes details of the annual costs for each site highlighted above.

The Council will be expected to sign up to a long-term agreement, likely to be 10 years, which will detail the terms and conditions of the funding offer and an overview of expectations in terms of the operating model, sustainability plan and the rollout of the LTA tennis programmes delivery.

## **Next Steps**

The LTA are looking to start projects in August 2022 with a completion date of September 2022. As such, timescales are very tight so we would need to confirm that we would like to go ahead with the LTA's Park Capital Funding offer by mid-June.

Subsequently, we are asking members to approve the following in principle:

- To approve the proposed charging mechanism for Burnley as outlined in Appendix 2.
- The Council manages tennis court bookings but outsources coaching to Burnley Leisure Trust (Model 2, Option 1).
- That we formally accept the LTA's Park Capital Funding offer for Burnley.
- Additionally, that authority be given for the Head of Green Spaces & Amenities to complete a long-term agreement with the LTA, which includes terms & conditions of the grant funding, subject to consultation with the Head of Legal.
- Authority for Green Spaces Officers to pursue the next steps for Barden Gardens and Towneley Park as outlined in the report.

<b>FINANCIAL IMPLICATIONS AND BUDGET PROVISION</b>
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The capital investment at the four sites will be financed by the LTA.

Appendix 2 shows the proposed charging mechanism and the income targets for each site to ensure all costs are covered and 50% is added to a sinking fund for future investment purposes, e.g. surface upgrade, new fencing, etc.

If we achieve the income targets for each site, then there should be no extra cost to the Council as we are looking to be self-sufficient utilising a sustainable charging mechanism. We need to at least cover costs highlighted in Appendix 2 (£1,500 in most cases apart from Queens Park which is £2,000) although if we want to ensure we have enough in each sinking fund for larger capital investment in 5-10 years then we need to be looking to reach our income targets from year 2 onwards.

Burnley Leisure fees are subject to change as these are only estimated at this stage as further discussion on the operating model will need to be pursued once approval from members has been granted.

<b>POLICY IMPLICATIONS</b>
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The upgrade of existing tennis courts, the introduction of gate access systems and online booking, and development of operating models for public park courts through partnership working with the LTA are all objectives that are detailed in the 2016-2026 PPS, specifically:

- Aim 2 Recommendation F – enhance outdoor sports facilities through improving quality and management of sites. Work in partnership with stakeholders (including NGB's) to secure funding.
- Support the LTA in working to improve accessibility to tennis in order to help delivering its Strategy. The LTA is keen to encourage parks and clubs to make use of technology solutions, which includes online court booking and fob access to courts and facilities.

<b>DETAILS OF CONSULTATION</b>
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There have been numerous meetings with the LTA to discuss the capital investment and how Burnley can improve our tennis offer in the future utilising the operating and income generating models suggested.

There will need to be further consultation with Burnley Leisure, Burnley Tennis Club, Burnley & District Tennis League, the respective Friends Groups and general users in the short term too.

**BACKGROUND PAPERS**

None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**Kieron Roberts**

**ALSO:**

**Simon Goff**

Pro Forma - Park Project stage 1. LA/LTA Project Summary

Venue Details			
Name of Local Authority	Burnley Borough Council		
Contact Role	Local Authority Lead		
Contact Name	Kieron Roberts	Local Authority Facilities Lead	Local Authority Approval Lead
Contact Address	93 Rossendale Rd, Burnley, BB11 5DD	Kieron Roberts 93 Rossendale Rd, Burnley, BB11 5DD	Simon Goff 93 Rossendale Rd, Burnley, BB11 5DD
Contact Email	<a href="mailto:kroberts@burnley.gov.uk">kroberts@burnley.gov.uk</a>	<a href="mailto:kroberts@burnley.gov.uk">kroberts@burnley.gov.uk</a>	<a href="mailto:sgoff@burnley.gov.uk">sgoff@burnley.gov.uk</a>
Contact Phone Number	07583 121323	07583 121323	01282 477223
Is your Local Authority VAT Registered?			
Target Start Date for projects			
Name of LTA Contact	Toni Flanders		
Name of LTA Facilities manger			

Park Overview	
Number of Total Parks in LA	6
Number of Parks on Target list for intervention - Any combination of Rally, Gate Access or Court Renovation	6
Number of Parks requesting intervention - Any combination of Rally, Gate Access or Court Renovation	4

List of Projects	Park Information				Project Details and Projections						Operational Commitments:						Stage 2							
	Park Name	Park Address	Number of Courts	IMD	Penetration	Which Gate Access System	Number of Gates	Proposed Renovation / Interventions	Proposed Intervention Costs (costs from TS visits for the work we are proposing)	Funding Committed by Local Authority	Total Cost to the LTA	Outline & costs of works LA Funding will pay for, out of LTA project scope.	Venue to be published LTA Rally	Name of Local Tennis League Park will be part of	Delivery of Free Tennis Offer	Proposed Operator Type (Select from list)	Proposed Operator Start Date	Proposed Charging Model (Select from list)	Coaching Operator? (Select from List)	Coaching Programme? (Select from List)	Agreement to show LTA branded Rally material	Contractor Quoted Costs	Final Quoted Cost to LTA (after LA contribution, Exc VAT)	
BARDEN GARDENS	BB10 1JA	2		4	1099	n/a	0	remove from scope	£0		£0												£0	
IGHTENHILL PARK	BB12 DHS	2		8	890	Lite	1	access gate	£4,000		£4,000		Yes	Burnley		LA	01/09/22	Income Generating		No	Yes		£0	
Park Road, Padiham	BB12 8ED	3		1	614	Lite	1	re-paint, nets/posts, gate	£16,925		£16,925		Yes	Burnley	TFF Target	LA	01/09/22	Income Generating	Leisure Operator	Yes	Yes		£0	
QUEENS PARK	BB103AA	4		1	1150	Lite + Floodlight Module	1	access gate	£7,000		£7,000		Yes	Burnley	TFF Target	LA	01/09/22	Income Generating	Operator	Yes	Yes		£0	
SCOTT PARK	BB11 4JW	2		4	1238	Lite	1	re-surface, replacement gate, access gate	38375		£38,375		Yes	Burnley		LA	01/09/22	Income Generating		No	Yes		£0	
Townley Park	BB11 3RQ	3		2	1011	n/a	0	remove from scope	0		£0												£0	
Insert Park Number 7 name here											£0												£0	
Insert Park Number 8 name here											£0												£0	
Insert Park Number 9 name here											£0												£0	
Insert Park Number 10 name here											£0												£0	
Insert Park Number 11 name here											£0												£0	
										£0	£66,300												£0	
																							Final Project Cost to LTA	£0

Sign-Off	
Local Authority Agreement in Principle to Proposal	

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## Appendix 2 - Burnley Charging Mechanism

For pay and play, there would be a £3 fee for all sites with a season ticket costing £35 per annum. The season ticket could be used at any site multiple times throughout the year.

Free play would be available at all sites between the following days/hours:

Monday – Friday 9am – 12pm (apart from Bank Holidays), Fridays 5pm – 9pm and Saturday & Sunday 9am – 11am (1 hour 30 minutes maximum limit)

### **Queens Park**

Annual Operating Costs:

- £500 Gate Access Systems
- £1000 Upkeep of courts & floodlights
- £500 Burnley Leisure fee
- £2,000 Sinking Fund (50% of income)
- Total = £4,000

To meet the £4,000 total income required to cover costs including 50% towards the sinking fund, would require 223 players playing 6 times per year for £3 or the equivalent of 115 players buying season tickets at £35 would be required.

### **Scott Park**

Annual Operating Costs:

- £500 Gate Access Systems
- £500 Upkeep of courts
- £500 Burnley Leisure fee
- £1,500 Sinking Fund (50% of income)
- Total = £3,000

To meet the £3,000 total income required to cover costs including 50% towards the sinking fund, would require 167 players playing 6 times per year for £3 or the equivalent of 86 players buying season tickets at £35 would be required.

### **Park Road, Padiham**

Annual Operating Costs:

- £500 Gate Access Systems
- £500 Upkeep of courts
- £500 Burnley Leisure fee
- £1,500 Sinking Fund (50% of income)
- Total = £3,000

To meet the £3,000 total income required to cover costs including 50% towards the sinking fund, would require 167 players playing 6 times per year for £3 or the equivalent of 86 players buying season tickets at £35 would be required.

## **Ightenhill Park**

Annual Operating Costs:

- £500 Gate Access Systems
- £500 Upkeep of courts
- £500 Burnley Leisure fee
- £1,500 Sinking Fund (50% of income)
- Total = £3,000

To meet the £3,000 total income required to cover costs including 50% towards the sinking fund, would require 167 players playing 6 times per year for £3 or the equivalent of 86 players buying season tickets at £35 would be required.

## RESIDENTIAL EXTENSIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD) CONSULTATION DRAFT

### REPORT TO THE EXECUTIVE



<b>DATE</b>	14 June 2022
<b>PORTFOLIO</b>	Economy and Growth
<b>REPORT AUTHOR</b>	Elizabeth Murphy & Sarah Waddington
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### PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Residential Extensions Supplementary Planning Document (SPD).
2. The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

### RECOMMENDATION

3.
  - (1) That Executive approves the draft Residential Extensions SPD for public consultation for a six week period commencing this month.
  - (2) That, up to the start of the consultation period, the Strategic Head of Economy and Growth is authorised by the Executive to make minor changes to the wording or layout of the draft SPD, providing that the changes do not materially alter the meaning of the consultation document.

### REASONS FOR RECOMMENDATION

4. To meet the commitment to prepare a Residential Extensions SPD as set out in the Council's Local Development Scheme; and to seek comments on a draft of the document in accordance with the relevant regulations and commitments in the Council's Statement of Community Involvement (SCI).

### SUMMARY OF KEY POINTS

#### Early Consultation

5. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with colleagues in Development Management.

## **Strategic Environmental Assessment**

6. SPDs no longer require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment under the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').
7. Councils must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies, namely: Historic England, Natural England and the Environment Agency. The three bodies have confirmed their agreement with the Council's conclusion on this matter and the Council made a determination on 11 December 2018 that SEA is not required.

## **Overview of the SPD**

8. The SPD provides additional guidance on how the policies of the Local Plan apply to residential alterations and extensions, in particular Policies HS5 and SP5 and includes some photographs and illustrations. It will also be a useful guide to those planning a residential extension that falls within permitted development rights.

## **Proposed Consultation**

9. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this period to six weeks to allow more time for interested parties to respond.
10. Consultation on the draft SPD will include notification to all those required to be notified by legislation and all others on the Local Plan consultation database, together with advertisement on social media and the Council's website. The document will also be made available at the Contact Centre and main libraries.
11. A revised SPD will then be prepared taking into account the consultation responses received and will be presented to Executive for formal adoption later in 2022.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

12. The work will be completed within existing officer resources and the costs associated with consultation and production will be met within existing budgets. As such there are no financial implications directly associated with this report.

## **POLICY IMPLICATIONS**

13. The Residential Extensions SPD will be a material consideration when considering relevant applications. Its production fulfils a commitment in the Council's LDS.

**DETAILS OF CONSULTATION**

14. As outlined in paragraph 5..

**BACKGROUND PAPERS**

15. None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**Sarah Waddington**

**ALSO:**

**Elizabeth Murphy**

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Image courtesy of [www.davidsalisbury.com](http://www.davidsalisbury.com) via flickr

# Residential Extensions

Supplementary Planning Document (SPD)

Consultation Draft 2022

Draft for Executive Committee June 2022

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# 1. Introduction

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## 1.1 The Purpose and Scope of this SPD

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1.1.1 This Supplementary Planning Document (SPD) has been prepared by Burnley Council as part of its planning policy framework. It supplements the policies of Burnley's Local Plan 2012-2032 which was adopted on 31 July 2018.

1.1.2 SPDs elaborate upon the policy and proposals in Local Plans, but do not have their formal statutory 'Development Plan' status. They are, however, material considerations in the determination of relevant development proposals.

1.1.3 This SPD provides guidance on alterations and extensions to residential properties to meet the requirements of Local Plan policies that seek to protect amenity and achieve high standards of design.

1.1.4 The SPD was adopted by the Council on (to be added).

## 1.2 Planning Policy Context

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### The Local Plan

1.2.1 [Burnley's Local Plan](#) was adopted on 31 July 2018. A number of its policies are relevant to householder extensions and alterations, including Policy SP5 Development Quality and Sustainability and Policy HS5 House Extensions and Alterations. For proposals affecting heritage assets including their setting, (e.g. listed buildings, conservation areas and locally listed buildings) Policies HE2 and HE3 are also relevant.

1.2.2 Other policies in the Local Plan may also be relevant to some householder developments, and it is therefore important that this SPD should be read in conjunction with all the relevant policies of the Local Plan. These are signposted in the SPD where possible.

### National Policy

1.2.3 National planning policy exists in the form of the [National Planning Policy Framework](#) (NPPF) and a small number of other policy documents and written ministerial statements, supported by an online practice guidance (NPPG) covering a series of themes. It also exists in the provisions of the relevant Act of Parliament.

1.2.4 Local Plans are prepared to be consistent with national policy. Burnley's Local Plan requires high quality design and the current version of the NPPF (July 2021) strengthens national policy on design and amenity and sets out new national policies.<sup>1</sup>

---

<sup>1</sup> The 2012 NPPF required high-quality design and a good standard of amenity for all existing and future occupants of land and buildings, whereas the 2021 version requires high quality, beautiful and sustainable buildings and places (Para 126) and a high standard amenity for existing and future users for all developments (Para 130f).

## National Design Guide: Planning practice guidance for beautiful, enduring and successful places.

1.2.5 The [National Design Guide](#) (January 2021) promotes the importance of good design in the planning system.

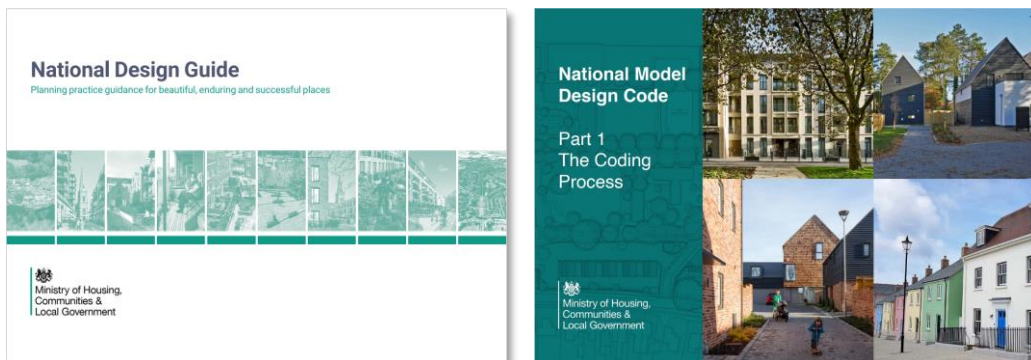
1.2.6 Good design is applicable on a range of scales; through the master-planning of large sites to the detailed design of domestic extensions. The Design guide establishes the principles of good design and sets out the components of good design which should be applied to all developments.

1.2.7 This SPD elaborates on the guidance within the National Design Guide demonstrating what good design means in practice for householder development at a local level.

## National Model Design Code

1.2.8 The [National Model Design Code](#) (2021) sets a baseline standard of quality and practice which local planning authorities are expected to take into account when developing local design codes and guides and when determining planning applications.

1.2.9 Where new developments have followed local national or locally prepared design guidance/codes to achieve high quality and/or locally distinctive design, it is also important that future extensions and alteration do not undermine the initial high quality achieved.



## 1.3 Planning Permission & Permitted Development

### Do you need to apply for planning permission?

1.3.1 By law, works that constitute ‘development’ require planning permission. This covers a wide range of householder works, including raised decking, fencing, driveways, outbuildings, porches, installation of flues, antennas and conservatories as well as extensions and outbuildings. However, subject to conditions and limitations, some forms of development have planning permission granted to them through national legislation<sup>2</sup> and do not therefore require a planning application to be made; these are known as ‘permitted development’ (PD).

1.3.2 For certain classes of permitted development however, there is the need to notify the Local Authority of the works in order that they can consult the immediately adjoining neighbours and any objections would trigger the requirement for a ‘Prior Approval’ from the Council.

<sup>2</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

1.3.3 Permitted development rights vary of by the type of property and its location and can be removed for individual properties or areas.

1.3.4 Establishing whether works require planning permission or notification is a complex matter. The national [Planning Portal website](https://www.planningportal.co.uk) provides up to date guidance and an interactive tool on Householder Permitted Development to help you decide if you need to make an application and also allows for applications to be submitted electronically.

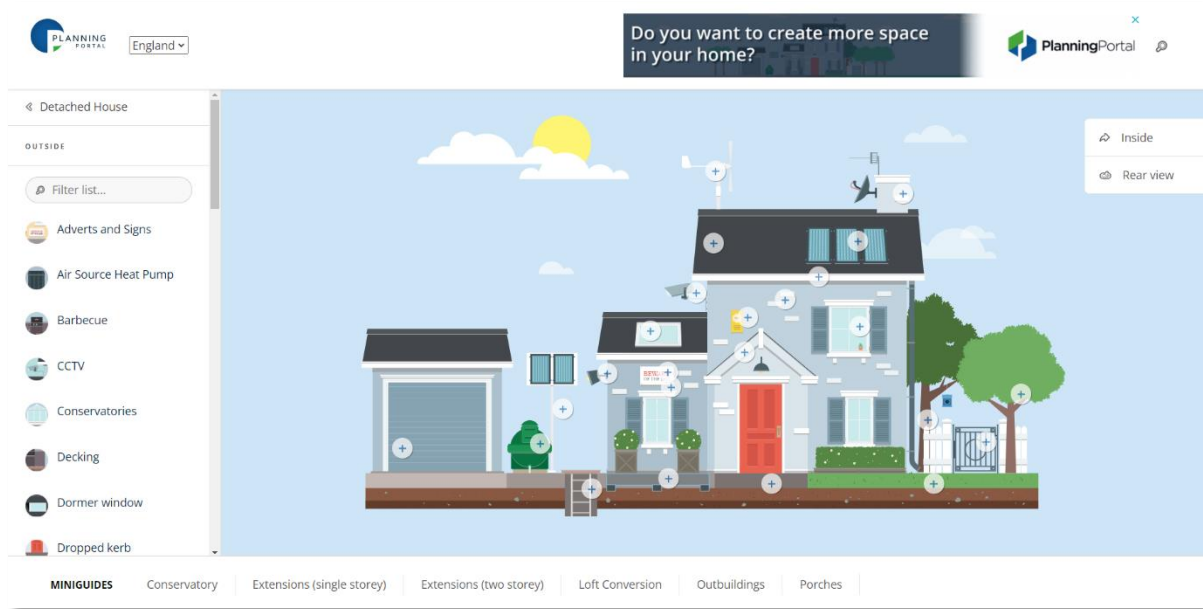


Figure 1: Planning Portal Interactive House. (Source: [www.planningportal.co.uk](https://www.planningportal.co.uk))



## **Part 2 – General Principles**



## 2. General Principles

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### 2.1 The Starting Point

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2.1.1 The Local Plan sets out the policies that will be used to determine planning applications for residential extensions. Whilst the Local Plan is the starting point, this SPD elaborates on its policies to explain how residential extensions and alterations can meet its requirements.

2.1.2 Policy SP5 sets out the development quality and sustainability standards which are expected of all developments, including energy efficiency, design and layout, materials, accessibility and security.

2.1.3 Policy HS5 relates specifically to house extensions and alterations and requires developments to be of high quality in their construction and design in accordance with Policy SP5.

2.1.4 Policy HS5 requires extensions to be subordinate to the existing buildings, i.e. they should not dominate or overwhelm the host building or neighbouring properties by being larger (over-scaled), higher or set further forward (towards the street), particularly if neighbouring dwellings are similar in design and regularly set out.

2.1.5 Policy HS5 also requires proposals to respect the architectural characteristics, scale and detailing of the host building and its setting and use high quality matching or complementary materials appropriately and sensitively in relation to the context. This does not preclude proposals that are innovative or contemporary where these are of an exceptional design quality.

2.1.6 In some cases, where the existing dwelling is of poor-quality design, the opportunity can be taken to improve this as part of the scheme. Existing alterations and extensions that were approved prior to the adoption of the Local Plan will not be an acceptable justification for poor design going forward. All proposals should comply with the requirements set out in the Local Plan as supported by the guidance in this SPD. In doing so, proposals are more likely to move through the planning process quickly and successfully.

### 2.2 Design Considerations

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2.2.1 When designing home extensions, alterations or works within the curtilage of a dwelling, there are a wide range of matters that need to be considered to produce schemes of high quality.

#### A - Site Context

2.2.2 When first considering the design of an extension or alteration to your property, you should initially assess the character of the house and how it relates to its plot and neighbouring properties; and the contribution it makes to the surrounding area or street (its context). It is important that any additions or alterations are sensitively designed to fit in with the positive characteristics of both your house and the surrounding area. It is important therefore to consider not only what the current architectural details of your property are but also what they originally were, because there may be an opportunity to restore lost details or a need to match in with neighbouring properties that retain these.

2.2.3 The character of your house will derive from a number of factors including:

- Property type: Is it terraced, semi-detached, or detached and how many storeys does it have?
- Architectural style/period: Does it convey a strong architectural style and to what extent has it retained its original character?
- Roof characteristics: Is the roof hipped, pitched, lean-to or flat? What are the eaves details?
- Are there distinctive architectural features: dormer windows, chimneys, bay windows, gables, decorative features?
- Do window openings have heads and sills or full surrounds or mullions? Do they have a vertical emphasis (taller than they are wide) or are they square - or if they have an overall horizontal emphasis, is (or was) the vertical emphasis retained by mullions?
- What style are the windows? Are or were they vertical sliding sashes, side opening casements and what was or is the glazing bar arrangement?
- What materials have been used for walls, roof, windows and doors, external surfacing, boundaries etc

2.2.4 In addition to the character of your own property, you should also take into account key characteristics of the neighbouring properties and that of the surrounding area. This is particularly important in Conservation Areas and it is advisable to refer to the relevant published Conservation Area Appraisal. Wherever you are, the key considerations include:

- Symmetry: Does your property have a symmetrical relationship with neighbouring properties (semi or matching pair)?
- Building line: Is the street characterised by a strong building frontage/line?
- Height of surrounding buildings: Is there a dominant roofline and/or pitch and shape of roof?
- Style: Are there common architectural features or materials for walls and roofs?
- Spaces between buildings: Is there a consistent gap between buildings on the street and is the gap a strong and distinctive feature of the street?
- Front boundary treatments: these can present an important and unifying design feature within the streetscene.

2.2.5 You will also need to consider:

- The distance and relationship between your proposals and neighbouring properties, in particular private garden areas and windows
- Any differences in ground levels – if your property is at a higher-level extra care will be needed
- Orientation in relation to the sun's path
- The effect on any trees, hedges and other planting
- What makes your home and the street feel safe — think about what qualities of your home and street make you, other residents and pedestrians feel safe?



## B - Determining the Correct Approach

2.2.6 The most appropriate design approach in any given circumstances will depend on the nature of the existing dwelling and whether it is detached, semi-detached or terraced, its position within the plot, how typical it is of the street scene, and its architectural style.

### *i - The Subservient Approach:*

2.2.7 This is the most common approach to residential extensions, whereby the extension is clearly shown to be an addition and is acceptable for most dwelling types. It involves making the extension smaller in footprint and volume and lower than the existing dwelling and setting it back from the dominant front wall. This approach can also stop any awkward bonding of stone/brickwork appearing on the front elevation and disguise any slight differences in material colours.

2.2.8 If this approach is taken, the materials used should either match or complement the materials used in the main house. It is also important that the stepping down from the ridge and set back from the principal elevation is sufficiently pronounced.

2.2.9 This approach is expected for most semi-detached dwellings and on other dwellings that display a strong sense of symmetry. The appropriateness of the levels of subservience will be dependent on the host property.



Here, the 'subservient' approach has been used to extend this semi at the side.

This approach retains the original symmetry of the pair of houses and the matching roof material and style, wall finish and window frame colours integrate it well.

Figure 2: Subservient extension design

### *ii - Contrasting/Contemporary:*

2.2.10 This approach is a variant of the subservient approach but one where the design of the extension deliberately differs from the existing dwelling, whether by its form, details and materials, or its architectural style. To be successful this approach requires very high-quality design and execution. Whilst the materials or style will contrast with the existing dwelling, they should still have a positive relationship with it and respect the context/locality. It's rarely acceptable or successful to have an extension which contrasts in both material and style.

2.2.11 The style of the new extension could differ to that of the host building whilst remaining traditional in its design. For example:

- The extension could be a Victorian-styled extension on a Georgian building.

2.2.12 Alternatively, the style of the new extension could be, contemporary or innovative. For example:

- The extension could be a more contemporary take on certain characteristics of the existing dwelling with subtle contrasts to discern between the old and new.
- The extension could match the existing building materials, for example by using natural local stone, but adopting an entirely different contemporary style, for example a flat roof, frameless glazing, bifold doors etc.
- A contemporary design could be used, with contemporary materials or an alternate colour palette, but with the design reflecting certain key characteristics of the existing dwelling (e.g. matching distinctive windows styles)
- Innovative construction techniques or styles could be used, but matching materials employed to complement the existing dwelling.



*Figure 3: Contemporary/contrasting extension on a traditional style house built using matching brick with quoins, heads and banding detail to match the existing dwelling (Image credit: Grant Architecture and Interiors)*

2.2.13 Great care should be taken with extensions of this nature as there is a danger that they will simply and poorly reflect the fashions of the day and soon become outdated. For this approach to be successful, it is crucial that the design intention is clearly expressed. If the design appears unresolved, for example because it falls uncomfortably between modern and traditional, it is unlikely to be successful. The relationship between old and new is crucial, with the junction between the two, and how this is handled, especially important.

2.2.14 Particular care must be taken for any such extensions that are visible from the street. Done well however, this approach can be very successful.

### ***iii – The ‘Seamless’ Approach:***

2.2.15 This approach makes the addition look like it is part of the original house, matching the existing materials and style and continuing the form of the existing building. For projects adopting this approach, there is a particular need to ensure that factors like materials and the proportions

and treatment of window and door openings have been carefully considered to ensure a fully integrated appearance.

2.2.16 In some instances, for example, on semi-detached dwellings, the seamless approach may not be appropriate as it may have a ‘terracing’ effect.

2.2.17 Where the existing house has a strong symmetry, such as is often found in Georgian houses, this approach may also not be appropriate.

2.2.18 This approach is most likely to be acceptable on detached dwellings or occasionally on end terraces.



This extension adopts the ‘seamless’ approach using matching materials, roof style and windows of a similar pattern to the existing. Although done to a high quality, it has resulted in an imbalance to the form of the original pair of semis and does not allow the form of the original building to be clearly understood as required by Policy HS5 1) a).



These two seamless approaches for detached properties use matching material and details. That on the right could have been even better has it matched the distinctive window heads (Courtesy of Google Street View)

Figure 4: Seamless side extension designs

#### ***iv - Radical Makeover:***

2.2.19 This approach involves a complete remodelling/makeover of the exterior of the existing dwelling to match the new extension. This approach may be used to replace or enhance poorly designed or unsympathetic previous extensions and alterations.

2.2.20 It would rarely be acceptable on semi-detached or terraced dwellings but may be acceptable on detached dwellings where this is appropriate in terms of its effect on the character of the area and streetscene.



2.2.21 If an area has strong existing coherent character this should be accepted for what it is, whether this be an area of traditional housing or a more modern estate context; and the radical makeover approach is unlikely to be acceptable.

2.2.22 Again, great care should be taken with projects of this nature as there is a danger that they will simply and poorly reflect the fashions of the day and soon become outdated.



As this photo demonstrates, even when no expense is spared, the radical makeover approach is wholly unsuitable for a semi



The applicants here took the opportunity to remodel the entire property whilst extending it forwards and it now fits in much better with the traditional character of the area and the adjoining properties.

Figure 5: Examples of Radical Makeovers

**Policy HS5 of the Local Plan expects alterations and extensions to be of high quality in their construction and design in accordance with Policy SP5. It requires extensions to be subordinate to the existing building to allow the form of the original building to be clearly understood, and extensions and modifications to respect the architectural characteristics, scale and detailing of the host building and its setting. It requires the use of high quality matching or complementary materials used appropriately and sensitively in relation to the context - this does not preclude proposals that are innovative or contemporary where these are of an exceptional design quality.**

## C - Materials & Architectural Details

2.2.23 Extensions should respect or complement the architectural characteristics, scale, proportion and detailing of the host building and its setting.

2.2.24 Depending on which design approach is sought (and considered to be appropriate) (seamless, subservient, contrasting/contemporary or radical makeover), extensions should be constructed in high quality matching, complementary or contrasting materials to the host property.

2.2.25 When matching walling materials are used/required these should also follow existing laying styles i.e., bonding, pointing and coursing details and roof tiles/slates should match the existing in terms of material, texture, size and colour. This is particularly important where traditional materials are used such as slate or stone.

2.2.26 Again, depending on which design approach is sought and considered to be appropriate, architectural details should be carefully considered, including:

- The existing proportions and the relationship of walls (solid) to openings (voids) such as windows and doors and their rhythm across the elevation
- The existing window design including shape, method of opening, materials, depth of recess, surround treatment, mullions, dormers and bays or other feature windows
- Detailing such as courses of decorative brickwork or stonework, plinths and string courses, quoins
- Gable or parapet treatments such as fascia/barge boards, overhanging eaves, clipped eaves (mortar verge), corbelled or stone gutters and cornices, mouldings, coping stones and kneelers; and
- The treatment of the ridge - such as with decorative ridge tiles.

2.2.27 In replicating these details care should be taken to avoid poor quality copies of traditional details i.e. 'pastiche'.

**Policies SP5 2(a), 4) a, b and c, and HS5 1(b) of the Local Plan requires developments to use a palette of high quality matching or complementary materials which are appropriate to the local context whilst respecting the architectural characteristics, scale and detailing of the host building and its setting.**



Figure 6: Windows

## D - Roof Form

2.2.28 Pitched roofs are an important part of the character of dwellings in the borough and wherever possible extensions should have a pitched roof that matches the roof style of the original house.

2.2.29 In almost all cases, flat-roofed extensions to houses with pitched roofs will be unacceptable where they are clearly visible in the streetscene. However, if your proposal fits into the 'contemporary/contrasting' category or as part of a radical makeover this may be acceptable if it is of the highest quality (see advice on these approaches above). Additionally, flat roofs may be supported on single-storey extensions if a pitched (including lean-to) roof is impractical or will result in unacceptable impacts on residential amenity (See section 3.1).



Although subservient in nature and with an external finish to match the existing house and complementary window style, the flat roof on this two-storey extension is at odds with the hipped roof design of the main house and diminishes its quality and that of the street scene

Figure 7: Flat-roofed two-storey side extension



The roof of this two-storey extension matches that of the original house in terms of pitch and shape; eaves and verge details; and materials. It is sympathetic and appropriate to the host dwelling and the character of the streetscene.

Figure 8: Hipped roof two-storey side extension

**Policies SP5 2) a and e, and HS5 1) b of the Local Plan requires developments to respect the architectural characteristics, scale and detailing of the host building and setting.**



## E - Privacy, Outlook and Daylight

2.2.30 Maintaining adequate separation between dwellings and any windows or vantage points is an important consideration in retaining acceptable levels of privacy, outlook, and daylight. The three considerations overlap.

2.2.31 Extensions or alterations should be careful not to have a detrimental impact on the amenity (i.e. living conditions) reasonably expected to be enjoyed by the occupants of neighbouring properties, with particular attention paid to the windows of habitable rooms and the main outdoor private amenity spaces.

2.2.32 When determining the acceptability of a proposal on outlook, privacy and daylight, it is important to differentiate between habitable and non-habitable rooms. Habitable rooms are those which are, or intended to be, occupied for long periods of time in which a resident would normally expect to have reasonable levels of privacy for relaxation, e.g. all rooms in a dwelling house other than hallways and landings, bathrooms, toilets, utility rooms and garages/sheds.

2.2.33 Differences in ground levels are an important consideration when assessing outlook, daylight and privacy standards and any assessment carried out by the Council (as below) will take this into account for both single and two storey extensions.

**Policies SP5 2) g and HS5 1) c of the Local Plan requires there to be no detrimental impact of the amenity reasonably expected to be enjoyed by occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the separation (“privacy”) distances set out in Policy HS4 3)c).**

### Privacy

#### Separation (“Privacy”) Distances

2.2.34 Policy HS4 of the Local Plan sets out the minimum distances that are required between windows of dwellings and between habitable room windows and blank walls in order to retain appropriate levels of privacy and outlook. These are explained in Table 1 below in the context of extensions and alterations. These distances apply to the windows of habitable rooms in yours and your neighbour’s property.

Table 1: Privacy Distances

Type of dwelling/extension	Situation	Minimum Distance
Single and two storey dwellings/extensions	Where a habitable room window would face a neighbour’s habitable room window	No less than 20 metres
Single and two storey dwellings/extensions	Where the windows of a habitable room would face: <sup>3</sup> <ul style="list-style-type: none"> <li>• a blank gable or</li> <li>• the windows of non-habitable room</li> </ul>	Minimum distance of no less than 15 metres

<sup>3</sup> Windows within a 45° angle of each other

Three storey dwellings/apartments or where levels create a significant difference in heights	For each additional story above two stories significant difference in height	Same as above plus an additional set back of 3 metres
--	--	---

See Habitable Room definition in para 2.2.32 above

2.2.35 These distances apply to residential properties, including those which do not fall within Use Class C3, such as C2 nursing homes and residential institutions. Where home extensions would impact on the privacy of other buildings and their curtilages, these distances may be used as a guide but would need to be applied sensibly in terms of the level of potential harm in light of the nature and sensitivity of the use and likely period of occupation.

2.2.36 Balconies, decking and raised patios must not provide the opportunity to directly look into the habitable windows of adjacent dwellings. The privacy distances above will be referred to in assessing any issues here.

2.2.37 When applying these standards, intervening features (established or proposed) such as walls and fences can also be taken into account, meaning that it is uncommon to find unacceptable overlooking between single-storey structures. There may still however be issues in relation to outlook for you or your neighbour’s property.

2.2.38 It should also be noted properties may already overlook one another. However, extensions and alterations that create new overlooking or make existing situations much worse will not be supported.

2.2.39 Applicants will be required to indicate on their submitted plans, the finished floor level(s) in relation to a fixed point and where there are windows on adjacent existing properties.

**Garden Privacy**

2.2.40 In addition to satisfying the privacy distances above in respect of rooms, extensions adjacent or close to a boundary directly adjoining a neighbouring property curtilage, should have no windows facing onto the neighbouring garden at ground or upper floor levels; in particular any amenity space close to the property and having the most activity, e.g. a patio.

2.2.41 Where this is shown to be unworkable:

- Screening by a fence or wall that extends above eye level (1.7 metres above floor level) when viewed from within the extension may be acceptable for single storey extensions. There may still however be issues in relation to outlook for your property.; and/or
- Obscure glazing (with any openings above 1.7m) to avoid overlooking may be acceptable but not for a primary window in a habitable room (e.g. a bedroom or living room).

**Outlook**

2.2.42 Outlook in this context is not about a particular view from a property; but visual amenity afforded to a house by its immediate surroundings, which can be affected by the close siting of (in this SPD’s context) an extension or outbuilding. An extension close to a neighbouring properties window, or a large extension on the boundary, can cause an unacceptable loss of amenity by appearing overbearing and creating a sense of enclosure and dominance. This matter is particularly important in relation to two storey side and rear extensions.



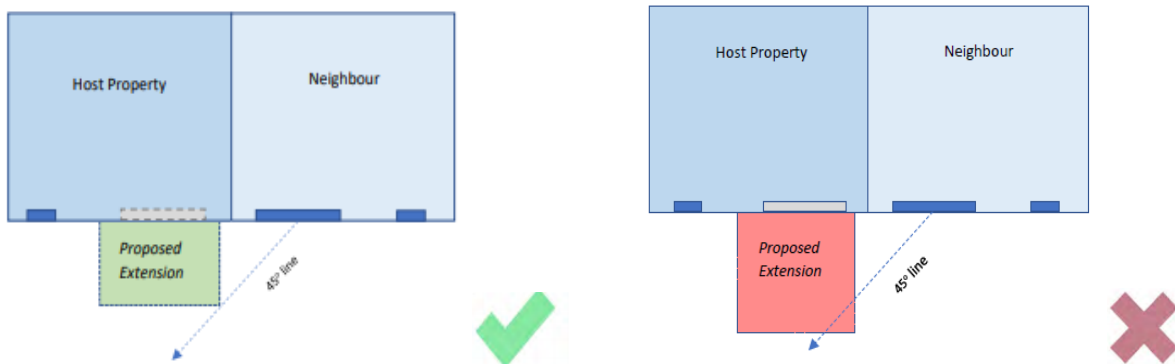
2.2.43 The impact on outlook is determined by the distances set out in Policy HS4 3)c) of the Local Plan (contained in the table above for ease of reference), and the 45° rule. Outlook from a principal window will generally be impacted when an extension encroaches upon these minimum standards and as such will have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through outlook and will likely be refused.

**The 45-Degree Rule (45° rule)**

2.2.44 The 45° rule, as referenced in Local Plan Policy HS4, is a well-established rule of thumb used when assessing proposals in relation to their potential impacts on both the property to be extended and the neighbouring property. Its purpose is to ensure that an extension does not take away too much daylight, sunlight or outlook from the host or neighbouring properties.

2.2.45 The rule is that an extension should not cross a 45° line taken in a horizontal and vertical plane and measured from the mid-point of any principal window of a habitable room. The principal window is a main window that serves that room. In the case of a conservatory the point for setting the 45° angle would be the central point of the glazing on the rear elevation.

2.2.46 The zone of restriction (i.e., the 45° splay) is applied up to a distance of 12m along the 45° line.



In this example, the smaller single storey extension (left) would be acceptable as it does not cross the 45° line. However, if it was extended further forwards (right), it would intersect the line and be unacceptable.

Figure 9: The 45° Rule diagram – bird's eye views



Figure 10: The 45° Rule diagram – front view

2.2.47 It may be possible to splay or stagger the corners of a proposed extension or hip the roof to comply with the 45° rule where this would not result in a visually unattractive design.

2.2.48 Whilst these rules are applied strictly in relation to the impact of your extension on a neighbour's property, in considering the impact on your own property, whilst the 45° rule still applies, there will be a degree of flexibility where there are alternative windows into habitable rooms or alternative habitable rooms (e.g. second living room) so as to maintain adequate standards of outlook and daylighting.

**Daylight and Sunlight**

2.2.49 In conformity with Local Plan Policies SP5 2 f) g) and h) and HS5 1 c), extensions should not reduce the amount of daylight entering the window of a neighbour's habitable room to an unacceptable level, or cast too much shadow over their private amenity space.

2.2.50 Equally, adequate daylight should be retained to the host property to ensure rooms in the existing home do not become dark and uncomfortable.

2.2.51 Whilst the above described 45° rule and privacy distances should ensure that development does not have unacceptable effect on daylight into habitable rooms, the 'right to light' is a matter of private property law rather than planning law.

2.2.52 A right to light can come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959 and planning permission or permitted development rights cannot override a right to light that exists. Where disputes arise, the parties affected will need to seek a legal remedy separate from the planning application process. The Council will have no role in any such dispute arising. [Rights of Light Act 1959 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

2.2.53 The above described 45° rule and privacy distances in helping maintain adequate distances between the dwellings will also help retain sunlight into neighbouring gardens. The effects on sunlight will vary depending on the particular orientation of properties in relation to the sun's path and the presence of any trees or high hedges. Where this may be an issue (see below) the applicant will be required to provide an assessment of the existing and expected levels of sunlight having regard to the BRE Good Practice Guide 'Site Layout Planning for Daylight and Sunlight' (BR209). Section 3.3 (pages 18-20) & appendix G (pages 65-68)

2.2.54 A proposal's impact on the sunlight received by an amenity space must be specifically assessed where both the following apply:

- The proposal adjoins the main useable amenity space serving a residential property; and
- Any part of the proposal lies south of the centre point of the amenity space

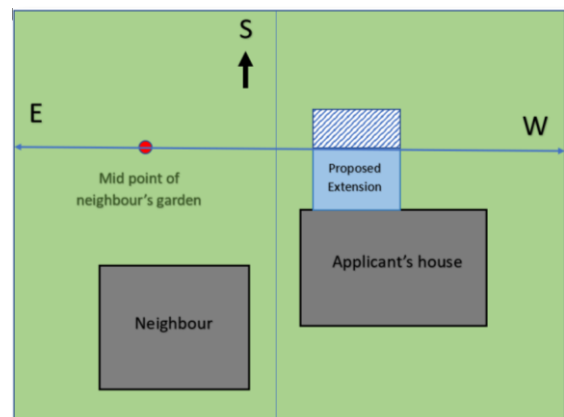


Figure 11: Sunlight Assessment Trigger

## F – Gardens and Trees

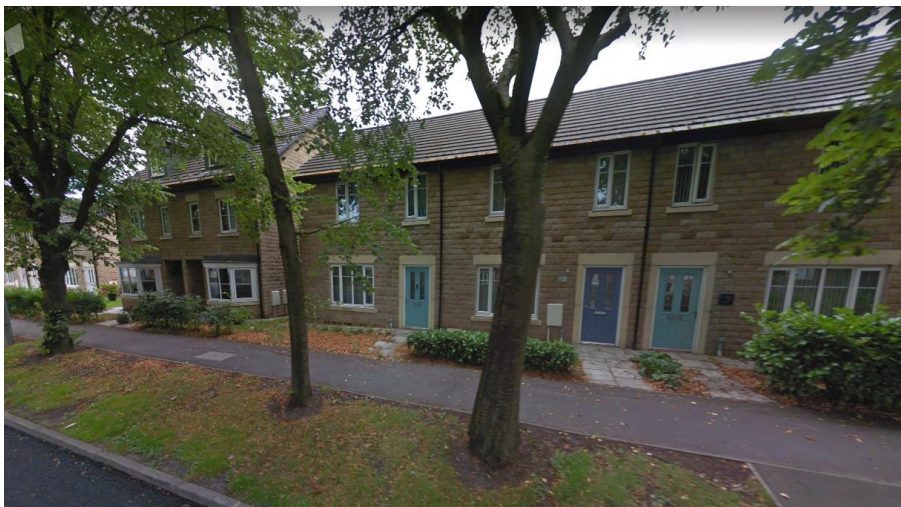
### Gardens

2.2.55 Residential gardens contribute to the network of green infrastructure across the borough, supporting biodiversity and helping to reduce or mitigate the impact of climate change, for example through trees and shrubs and grassed and soiled areas absorbing surface water. They also make an important contribution to the character and quality of residential areas. Although, building, paving or decking over back gardens would not normally require planning permission, it may be detrimental to these aims.

2.2.56 Many extensions will result in a reduced amount of garden space and the Council will expect proposals to demonstrate that an acceptable amount and quality of functional amenity space is retained. It is also important to retain permeable or porous surfacing, particularly where lawns are for any reason undesirable. There are limits to the proportions of front gardens that can be paved over without planning permission (see [planning portal](#)).

2.2.57 Where a house lies within an Ecological Network (identified in Policy NE1 of the Local Plan and available to view on the Policies Map) additional consideration needs to be given to any loss of grassed areas and trees.

**Policies SP5 2)d, HS5 1)e and SP6 2)a of the Local Plan requires developments to seek to retain and enhance green infrastructure assets and functionality and not lead to an unacceptable loss of useable private amenity space.**



*Figure 12: Attractive Avenue of Street Trees*

### Trees

2.2.58 Trees make an important contribution to the character and quality of urban environments, maintain biodiversity and help to reduce or mitigate the impact of climate change.

2.2.59 The Council has a duty of legislation when determining applications to include appropriate and adequate provision for the preservation and planting of trees. It also has a duty to consider the making of Tree Preservation Orders (TPOs) for individual trees.

2.2.60 Policy NE4 of the Local Plan sets out how impacts on trees will be assessed. Where trees are protected by a TPO or are worthy of a TPO and would be adversely affected by the development

(including through loss or long-term threat by virtue of the extension being too close) the Council will consider making a TPO and refuse the scheme. In other cases, replacement planting may be required.

**Policies SP5 2)b, SP6 2)a and NE4 of the Local Plan requires developments to contribute positively to the public realm, seek to retain and enhance green infrastructure assets and functionality, and protect trees, hedgerows and woodland.**

## **G - Car Parking**

2.2.61 Consideration should be given to the impact of a proposal on parking, both in terms of loss of existing parking and also any additional parking required for the addition of new accommodation (particularly where this involves additional bedroom spaces). Developments will be expected to provide or maintain the parking standards set out in Appendix 9 of the Local Plan.

2.2.62 Where parking provision is already below these levels, including where dwellings do not currently have any off-street parking and there are no reasonable prospects of this being provided, e.g. in areas of high density terraced housing, the impact of any additional bedrooms on parking in the locality will be considered. Developments must not cause or exacerbate congestion, highway safety or on-street parking problems.

2.2.63 New parking spaces may require ‘dropped-kerbs’ and this can also have an impact on existing on-street parking.

**Policies SP5 2)h, HS5 1)d, IC3 and the Car Parking standards in Appendix 9 of the Local Plan requires developments to not result in unacceptable conditions for future users and occupiers of the development, not lead to an unacceptable loss of parking, both in curtilage or on street and provide a minimum number of parking spaces.**

### ***Electric Vehicle Charging Infrastructure***

2.2.64 The undertaking of alterations and extensions to a residential property may provide an opportunity to incorporate new facilities for electric vehicle charging.

2.2.65 **Policy IC3 Clause 8)** requires the provision of ultra-low emission vehicle (ULEV) charging infrastructure in accordance with specific standards set out in the Local Plan Appendix 9 (new detached dwellings in schemes of over 10 units). **Policy NE5 4)** supports and promotes additional provision to protect air quality. These standards, which are being successfully implemented, will in due course be overtaken by the higher provision standards set out in revisions to the Building Regulations introduced in December 2021 (Part S). These will take effect from 15 June 2022 and require the installation of infrastructure (charging points and/or cabling) for the charging of electric vehicles for certain building projects. The projects covered include most new dwellings with ‘associated’ (on site) parking spaces.

2.2.66 Where this charging infrastructure has been provided, subsequent extensions must retain it. Any additional infrastructure required will be looked at together with the parking requirements of the extended dwelling.

**Policies NE5 4), IC3 8) and Appendix 9 of the Local Plan requires and/or supports and promotes the provision of charging points for ultra-low emission vehicles.**

## H - Energy Efficiency and Renewable Energy

2.2.67 The Local Plan encourages energy efficiency and the use of renewable and low carbon energy sources in all developments. Minimum energy efficiency standards are set out in the building regulations. The Local Plan supports exceeding these minimum standards where possible **Policy SP5 Clause 1**). In seeking improved energy efficiency and water consumption (above the Building Regulations) it helps to limit the use of finite resources and reduce pollution and bills. There is also a wider but more complex link to climate change. Reduced energy usage helps to secure overall reductions in greenhouse gas emissions which contribute to climate change, and improved water efficiency helps limit drought.

2.2.68 In December 2021 the Government introduced an uplift in Building Regulations standards, effective from June 2022 for both new and existing dwellings, that will result in an estimated 31% reduction in carbon emissions from new homes compared to current standards.<sup>4</sup> The emphasis will be on the adoption of a 'fabric first approach' with higher standards for the building envelope and improved airtightness, along with the use of low-carbon heating technologies.

2.2.69 As the 2021 regulation changes will result in such significant uplifts in energy efficiency, the requirements of Policy SP5 1) will be met (in terms of energy efficiency) once homes become subject to the new regulations. Until that time, clause 1 will be applied as is and requires a clear demonstration of all reasonable efforts to improve energy efficiency above the current Building Regulations levels. Measures to improve energy efficiency include: using low embodied energy construction materials, increased thermal insulation, orientation of windows to capture solar energy, using energy efficiency heating, lighting and white goods.

2.2.70 Where extensions are proposed there is also an opportunity to consider the incorporation of energy generation equipment, for example ground and air source heat pumps, solar hot water and solar electric (photovoltaic) panels or domestic wind turbines.

**Local Plan Policies SP5 1)a and c, 2)f, 4)c, (development quality and sustainability) CC1 to 3 renewable energy): require developments to incorporate measures to minimise energy and water consumption, seek opportunities for on-site energy supply from renewable and low carbon energy sources and , using low embodied energy materials, including materials that are locally sourced wherever practical.**

## I - Flood Risk

2.2.71 It is important to consider flood risk both now and for future years when building an extension. The Local Plan requires that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere.

2.2.72 Areas with a high percentage of sealed surfaces are vulnerable to excessive rainwater run-off and can contribute to surface water flooding in high rainfall events as drains are unable to cope with the quantities of water. This can damage property, be a threat to life and overload water treatment facilities polluting the water cycle.

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<sup>4</sup> The Amendment Regulations come into force on 15 June 2022. However, they will not apply in relation to building work where a building notice or an initial notice has been given to, or full plans deposited with, a local authority before 15 June 2022 provided that the building work is started before 15 June 2023.



2.2.73 The Local Plan supports (and requires for major development) the installation of Sustainable Drainage Systems (SuDS). SuDS are an approach to managing drainage in and around properties and other developments by slowing or holding back water that runs off.

2.2.74 SuDS measures include retaining and enhancing green infrastructure and permeable surfaces including, grassed and soiled areas. Permeable paving and green roofs can also contribute.

**Local Plan Policies CC4 and CC5 requires developments to not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere, minimise surface water run-off from sites and manage surface water at source.**

## J - Refuse & Recycling Facilities

2.2.75 Refuse and recycling equipment should normally be stored to the rear or side of the property and must be screened from neighbouring properties and the street at ground level.

2.2.76 An extension to a property should not compromise existing space for refuse and recycling facilities or their safe manoeuvre out to the highway edge on collection day. Extensions should not sever any rear access that then forces multiple bins/containers to be stored at property frontages. In exceptional cases front storage may be allowed where it is screened by properly constructed bin storage that does not appear incongruous in the streetscene.

**Policies SP5 2) i of the Local Plan requires developments to provide adequate and carefully designed storage for bins and recycling containers; located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.**



Although this subservient style extension is otherwise well designed it has left a very narrow and now grassed the rear access to the has resulted in bin storage at the front of the diminishing the quality of the street scene somewhat. (Courtesy of Google Street View)

Figure 13: Bin storage

## K - Safety and Accessibility

2.2.77 It is important that any extension has regard to safety and security, in particular ensuring that the visibility of pedestrians, cyclists and drivers of vehicles entering, exiting or using the public highway or footpaths is not obstructed; especially where a proposed extension or porch is closer to a road or footpath.

2.2.78 In addition, it is important that you consider designing out crime in the early stages of your proposal. For example, the strategic use of shrubbery and other vegetation could reduce opportunities for crimes to be committed as could avoiding openable windows in vulnerable areas. Conversely, including windows in certain areas of the extension can increase surveillance. These design led approaches reflect the 'Secured by Design' approach and more information on this topic is available at <https://www.lancashire.police.uk/help-advice/property-safety/designing-out-crime-secured-by-design/>.

2.2.79 Policy HS4 (4) of the Local Plan requires that for all new schemes over 10 dwellings, 20% of the dwellings constructed be designed to meet the technical standards of Part M4(2) of the Building Regulations 2010. These are homes which are designed to be adaptable for the changing needs of occupiers over their lifetime, including people with disabilities. Where homes have been constructed to these standards, any extensions or alterations should retain them.

**Policy SP5 6)a of the Local Plan requires developments to be designed with the safety and security of occupants and passers-by in mind, helping to reduce crime and the fear of crime including through increasing the opportunity for natural surveillance. Policy IC1 requires safe pedestrian, cycle and vehicular access to be provided and or maintained (as appropriate).**

## L - Home Working/Offices

2.2.80 Home working has become increasingly popular and, in some instances, necessary. This SPD only applies to home office working where the office or facility is ancillary to the residential use of the property and where there are no regular visiting customers, colleagues, noisy or odour creating processes such that it does not require planning permission for a change of use. The design standards described within this SPD are relevant to any such development.





## **Part 3 - Detailed Guidance**



## 3. Detailed Guidance

### 3.1 Single storey rear extensions and conservatories

3.1.1 Single storey rear extensions, including conservatories (sometimes called orangeries), are the most common type of property extensions. They are often the easiest and most obvious way to increase living space and are a popular way of creating open plan arrangements and/or connecting living spaces with gardens.

3.1.2 Part 2 of this SPD sets out a number of design considerations which must be addressed from the outset for all extensions and a number of design approaches that can be adopted e.g. subservient, seamless, contemporary/contrasting or radical makeover. As with any extension, good quality construction and design is required to make the extension as comfortable and energy efficient as possible, but the external appearance may not be as sensitive where the extension is not visible from public vantage points or highly visible from neighbouring properties. As such, a flat or mono-pitch roof which achieves reasonable design standards, may be acceptable. Flat roofs should not be used as terraces or balconies without design measures to protect the privacy of adjoining owners (see paragraph 2.2.38.)

3.1.3 If the extension proposes a pitched roof and is located directly below a first-floor window, the ridge height of the extension should normally be just lower than the sill of the first-floor windows both to respect the architecture of the existing window detailing by not cutting into the sill and to retain the integrity of the window itself by obscuring the lower panes of glass.



Figure 14: Rear extension- Image courtesy of [www.davidsalisbury.com](http://www.davidsalisbury.com) via flickr

3.1.4 In some circumstances, rear extensions are visible from a public area, for example, on a bend of a street, a corner plot or a rear garden overlooking a park or raised highway. In these situations, additional restrictions may apply as extensions can have similar impacts to the character

of an area as a side or front extension would. (See appropriate later section) Where a rear extension extends beyond a side wall of the building, standards associated with side extensions apply.

3.1.5 Ground floor conservatories are normally acceptable on the rear elevation of residential properties, and in some instances on side elevations. They are generally not an acceptable feature on front or principal elevations, on barn conversions or on flats.

3.1.6 Obviously, some of the advice for other types of extension cannot be applied to conservatories, but their style can still be sympathetic to the character of the existing dwelling. Solid masonry plinths in materials to match the existing walling materials will generally produce better quality results, as will avoiding a level of ornateness that is inappropriate to the host property. Fully glazed uPVC 'off the shelf' conservatories will only be acceptable where these are well screened from views.

3.1.7 Where extensions and conservatories are close to the boundaries of neighbouring properties obscure glazing, or a solid wall should be used to prevent direct overlooking.

#### **KEY POINTS FOR SINGLE-STOREY REAR EXTENSIONS & CONSERVATORIES**

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on single story rear extensions in this section paying particular attention to the roof treatment, the visibility of the extension and privacy distances.

## 3.2 Two-storey rear extensions

3.2.1 A well-designed two-storey rear extension can improve the quality of life within the home, creating comfortable additional living spaces. Two-storey extensions are however more visible and are also likely to have greater impact on neighbouring properties than single storey extensions.

3.2.2 With two storey extensions, issues of overshadowing and overlooking will be more acute. Side windows to habitable rooms should be avoided to prevent overlooking unless they are above eye (high) level windows or obscure glazed. For new habitable rooms, however, relying wholly on obscure glazing or high-level windows is not acceptable.

3.2.3 Two-storey rear extensions can often be unsuitable at the rear of terraced and semi-detached properties because of the impact that would be caused to neighbouring properties. Extensions should not be a disproportionate addition to the host property.

3.2.4 Part 2 of this SPD sets out a number of design considerations which must be addressed from the outset. For all extensions, there are a number of design approaches e.g. subservient, seamless, contemporary/contrasting or radical makeover that can be adopted.

3.2.5 Due to their increased visibility and particularly where they can be seen from public vantage points, greater care needs to be taken with the design of the two storey extensions and they should normally include a roof design to match the host property. Flat roofed two-storey extensions will not normally be supported. Part 2 of this sets out the limited circumstances these might be acceptable.

### KEY POINTS FOR TWO-STOREY REAR EXTENSIONS

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on two-storey rear extensions in this section paying particular attention to privacy distances and overlooking, including the 45° angle, roof treatment and the visibility of the extension.

### 3.3 Single storey side extensions

3.3.1 Policy HS5 sets out the requirements for all types of extension. For single storey side extensions particular attention needs to be paid to the impacts on neighbouring properties and the character of the street, loss of parking and maintaining rear access.

3.3.2 Part 2 of this SPD sets out a number of design considerations which must be addressed from the outset for all extensions, and a number of design approaches that can be adopted e.g. subservient, seamless, contemporary/contrasting or radical makeover. Flat-roofed side extensions will not normally be permitted, but Part 2 of this SPD sets out the limited circumstances where these might be acceptable.

3.3.3 Side extensions should not visually join together semi-detached or detached properties to avoid 'terracing'. Gaps between buildings should be preserved.

3.3.4 In order to meet the policy requirements of Policy SP5 2a) and HS5 1a), single storey side extensions should be in proportion with the scale of the host building. Whilst there is no specific limit on their width, this may be limited by the need to retain rear access and neighbour outlook/daylight. The streetscene impacts of larger extensions can be reduced by set-back(s) and careful roof design.

#### Corner Plots

3.3.5 If a side extension is proposed on a corner plot, equal care must be taken to the front and side views as it effectively has two frontages. Extensions which break the established building line of the side street may not be allowed. Attention must be paid to the front and side façade, boundary treatment and landscaping.

3.3.6 Highway safety for vehicles and pedestrians will also need to be considered and a set back from the back of the pavement may be necessary in some circumstances for safety and security.

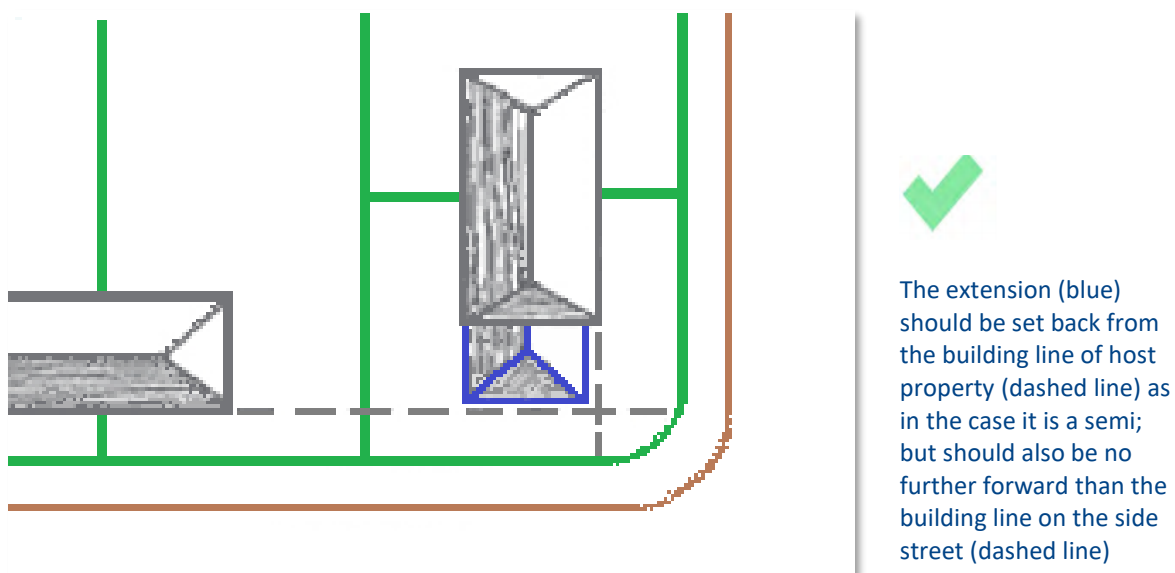


Figure 15: Corner Plot

**KEY POINTS FOR SINGLE-STOREY SIDE EXTENSIONS**

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on single storey side extensions set out in this part paying particular attention to the streetscene, roof treatment, boundary treatment and landscaping.

### 3.4 Two storey side extensions

3.4.1 Two storey style side extensions which are visible from the street as well as neighbouring properties will generally have a greater impact than their single-story counterparts in terms of their impact on neighbouring properties and the streetscene.

3.4.2 Part 2 of this SPD sets out a number of design considerations which must be addressed from the outset for all extensions, and there are a number of design approaches e.g. subservient, seamless, contemporary/contrasting or radical makeover that can be adopted. With two storey side extensions, the subservient approach is likely to be the most acceptable which can minimise the terracing effect of an extension, and prevent a semi-detached property appearing ‘unbalanced’, when viewed from the street.

3.4.3 Whatever the approach taken, as with single storey side extensions, in order to meet the policy requirements of Policy SP5 2a) and HS5 1a), two storey extensions should be in proportion with the scale of the host building. Whilst there is no specific limit on their width, this may be limited by the need to retain rear access and neighbour outlook/daylight. The streetscene impacts of larger extensions can be reduced by set back(s) and careful roof design.



Good examples of ‘subservient’ two-storey side extensions adopting the ‘complementary’ approach.

These examples include windows on the side elevations. These can be used successfully to increase surveillance over public land, but should not overlook your neighbour - see section 2.2E.

Figure 16: Two-storey side extensions



## Corner Plots

3.4.4 If a side extension is proposed on a corner plot, equal care must be taken to the front and side views as it effectively has two frontages. Extensions which break the established building line of the side street may not be allowed. Attention must be paid to the front and side façade, boundary treatment and landscaping. (See Figure 15)

3.4.5 Highway safety for vehicles and pedestrians will also need to be considered and a set back from the back of the pavement may be necessary in some circumstances for safety and security.

### KEY POINTS FOR TWO STOREY SIDE EXTENSIONS

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on two storey side extensions set out in this part paying particular attention to the streetscene; degree of set back and roof treatment; width; distance from the boundary; privacy distances and overlooking including the 45° angle; car parking provision; and retaining an acceptable amount of usable private amenity space.

### 3.5 Front extensions & porches

3.5.1 Front extensions and porches are eye catching and can significantly alter the appearance of a building. They are normally highly visible and can have a significant impact on the streetscene.

3.5.2 Where these include entrances, they should be carefully designed and create an appropriate sense of arrival.

3.5.3 Porches should respect and retain original architectural features and should not incorporate new features that are at odds with the character of the original house (for example, classical columns, etc). They should not merge with existing projections such as bay windows. In areas where entrance canopies or open porches form a particular feature of the original dwelling, these should generally not be enclosed. Particular care must be taken with semi-detached properties.

3.5.4 Front extensions (with or without entrance doors) will generally only be acceptable where the front garden is unusually deep and the extension does not break clear of existing building lines along the street. Front extensions will rarely be appropriate for semi-detached properties.

3.5.5 Part 2 of this SPD sets out a number of design considerations which must be addressed from the outset for all extensions, and a number of design approaches e.g. subservient, seamless, contemporary/contrasting or radical makeover that can be adopted. For front extensions, a variation of the subservient approach is likely to be the most acceptable. Front extensions or porches must meet the requirements set out in Part 2 in terms of impacts on daylight, privacy and outlook.

3.5.6 Front extensions may also negatively impact parking and access arrangements and appropriate levels of parking must be maintained (See 2.2.63-2.2.65).



The applicant here took the opportunity to remodel the entire property whilst extending it forwards and it now fits in much better with the traditional character of the area and the adjoining properties



Although this front extension is on a semi-detached house, it reflects the details of the host property and the neighbours. Its position on an outward curve of the street and the change in levels means that it has not adversely impacted on symmetry of the semi or the rhythm of the street.

Figure 17: Examples of a front extensions (Courtesy of Google Street View)

#### KEY POINTS FOR FRONT EXTENSIONS & PORCHES

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on front extensions and porches set out in this part paying particular attention to the streetscene including any strong building lines; scale and form; existing projections such as bay windows; privacy distances and overlooking, including the 45° angle.
- There is a general presumption against large extensions at/across the front of properties, typically where these are semi-detached or terraced.

### 3.6 Dormers & roof extensions

3.6.1 A roof extension can be a cost-effective way of increasing space in the home. However, not all roof spaces are suitable for conversion due to limited headroom, modern trussed rafters, or lack of suitable supporting structure. In these cases, alterations may be expensive or difficult to achieve.

3.6.2 Due to their prominent position on a building, roof alterations can have a significant effect on the appearance of a property and the wider street environment, even on rear elevations. They will only be acceptable where high quality design is employed, where additions are in scale with the existing roof form/slope and where they do not negatively impact on the character of the surrounding area, particularly where dormers on existing neighbouring properties are absent.

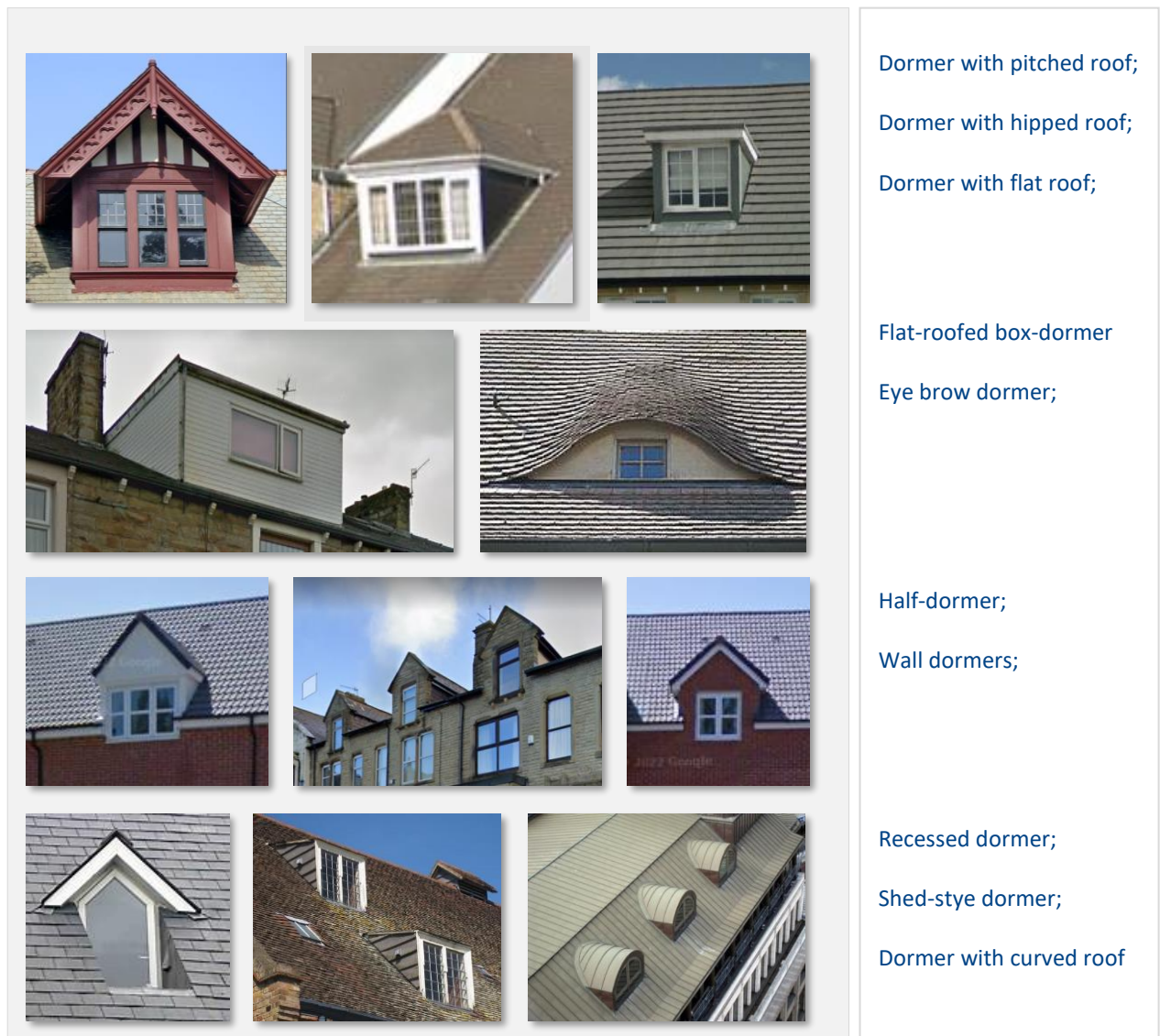


Figure 18: Various Types of Dormer (Courtesy of Google Street View and Geograph Britain and Ireland)

**All Dormers:**

3.6.3 All roof extensions should be in the form of a dormer<sup>5</sup> which:

- Should be contained well within the body of the roof by being well set back from the party/end walls, below the ridge of the roof and above the eaves gutter line.
- Should have a pitched roof wherever possible.
- Should be constructed with cheeks and pitched roofs clad in tiles or slates of a matching colour and texture to the existing roof and not be clad in board or plastic.
- Should line up vertically with the existing windows below.
- Dormer windows should not normally be wider than their heights unless it can be demonstrated that this approach is appropriate to the original building, e.g. taking into account the windows in the host dwelling.
- The glazing proportions, detailing and frame colour should generally match or complement those of the main house.
- Provides a suitable outlook for habitable rooms and protects the privacy of neighbour's habitable rooms and gardens (see section 2.2 E).

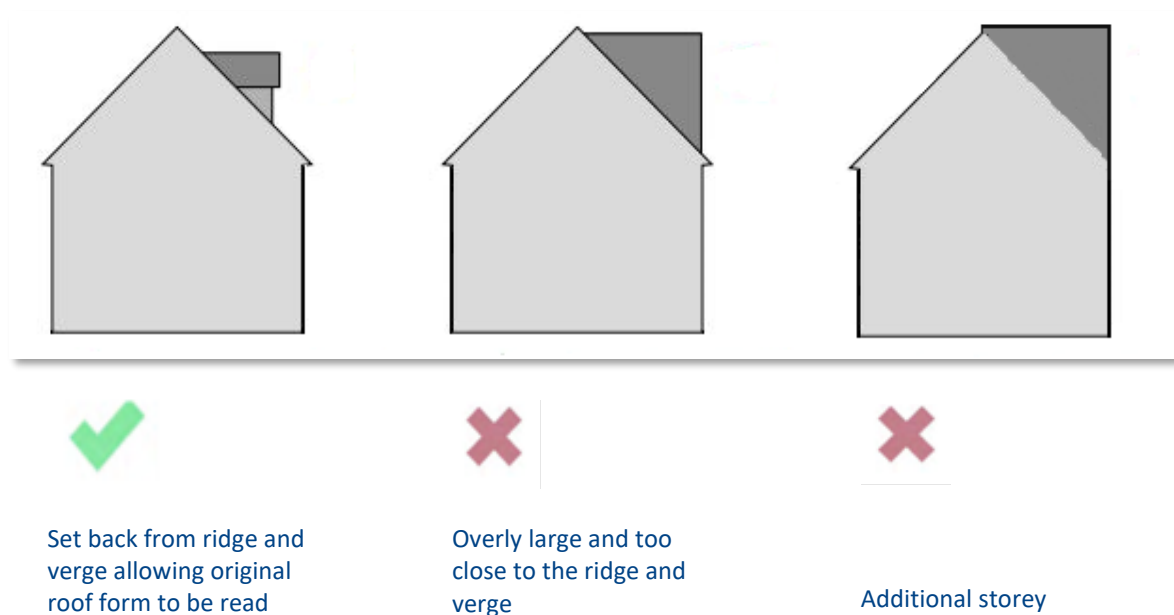


Figure 19: Dormer Profiles

<sup>5</sup> Extensions which extend the full width of the property or involve extending the entire outward wall upwards or raising the roofline are treated as an additional storey - see part 3.7





Here the pitched-roofed dormers use the same roofing materials as the main roof. They do not alter the underlying roof form. They line up with the windows below and are similar in style. Having two smaller windows or using rooflights as well as here (left) as can also avoid the use of too many (right) or larger flat-roofed dormers.

*Figure 20: Pitched roof dormers (Courtesy of Google Street View)*

**Front Dormers:**

3.6.4 Dormer windows are not a feature of Burnley’s traditional architecture as they are in other parts of the country or UK, although there are examples on larger period villas. They are found as a design feature on some 20th and 21st Century housing estates. New dormer windows will not normally be allowed on front elevations unless these are characteristic of the street/estate. Where these are allowed, pitched roof dormers will be required.



*Figure 21: Found on larger period properties in Burnley - Dormers at Rosehill Road and Padiham Road (Courtesy of Google Street View)*



Left - the poor quality flat roofed dormer's with felt detracts from the character of the host building, the terrace and wider streetscene



Figure 22: Flat-roofed dormers (Courtesy of Google Street View)

#### Rear Dormers:

3.6.5 Pitched roof dormers are also preferred on rear elevations, but appropriately sized and detailed flat roof dormers may be acceptable on rear elevations where these are not too prominent in the streetscene.

#### Side Dormers:

3.6.6 These will be expected to follow the guidance for front or rear dormers depending on the particular situation and prominence.

#### Rooflights

3.6.7 Roof-lights have less of a visual impact than dormer windows and can also reduce possible overlooking problems. They are therefore suitable in more situations, although it is important to carefully consider the size and layout of the roof-lights in relation to the scale of the roof and the arrangement of windows in the façade below. Rooms served only by rooflights that face the sky are not considered to provide a reasonable standard of outlook but may be acceptable where other habitable rooms within the property are available and are served by windows that provide appropriate standard of outlook.

#### Technical Standards

3.6.8 Fire escapes, structural supports, stairs, and thermal insulation are important technical considerations that need to be considered early in the planning stage and all roof alterations will need to meet Building Regulations requirements. When applying for planning permission for roof extensions, section drawings should be prepared and presented along with plans.

**KEY POINTS FOR DORMERS & ROOF EXTENSIONS**

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on dormers and roof extensions set out in this part paying particular attention to privacy/aspect distances, the scale of the dormer/roof extension with regard to the character of the area, window dimensions and glazing proportions, the appropriateness of the proposed dormer/extension on the type of property and elevation and ensuring the design respects the host building and its setting.
- Front dormers may not be appropriate if they are an uncommon feature in the locality or would appear out of character on the host dwelling.



## 3.7 Additional storeys

### *Where might this approach be acceptable in principle?*

3.7.1 Adding an additional storey on top of an existing dwelling, for example to turn a bungalow into a house, or a two storey house into a three storey town house, may be acceptable in certain limited circumstances. Adding an extra storey can sometimes be preferable, both visually and functionally, to adding multiple or overly large dormer windows.

3.7.2 Such an approach would rarely be acceptable on a semi-detached property - unless your neighbour also wanted to undertake a similar project and it would not adversely affect the character of the area or the streetscene.

3.7.3 Adding an additional storey to a detached bungalow is also highly unlikely to be acceptable if is in an area exclusively of bungalows.

3.7.4 Adding an additional storey may be acceptable on some detached properties and in rare cases on an end terraced house or mid terrace where the architecture of the individual buildings in the terrace varies considerably. It would not normally be acceptable on a terrace where the buildings are of a homogeneous design.



Some two storey terraces were built with three story end houses - as here. This approach is relatively rare in Burnley and the vast majority of terraces are entirely two storey and the addition of a third story would not be appropriate.

Where it is, the approach of running the roof at 90° and using matching materials and complementary details

Figure 23: Queens Gate Colne Road, Burnley (Courtesy of Google Street View)

### *What are the particular considerations involved in adding an additional storey?*

3.7.5 Increasing the height of a building can have significant impacts on neighbouring properties and any proposals for additional storeys will be assessed against the guidance set out in Part 2 in relation to the impacts on neighbouring properties.

3.7.6 In terms of architectural design, you should first determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD. In most cases the seamless approach would be the most acceptable and this would be the correct approach where the building is in a terrace of similar properties or is on an estate with a strong consistent design character. For detached dwellings or terraced buildings where the designs are more varied, there will be more freedom to adopt the contemporary/contrasting or radical

makeover approach. The subservient approach may also be acceptable to limit the visual or amenity impacts of the increase in height or when roof terraces or roof gardens are to be incorporated.

3.7.7 Given the increase in height and therefore prominence within the street scene, high quality design and construction is essential.



Wholly unacceptable upward storey extension on this previously attractive semi-detached house (left) and (right) this upward storey extension, which takes the form of an over-sized dormer, is an unsympathetic addition to the host property and the wider terrace of which it forms part.

Figure 24: Images of upwards extensions (left image Source Alan Stanton - Flickr)

#### KEY POINTS FOR ADDITIONAL STOREYS

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on additional storeys set out in this part paying particular attention to design and effects on daylight.
- This approach is only likely to be acceptable in a very limited set of circumstances as described above
- Adding additional storey to bungalows will not normally be supported

## 3.8 Garages & outbuildings

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### New garages and outbuildings

3.8.1 New garages and outbuildings (for storage, home working etc) should be carefully designed so that they form a positive relationship with the property and garden in which they are situated. Garages and outbuildings that are excessively large for the plot or sited unsympathetically can have an unacceptable impact.

3.8.2 Part 2 of this SPD sets out a number of design considerations which must be addressed from the outset for all extensions, including garages and outbuildings, and number of design approaches that can be adopted e.g. subservient, seamless, contemporary/contrasting or radical makeover. Whilst not all these aspects of these approaches will apply to garages and outbuildings, they should still be considered, particularly where the garage or outbuilding is visible from the street.

3.8.3 Outbuildings that are intended for use as independent dwellings or commercial premises are not covered by this SPD. A clear dependency should be retained at all times with the existing dwelling.

3.8.4 Garages and outbuildings are rarely appropriate in front gardens as this would spoil the streetscene and reduce natural surveillance to the detriment of crime prevention.

3.8.5 New garages should provide enough space to store a car, get in and out, and for garage doors to open outwards onto/over a private driveway. They must not open outwards over the public highway (road or footpath). They should be a minimum size of 3m in width x 6m<sup>6</sup> in length to enable bicycles or other storage at the rear of the garage. (\*unless alternative storage is provided) (Burnley Local Plan, Policy IC3, Appendix 9).

3.8.6 Outbuildings can be used to improve visual amenity by concealing bins or garden equipment. If submitting a planning application for a garage or outbuildings, it is a good idea to show the landscaping proposals on your drawings in order to demonstrate a positive relationship with adjacent open areas and gardens, and to show likely access arrangements.

3.8.7 The internal layout of an outbuilding is as important as that of the main house, particularly if it will be inhabited for long periods of time, such as for home working. If the outbuilding is less than 15sqm in area and does not contain sleeping accommodation, it is not normally necessary to apply for Building Regulations approval. However, you should ensure that any outbuilding that is intended to be used as a habitable space (for example as a home office), has a suitable structural design and provides an appropriate level of thermal insulation, damp proofing, daylighting, ventilation and fire proofing.

### Garage conversions

3.8.8 Planning permission is not usually required to convert an existing garage to additional living accommodation, providing the work does not involve enlarging the building.

3.8.9 In a number of instances on newer housing estates, these rights have been removed by conditions attached to the original planning permissions for the dwellings/estate meaning planning

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<sup>6</sup> unless alternative storage is provided

permission is required.<sup>7</sup> This is normally to ensure sufficient on-site private parking and off-site visitor parking storage is retained and/or to avoid the unsightly conversion of garage doors to windows. You should check before planning any works.

3.8.10 Permission may not be granted where the conversion would:

- reduce off-street parking to below the Local Plan standards for the dwelling type; or
- result in an unacceptable loss of garden, boundary walls and trees etc (to provide additional frontage parking); or
- reduce on street visitor parking to below the local plan standards.

3.8.11 Where permission is required and the conversion is considered to be acceptable in principle and in cases where the works do not require planning permission care should be taken, particularly with the replacement of garage doors. More often than not these look very obvious and odd.

3.8.12 The conversion of a garage, or part of a garage, into a habitable space usually requires Building Regulations approval.



Even when done well, as here, the conversion of garage always looks fairly obvious.

Here the curtilage of the dwelling is large enough to accommodate sufficient off-street parking.

Figure 25: Garage conversion (courtesy of Google Street view)

#### KEY POINTS FOR GARAGES & OUTBUILDINGS

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the guidance on garages and outbuildings set out in this part paying particular attention to privacy/aspect distances, retaining a clear dependency with the existing building, structural design and ensuring the design respects its setting and the local area.

<sup>7</sup> Conditions may be worded to withdraw 'permitted development rights' which actually cover the necessary conversion works such as the alteration of the garage door and insertion windows – this effectively prevents the use of the garage as additional living accommodation as well as the external alterations.

## 3.9 Family Annexes

3.9.1 Creating additional accommodation to provide semi-independent accommodation for a dependant relative may involve adding an extension to the family home or building or converting an existing outbuilding.

3.9.2 Proposals for annexes will be considered on the individual merits of each scheme, having regard in particular to Policy HS5 of the Local Plan and the guidance within this SPD. Fully independent accommodation which creates a new self-contained dwelling is not within the remit of Policy HS5 or this SPD.

3.9.3 Typically, annexe accommodation will be limited to a modest one-bedroom unit and be linked to the host property to allow its conversion to other ancillary accommodation if required in the future. In certain circumstances a slightly larger annexe may be acceptable to provide, for example, any necessary wheelchair access.

3.9.4 As with all extensions there must be no detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack privacy or reduction of outlook or daylight. These requirements are discussed in Part 2 of this SPD.

3.9.5 Various design approaches e.g. subservient, seamless, contemporary/contrasting or radical makeover as described are set out in Part 2 of this SPD. Depending on how the family annex is to be created, the appropriate approach will vary, and you should also read the further guidance relating to the particular type of proposal elsewhere in Part 3 e.g. for a two storey side extension.

3.9.6 With annexes, careful attention needs to be paid to balancing the need for accommodation and retaining functional private amenity space to the host property. Parking impacts are also key, both where the loss of existing spaces or garages is involved as well as the need for additional parking for the new resident(s) and any regular carers.

3.9.7 The conversion of an existing outbuilding to a 'dependant relative annexe' may or may not require planning permission but is likely to require building regulations approval.

### KEY POINTS FOR FAMILY ANNEXES

- Check whether the development needs planning permission, prior approval, or the building is listed/locally listed building or within a conservation area.
- Check that the design meets the Building Regulations requirements where applicable.
- Determine the design approach e.g. subservient, seamless, contemporary/contrasting or radical makeover as described in Part 2 of this SPD.
- Review and implement the General Principles set out in Part 2 of this SPD.
- Review the section elsewhere in this Part (Part 3) that related to the type of annex you proposed e.g. two storey side extension, outbuilding etc.
- Review the guidance on family annexes set out in this part paying particular attention to the retention of adequate private amenity spaces and parking.





## PLANNING FOR HEALTH SUPPLEMENTARY PLANNING DOCUMENT (SPD) CONSULTATION DRAFT

### REPORT TO THE EXECUTIVE



<b>DATE</b>	<b>14 June 2022</b>
<b>PORTFOLIO</b>	<b>Economy and Growth</b>
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### PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Planning for Health Supplementary Planning Document (SPD).
2. The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

### RECOMMENDATION

3.
  - (1) That Executive approves the draft Planning for Health SPD for public consultation for a six-week period commencing in late April/early May 2022.
  - (2) That, up to the start of the consultation period, the Strategic Head of Economy and Growth is authorised by the Executive to make minor changes to the wording or layout of the draft SPD, providing that the changes do not materially alter the meaning of the consultation document.

### REASONS FOR RECOMMENDATION

4. To meet the commitment to preparing a Planning for Health SPD as set out in the Council's Local Development Scheme (LDS) and through the Council's involvement in the Pennine Lancashire Childhood Obesity Trailblazer Programme; and to seek comments in accordance with the relevant regulations and commitments in the Council's Statement of Community Involvement (SCI).

### SUMMARY OF KEY POINTS

#### Early Consultation

5. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to

the issues within the document e.g. Policy and Engagement, Environmental Health, Green Spaces and Amenity, Burnley Leisure; and with Lancashire County Council Public Health and Wellbeing team and the Pennine Lancashire 'Healthier Place Healthier Future' Programme (HPHF) team.

### **Pennine Lancashire Childhood Obesity Trailblazer Programme**

6. The Pennine Lancashire 'Healthier Place Healthier Future' Programme (HPHF) is one of five Government funded childhood obesity trailblazers involving a consortium of seven Council's: Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley, Rossendale and Lancashire County Council. Funding is for three years. The programme commenced in June 2019.
7. The HPHF team are working across and within the districts to collaboratively improve the food environment and make it easier for people to lead healthier lives. Delivery is focused on working within Wards that have high levels of deprivation, large concentrations of fast-food establishments and children living with obesity.
8. The project is built upon 'four levers for change' to influence healthier environments with one of these being Planning: working with planning authorities to support development of healthier places; aligning policy across the districts and using planning to support public health. The agreed planning-related actions include the development of a Planning for Health SPD for Burnley to be adopted by June 2022.

### **Strategic Environmental Assessment**

9. SPDs no longer require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment under the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').
10. Councils must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies, namely: Historic England, Natural England and the Environment Agency. The three bodies have confirmed their agreement with the Council's conclusion on this matter and the Council made a determination on 4 July 2020 that SEA is not required.

### **Proposed Consultation**

11. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this period to six weeks to allow more time for interested parties to respond.
12. Consultation on the draft SPD will include notification to all those required to be notified by legislation and all others on the Local Plan consultation database, together with advertisement on social media and the Council's website. The document will also be made available at the Contact Centre and main libraries.



13. A revised SPD will then be prepared taking into account the consultation responses received and will be presented to a future Executive for formal adoption.

### **The Draft SPD**

14. The draft SPD highlights the key links between the planning system and health and discusses how the policies of the local plan, in accordance with its objectives, seek to protect and/or improve people's physical and mental health and address health inequalities. Whilst it could be argued that all the Local Plan policies have a link to health, the SPD concentrates on key linkages against 4 themes:
  - Theme 1 - policies that seek to protect people from physical harm
  - Theme 2 - policies that seek to enable people to live healthier lifestyles
  - Theme 3 - policies that seek to provide access to health infrastructure
  - Theme 4 - policies that involve the general protection or enhancement of the environment that can improve quality of life.
15. It identifies the impact of the policy in relation to the issue and its relative importance (not the importance of the health issue itself but rather the importance of the planning tool in seeking to address it).
  - Impact 1: Where the planning tool clearly can or does have a positive effect on its own (regardless of other agencies' activities) but is also essential to the efforts of other agencies to address health issues and inequalities; and where normal levels of public and private sector funding can deliver the policy e.g. protection of precious open space and ensuring safe vehicular access in new development.
  - Impact 2: Where the planning tool is one of the key tools available in relation to the matter and is essential to the efforts of other agencies to tackle health issues and inequalities; and where it clearly can or does have a positive effect, but is heavily reliant on public sector funding or private sector investment e.g. the protection and provision of formal sports and play facilities
  - Impact 3: Where the planning tool complements wider efforts to tackle health inequalities but has a limited effect on its own e.g. controlling the location and where possible the menu offer of hot food takeaways.
16. By explaining the health impact of policies in more detail than is set out in the Local Plan, and by categorising the impacts and their relative importance, the SPD aims to better inform planning decisions and the 'planning balance'.

### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

17. £3,000.00 was received towards the work involved in preparing the SPD through the Trailblazer Programme and the work will be completed within this and existing budgets. As such, there are no financial implications directly associated with this report.

### **POLICY IMPLICATIONS**

18. The Planning for Health SPD will be a material consideration when considering relevant

applications. Its production fulfils an existing commitment in the Council's LDS.

**DETAILS OF CONSULTATION**

19. As set out in paragraph 5 of the report.

**BACKGROUND PAPERS**

20. None

**FURTHER INFORMATION**

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# Planning for Health:

Supplementary Planning Document (SPD)

Consultation Draft - Draft for Executive June 2022

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# 1. Introduction

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## 1.1 The Purpose and Scope of the SPD

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1.1.1 This Supplementary Planning Document (SPD) has been prepared by Burnley Council as part of its planning policy framework. It supplements the policies of Burnley's Local Plan 2012-2032 which was adopted on 31 July 2018.

1.1.2 SPDs elaborate on the policy and proposals in Local Plans but do not have their formal statutory 'Development Plan' status. SPDs cannot introduce entirely new policy. They are, however, material considerations in the determination of relevant development proposals. This SPD provides detailed guidance on the application of the Local Plan's policies in respect of health-related matters.

1.1.3 The SPD highlights the ways in which the planning system can contribute to protecting and improving people's physical and mental health and promote the creation of healthy places. It explains how the relevant Local Plan policies can be applied to achieve better health outcomes and outlines or signposts other strategies and initiatives that support and complement the Local Plan policies.

1.1.4 The SPD was adopted by the Council on [to add]

## 1.2 Planning-related Health Impacts

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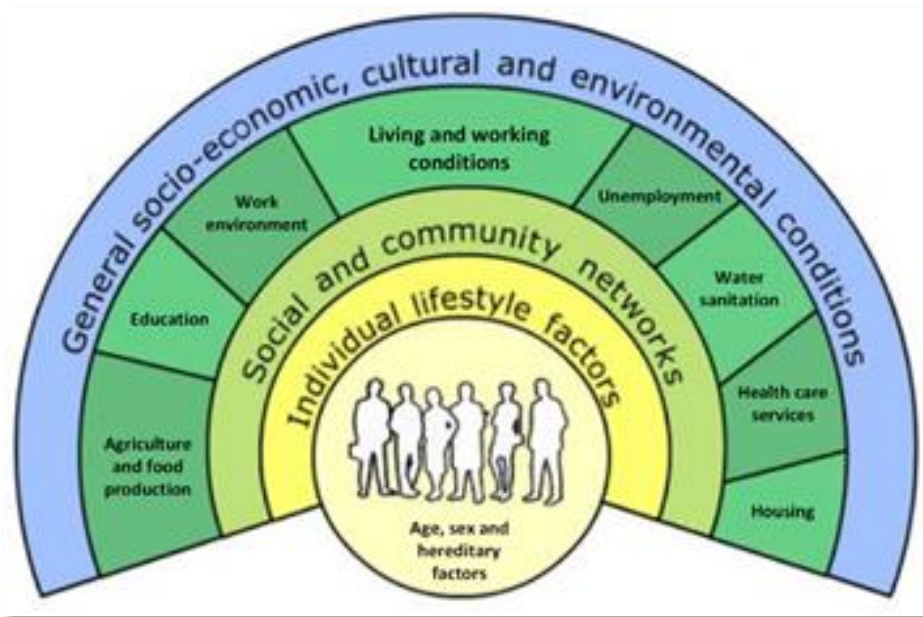
### The Wider Determinants of Health

1.2.1 The World Health Organisation defines health as 'a state of complete physical, mental and social wellbeing'.

1.2.2 As well as access to good quality healthcare services, there are many factors that affect health and wellbeing. These include the physical and social conditions in which people live, culture, education, housing, transport, employment, crime, income, leisure and other services. These factors all influence health in either a positive or negative way, both directly and indirectly. These factors are usually known as the 'wider determinants of health' (See Figure 1 overleaf).

1.2.3 Differences in health outcomes between different groups of similar age within society are referred to as 'health inequalities'. These inequalities are not caused by one single issue but a complex mix of factors reflecting differing social, environmental and economic conditions.

1.2.4 A healthy place is one which supports and promotes healthy behaviours and environments and removes health inequalities for people of all ages. It provides people with opportunities to protect and improve their physical and mental health and supports community engagement and wellbeing. It is a place which is inclusive and promotes social interaction. It also meets the needs of children and young people to grow and develop, as well as being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments.



**Table/Figure 1: The Dahlgren and Whitehead model of the Main Determinants of Health**

## The Role of Planning

1.2.5 Planning has an important role in influencing these wider determinants of health. Planning policies can directly or indirectly contribute to protecting and improving people's physical and mental health and thus help tackle health inequalities. This is particularly important in Burnley given the health inequalities highlighted in Section 1.3.

1.2.6 The planning system alone cannot protect health or improve health outcomes. The planning system only deals directly with 'new' development proposals. Wider political and economic factors e.g. national policy, legislation and tax and spending decisions have a much greater impact on health outcomes. However, if the planning system fails to ensure new development is of an appropriate standard or protect vital green infrastructure, the longer-term opportunities to improve health outcomes will be thwarted. Most importantly in terms of outcomes, successful planning can help improve the economic prosperity of areas by providing land for development and jobs, delivering good quality new development and protecting and enhancing the environment. Increased prosperity enables people to make and afford healthier life choices.

## Physical Health

1.2.7 As set out later in Section 1.3, life expectancy for both men and women in Burnley remains lower than the Lancashire and England average, and rates of mortality from heart disease and stroke, and from cancer, are all significantly higher than the Lancashire and England averages. Childhood obesity levels are also above the Lancashire and England averages as are infant mortality rates.

1.2.8 The planning system can directly protect people's physical health, for example by ensuring safe design to avoid accidents or helping protect from pollution (that cannot fully be controlled by other statutory regimes).

1.2.9 It can indirectly protect people's physical health by helping to tackle obesity and cardiovascular disease by protecting and providing social and community infrastructure (parks, sports



facilities) and supporting new development which helps people to live more active lifestyles and make healthier food choices.

## Mental Health

1.2.10 Traditionally, physical and mental health have been considered separately. However, the links between mental health and physical health are strong and poor physical health can lead to an increased risk of developing mental health problems. Similarly, poor mental health can have a negative impact on physical health, leading to an increased risk for some conditions.

1.2.11 It is reported that 37% of people with severe symptoms of common mental disorders also have one or more of, high blood pressure, cancer, epilepsy or asthma.<sup>1</sup> The Campaign to End Loneliness reports that a lack of social connections is a comparable risk factor for early death as smoking 15 cigarettes a day. It increases the likelihood of mortality by 26%, higher than other well-known risk factors such as obesity and physical inactivity.<sup>2</sup>

1.2.12 Good access to education, training and jobs; opportunities for safe social interaction; access to services and facilities including outdoor and green space; good quality housing; and a high-quality general environment all protect and improve people's mental health.

1.2.13 Opportunities to shape the environment through commenting on national policy, engaging in the preparation of local plans and SPDs, and through commenting on individual planning applications, are important for people to feel engaged and are also important in harnessing local knowledge and developing and strengthening community structures such as local residents action groups. Whilst local choices can be made over local plan policy approaches and site allocations, local plans (and thus planning decisions) must be consistent with national planning policy and take account of national planning practice guidance. This can cause frustration.

1.2.14 Increasing amounts of development do not require planning permission and for those developments that do, planning policies and decisions rarely attract a consensus, and the planning system cannot take into account the effect on people's mental and/or physical health of seeing development proposals approved (or refused) that they personally disagree with e.g. those that will spoil a cherished view they have over private land. Nor can it take into account objections to disturbance and disruption caused during the construction phase of development, providing that this is of course appropriately managed by conditions, for example to restrict activities to working hours. Specific instances of excessive noise or antisocial behaviour arising from development can be dealt with under other legislation outside the planning process.

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<sup>1</sup> [Physical health and mental health | Mental Health Foundation](#)

<sup>2</sup> [Loneliness Research | Campaign to End Loneliness](#)

## 1.3 Key Health Issues in Burnley

### Population

1.3.1 The borough’s population in 1991 was 92,000, by 2011 it had fallen to 87,000.<sup>3</sup> The most recent ONS 2020 mid-year population estimate (MYE) indicates a seventh consecutive year of growth and that Burnley's population now stands at 89,344.

1.3.2 The latest 2018-based ONS sub-national population projections (SNPP) released in 2020 give a projected population at the end of the Local Plan period (2032) of 91,861. The local plan, in determining the level of housing required, used a population scenario which indicated a population in 2032 of 92,460.

1.3.3 The number of people aged 65 and over is growing in Burnley, as in England generally, with a rise from 14,200 people in 2011 to 16,800 in 2020 (+2,600 people).<sup>4</sup>

1.3.4 The borough’s population is diverse with about 12.6% of its residents at the 2011 Census being black or minority ethnic, an increase from 8.2% in 2001. There is a continuing pattern of residential separation in Burnley with eight out of fifteen of its wards having 3% or fewer residents who are not white, while two wards have a black or minority ethnic population greater than 25% (Queensgate 29%, Daneshouse with Stoneyholme 82%).

### Health and Deprivation

1.3.5 Within some of the inner urban neighbourhoods there are significant pockets of deprivation. This is in stark contrast to the greater affluence of some suburbs and villages.

1.3.6 The Indices of Deprivation<sup>5</sup> 2019 ranked Burnley as the 8th most deprived area out of 326 local authority areas in England (based on rank of average scores). In 2015 it was ranked 9th. The most prevalent form of deprivation in Burnley relates to health and disability.

1.3.7 Although it is increasing gradually, life expectancy for both men and women in Burnley is lower than the Lancashire and England averages. The table below shows life expectancy since the start of the local plan period 2012. Life expectancy for both men and women is lower than the Lancashire and England average.<sup>6</sup>

1.3.8 According to the Burnley Health Profile 2019 (Public Health England), life expectancy is 11.5 years lower for men and 4.5 years lower for women in the most deprived areas of Burnley than in the least deprived areas.

**Table/Figure 2: Life Expectancy at Birth**

	Year	Burnley	Lancashire (12)	England
Males	2010-2012	75.6	78.0	79.1
	2011-2013	75.6	78.2	79.3
	2012-2014	76.1	78.4	79.4

<sup>3</sup> ONS population mid year estimates (MYE)

<sup>4</sup> Source ONS MYE

<sup>5</sup> [English indices of deprivation 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019)

<sup>6</sup> Office for National Statistics, Life Expectancy at Birth and at Age 65 by Local Areas in England and Wales, 2012-14

	2013-2015	76.3	78.5	79.5
	2014-2016	76.7	78.7	79.5
	2015-2017	76.2	78.6	79.6
	2016-2018	76.2	78.5	79.6
	2017-2019	76.0	78.5	79.8
	2018-2020	75.7	78.3	79.4
<b>Females</b>	2010-2012	80.5	81.9	82.9
	2011-2013	80.1	81.9	83.0
	2012-2014	80.1	82.1	83.1
	2013-2015	80.0	82.1	83.1
	2014-2016	80.5	82.2	83.1
	2015-2017	80.9	82.2	83.1
	2016-2018	81.4	82.2	83.2
	2017-2019	80.8	82.3	83.4
	2018-2020	80.3	82.0	83.1

Source: Public Health England & ONS, Local Authority Health Profiles <https://fingertips.phe.org.uk/profile/health-profiles>

1.3.9 The table below shows that Burnley’s rates of mortality from heart disease and stroke, and from cancer, are all significantly higher than the Lancashire and England averages. Rates had been steadily decreasing since 2010-2012 but the figures for 2017-2019 saw a slight rise on the previous year’s figures, but this was still well below the 2010-12 figures.

1.3.10 Modifiable risk factors, including tobacco use, alcohol consumption, poor diet, physical inactivity and being overweight or obese, contribute to the number of early deaths from these diseases as do environmental factors such as (sometimes historic) industrial pollution and pollution from vehicle emissions.

**Table/Figure 3: Mortality Rates by Disease**

	Year	Burnley	Lancashire (12)	England
Mortality due to cardiovascular disease (inc. heart disease and stroke) per 100,000 population of those under 75	2010-2012	121.2	92.6	80.8
	2011-2013	113.9	89.8	77.8
	2012-2014	109.9	85.6	75.7
	2013-2015	106.0	85.0	74.6
	2014-2016	103.1	82.1	73.5
	2015-2017	102.4	81.1	72.5
	2016-2018	99.8	81.4	71.7
	2017-2019	101.4	83.7	70.4
Mortality due to cancer per 100,000 population of those under 75	2010-2012	205.1	156.6	146.5
	2011-2013	188.0	155.8	144.4
	2012-2014	183.7	149.8	141.5
	2013-2015	170.3	143.5	138.8
	2014-2016	168.6	138.5	136.8
	2015-2017	170.2	137.8	134.6
	2016-2018	163.1	138.3	132.3
	2017-2019	168.7	136.4	129.2

Source: Public Health England & ONS, Local Authority Health Profiles (As Above)

1.3.11 The table below shows that the infant mortality rate in Burnley (rate per 1000 live births), remains higher than the Lancashire and England averages but at its lowest rate since 2012.

**Table/Figure 4: Infant Mortality Rates**

	Burnley	Lancashire (12)	England
2010-2012	6.6	5.1	4.3
2011-2013	6.7	5.3	4.1
2012-2014	5.9	4.8	4.0
2013-2015	8.2	4.6	3.9
2014-2016	6.8	4.5	3.9
2015-2017	7.8	4.7	3.9
2016-2018	6.6	4.7	3.9
2017-2019	7.0	4.2	3.9
2018-2020	5.1	3.8	3.9

Source: Public Health England & ONS, Local Authority Health Profiles (As Above)

1.3.12 According to the Burnley Health Profile in 2019/20 22.0% (250) Year 6 children (10-11 years old) were classified as obese; this is a marked increase from the rate in 2018/19. The Burnley rate is above the Lancashire and England rate. The Lancashire and England rates are gradually increasing.

**Table/Figure 5: Obesity in Children (Year 6 ages 10-11)**

Year	Burnley	Lancashire (12)	England
2012/13	19.1	17.9	18.9
2013/14	21.0	18.1	19.1
2014/15	21.7	18.4	19.1
2015/16	23.4	18.9	19.8
2016/17	21.2	18.9	20.0
2017/18	22.7	18.8	20.1
2018/19	20.0	19.9	20.2
2019/20	22.0	20.7	21.0

Source: Public Health England & ONS, Local Authority Health Profiles (As Above)

1.3.13 The following table below from the 2011 Census shows the number and percentage of people in Burnley whose day-to-day activities were limited by long term illness or disability.

**Table/Figure 6: Day-to-day activities limited by long term illness or disability 2011 Census**

	Population	A lot	A lot %	Little	Little %	Not limited	Not limited %
Burnley	87,059	10,090	11.6	9,517	10.9	67,452	77.5

Source: ONS 2011 Census

### Activity Levels

1.3.14 Since November 2015, Sport England has conducted a survey called the 'Active Lives Survey' which measures sport and physical activity level across England.<sup>7</sup>

1.3.15 The survey from May 2020/21<sup>8</sup> found that in Burnley:

- 34.4% of people were classed as 'inactive' (less than 30 minutes activity per week), compared to the England average of 27.5%
- 10.9% of people were classed as 'fairly active' (30-149 minutes of activity per week), compared to the England average of 11.6%
- 54.7% of people were classed as 'active' (at least 150 minutes of activity per week), compared to the England average of 60.9%

1.3.16 In 2020/21 the percentage of people classed as inactive continued to increase reaching a high of 34.4%. The percentage of people who were classed as fairly active declined again in 2020/21 to 10.9%. The percentage of people who were classed as active in 2020/21 remained flat at 54.7%. It is important to note that the COVID-19 pandemic may have impacted the recent figures due to the enforced closure of sports facilities.

**Table/Figure 7: Physical Activity – Active Lives Survey**

	Inactive %	Fairly Active %	Active %
Nov 2015/16	31.7	12.6	55.7
May 2016/17	30.8	11.3	57.8
May 2017/18	26.0	12.9	61.1
May 2018/19	29.0	15.0	56.0
May 2019/20	33.9	11.4	54.7
May 2020/21	34.4	10.9	54.7

Source <https://activelives.sportengland.org>

### Housing Stock

1.3.17 Burnley has a much higher proportion of terraced housing than England or the region as a whole. Terraced housing made up 50.1% of Burnley's total housing stock of 39,962 according to the 2011 census (compared to a regional average of 30% and an England average of 24.5%). The vision and objectives of the Local plan identified the need to improve housing quality and choice and support economic growth. This included diversifying away from smaller terraced properties, to provide larger aspirational detached and semi-detached homes with gardens and off-street parking - while still providing quality and choice at all ends of the market and ensuring the efficient use of land.

1.3.18 Much of the terraced housing stock comprises pre-1919 two bedroomed houses and this not only constrains choice in the housing market, but can have health impacts. A majority of the terraced stock has no off-street parking, a small rear yard and in most cases no front gardens. The limited

<sup>7</sup> Source: Sport England [Active Lives data tables | Sport England](#)

<sup>8</sup> These estimates include the activities of walking, cycling, dance, fitness and sporting activities, but exclude gardening which is outside of Sport England's remit. Activity is counted in moderate intensity equivalent minutes whereby each 'moderate' minute counts as one minute and each 'vigorous' minute counts as two moderate minutes.

private amenity space together with modern refuse and recycling arrangements means there is very little space for people to have any form of greenery or food growing at home and limited opportunities for sitting out in the fresh air or sunshine, in private, or away from refuse bins.

1.3.19 Terraced housing remains very popular and provides a suitable and affordable product for many people, but it is essential that residents in smaller terraces in particular, have access to green space nearby. This includes both physical access for relaxation, play and exercise and visual access to green areas with plants and trees. The availability of allotments for those who do not have gardens is also important.



Well maintained small street terraces – (left) no hint of greenery - but (right) in the parallel street - the beautiful Thursby Park © Google Street View

1.3.20 The importance of access to green infrastructure to people's physical and mental health was highlighted during the early months of the Covid-19 pandemic. Due to 'lockdown' restrictions, the opportunity to exercise outdoors and close to home was of increased importance for everybody, but for those who live in flats or homes without private gardens and for those without access to a private car, locally accessible open spaces were essential for their physical and mental health.

### *Fuel Poverty*

1.3.21 The definition of fuel poverty has undergone a series of revisions over the past decade.

1.3.22 Under a previously used definition, a household was considered to be in fuel poverty if it spent more than 10% of its income on fuel, but this measure could include both people in financial difficulties and those who could comfortably spend over 10% of their income heating larger properties that are at the higher end of the price range. It was therefore considered an indicator of limited value.

1.3.23 In June 2014, fuel poverty results for 2012 were published by the Department of Energy and Climate Change (now the Department for Business, Energy & Industrial Strategy BEIS). These used a new definition of fuel poverty, the 'low income high costs' method of calculation. A household was then defined as 'fuel poor' if:

- A household has required fuel costs that are above the median level; and
- Were the household to spend that amount, they would be left with a residual income below the official poverty line.

1.3.24 Using this definition, in 2019, (the latest stats available) the number of households in fuel poverty in England was estimated at 3.2 million, representing approximately 13.4% of all English households. This proportion is a substantial increase from 10.2% in 2018.

1.3.25 The 2019 results indicated that in Lancashire, 71,822 households (13.7%) were in fuel poverty. Within Lancashire, Pendle (17.3%) had the 26th worst rate in the country, whilst Burnley at 16.4% had

the 42nd worst rate. Whilst Burnley had improved in the England ranking from the 20th worst overall, this still represents a worse position than in 2018 when the number was 5,353 equating to 13.6% (BEIS/Lancashire Profile).

1.3.26 In 2019 within Burnley, one urban neighbourhood (LSOAs) had levels of fuel poverty above 30%, which was an improved position on 2018 when three urban neighbourhoods (LSOAs) had levels of fuel poverty above 30%.

1.3.27 In February 2021 a new fuel poverty strategy was published<sup>9</sup> and a new fuel poverty metric 'Low Income Low Energy Efficiency' (LILEE) was set out in the strategy. The LILEE indicator considers a household to be fuel poor if:

- it is living in a property with an energy efficiency rating of band D, E, F or G as determined by the most up-to-date Fuel Poverty Energy Efficiency Rating (FPEER) Methodology; and
- its disposable income (income after housing costs (AHC) and energy needs) would be below the poverty line.

**Table/Figure 8: Households in fuel poverty in East Lancashire 2019**

Area	All households (estimated number)	Fuel-poor households (estimated number)	Fuel-poor households (%)	Rank out of 314 local authorities in England
Burnley	39,670	6,507	16.4	42
Blackburn with Darwen	60,504	9,922	16.4	43
Hyndburn	36,271	5,642	15.6	67
Pendle	39,460	6,818	17.3	26
Ribble Valley	25,463	2,978	11.7	196
Rossendale	30,654	4,549	14.8	90
Lancashire	524,303	71,822	13.7	-
North West	3,177,487	461,364	14.5	-
England	23,661,751	3,175,979	13.4	-

Source: Department for Business, Energy & Industrial Strategy (2019 sub-regional fuel poverty data, low income high cost measure) <https://www.lancashire.gov.uk/lancashire-insight/deprivation/fuel-poverty/>  
<https://www.gov.uk/government/statistics/sub-regional-fuel-poverty-data-2021>

1.3.28 There have been dramatic rises in the wholesale energy prices since summer 2020 and more and more customers are facing large increases in bills as fixed rate deals end and standard tariff rates increase. The energy price cap (the maximum allowed consumer energy price) is to increase by 54% from April 2022.

1.3.29 From 1 April 2022, the Ofgem price cap for direct debit customers will increase by £693, rising to £1,978 per year. Customers paying via other methods, such as prepayment meters, will have higher tariff caps. The Government announced a support scheme to offset some of the cost to consumers. The price cap last rose in October 2021, from £1,138 to £1,277.

1.3.30 These rises will no doubt increase the numbers of people in fuel poverty.

<sup>9</sup> [Sustainable warmth: protecting vulnerable households in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/sustainable-warmth-protecting-vulnerable-households-in-england)

### *Fast Food and Takeaways*

1.3.31 As part of its policy monitoring the Council conducts a biennial survey of use classes and vacancies within the two Town Centres of Burnley and Padiham and the eight District Centres. The most recent survey was completed in May 2021. The survey data can be used for many purposes, including to identify the location of hot food takeaways (A5/Sui Generis Use Class).

1.3.32 Public Health England (PHE) data published in 2018 showed the density of “fast food outlets” for each local authority in England, with the figures ranging from 26 to 232 outlets per 100,000 population, with the average across England being 96.1. It indicates that there were 147 fast food outlets in Burnley giving at density of 168, the 3rd highest in England. Figures for the number of outlets in each ward is also available.<sup>10</sup> This data does not just include hot food takeaways but also restaurants and other establishment's selling certain types of fast food.

1.3.33 Further information and comment on the statistics for Lancashire and Burnley is set out in Appendix B.

1.3.34 There is strong evidence linking the density of fast food outlets to the level of an area's deprivation and the data shows higher concentrations of fast food outlets in England's most deprived communities. Whilst the link between the regular consumption of hot food takeaways and obesity is widely accepted, and there is an established correlation between the prevalence of outlets in a particular and the level of deprivation, it has not possible to determine how much of this is a cause of deprivation or an effect. It is both.



### Further Information

1.3.35 Further information on health is set out on the Council's [Authority Monitoring Report \(AMR\)](#) and Public Health England's local authority health profiles.<sup>11</sup> [Local Authority Health Profiles - OHID \(phe.org.uk\)](#)

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<sup>10</sup> [Fast food outlets: density by local authority in England - GOV.UK \(www.gov.uk\)](#)

<sup>11</sup> [Local Authority Health Profiles - OHID \(phe.org.uk\)](#)



## *2. Policy Context Overview*

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## 2.1 National Planning Policy

2.1.1 National planning policy exists in the form of the National Planning Policy Framework (NPPF)<sup>12</sup> and a small number of other policy documents and Written Ministerial Statements (WMS), supported by a regularly updated online practice guidance covering a series of themes (NPPG).<sup>13</sup> It also exists in the provisions of relevant legislation. Local Plans are prepared to be consistent with national policy.

2.1.2 The NPPF has a presumption in favour of sustainable development, with three dimensions to the concept: economic; social; and environmental. The social role comprises *‘supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.*

2.1.3 The NPPF discusses the importance of ‘promoting healthy and safe communities’ and states that planning policies and decisions should: *‘Aim to achieve healthy, inclusive and safe places which...*

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling’.<sup>14</sup> (Para 92c)

2.1.4 The NPPF also states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” (Para 119)<sup>15</sup>

2.1.5 The National Design Guide 2021<sup>16</sup> also highlights key environmental elements that promote health, including the section ‘Nature’ (p26-29):

*‘To encourage physical activity and promote health, well-being and social inclusion.’* (Nature, well-designed places, p26).

2.1.6 The National Model Design Code 2021<sup>17</sup> sets a baseline standard for quality and practice which local planning authorities are expected to take into account when determining applications, including *“how the design of new development enhances the health and wellbeing of local communities and creates safe, accessible and active environments”* (Part One, Para 11)

2.1.7 Planning Practice Guidance (NPPG) refers to planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure, play, sport and

<sup>12</sup> Current version 2021 [National Planning Policy Framework](#)

<sup>13</sup> [Planning practice guidance - GOV.UK \(www.gov.uk\)](#)

<sup>14</sup> Mention of access to healthier food and allotments were specifically added to the 2018 version and the creation of community orchards in the 2021 version Para 131

<sup>15</sup> Reference to ‘healthy living conditions’ was first mentioned in the 2018 NPPF. The 2012 NPPF use the phrase ‘acceptable living standards’. This is a clarification rather than a change in policy and seeks to highlight the link between these matters and health

<sup>16</sup> [National design guide - GOV.UK \(www.gov.uk\)](#)

<sup>17</sup> National Model Design Code [National Model Design Code - GOV.UK \(www.gov.uk\)](#)

recreation. It confirms that planning can influence the built environment to improve health and wellbeing.

### *Planning Reform*

2.1.8 This SPD does not take account of the proposals for the reform of the current system of plan-making and development contributions set out in the Levelling Up and Regeneration Bill of May 2022.

## 2.2 Local Policy

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### Burnley's Local Plan

2.2.1 Burnley's Local Plan 2012-2032 was adopted on the 31 July 2018. It is a comprehensive local plan which includes a full suite of strategic and other policies which identify the quantum and quality of development required and allocate sites.

2.2.2 A number of its policies have direct or indirect impacts on the wider determinants of health. Indeed, it could be argued that almost every policy has some impact even if health is not its main or a key emphasis. The key policies and their health impacts are discussed in Sections 3 to 7.

### Strategic (Corporate) Plan

2.2.3 The Council's Strategic Plan (February 2021)<sup>18</sup> sets out how the Council will address the key challenges facing the borough, grouped under four strategic policy themes: People, Places, Prosperity and Performance.

2.2.4 It recognises that reducing health inequality is a significant challenge in Burnley and that the Council is well positioned to influence and deliver many measures that can help prevent ill health, both through its key functions (parks and greenspaces, housing and environmental health); and its enabling role particularly in improving community safety and its partnership with Burnley Leisure. Moreover, it recognises that poverty is a significant cause of poor health and accordingly the most significant long-term contribution to reducing health inequality is the Council's commitment to help grow the local economy and increase educational attainment and skills.

### Community Recovery Plan

2.2.5 The Council has also developed a Community Recovery Plan which sets out a co-ordinated multi-agency partner approach to assisting with the local recovery from the Covid-19 Pandemic which began in 2020. This includes a number of actions for the period up to March 2021, under the interlinked categories of impact including economy; health and wellbeing; community and inclusion.<sup>19</sup>

### Facilities-related strategies

#### *Green Spaces Strategy*

2.2.6 Burnley Borough Council's [Green Spaces Strategy 2015-2025](#) recommends standards for open space provision. These informed the development of the Local Plan and in particular Policy HS4. It also identifies priorities for improvements for:

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<sup>18</sup> [Burnley Council Strategic Plan 2019 \(modern.gov.co.uk\)](#)

<sup>19</sup> [Community Recovery Plan November 2020 1.pdf \(modern.gov.co.uk\)](#)

- Parks and Gardens;
- Natural and Semi-Natural Greenspaces;
- Amenity Green Spaces;
- Provision for children and young people;
- Outdoor sport;
- Allotments;
- Cemeteries, and
- Greenways.

### *Play Area Strategy*

2.2.7 The [Burnley Play Area Strategy 2017-2026](#) identifies the borough's existing play facilities, those to be maintained and where new provision may be required. This strategy will inform the requirement for and location of new or enhanced/safeguarded play space provision required under Policy HS4 or IC5.

### *Playing Pitch Strategy*

2.2.8 The Rossendale, Pendle and Burnley [Playing Pitch Strategy 2016-2026](#) identifies where protection, enhancement and the provision of new sites for football (both adult and junior), cricket, rugby union, rugby league, hockey, tennis, bowls and rounders should occur up to 2026. These informed the development of the Local Plan and in particular the site allocations. An update of the strategy is shortly to commence.

2.2.9 Where Sport England raise an objection to the loss of any existing playing pitch or field and requires replacement provision, or requires new provision to support development; providing this is in accordance with its published policy/standards and national planning policy; the Council may seek contributions from developers towards this, and such contributions will be prioritised as being 'necessary and critical' and thus 'priority 1'.<sup>20</sup>

### *Together an Active Burnley*

2.2.10 [Together an active Burnley: the physical activity and sport strategy for Burnley 2018 2023](#) sets out a long-term vision for physical activity and sport in Burnley and how it can contribute to the priorities for improving life in the borough for all. It aims to help create the right environment so that the choice for the least active residents to build activity into their everyday lives is an easy and enjoyable one and to create the conditions for local residents to thrive, develop key life skills and reach their potential through and in sport.

## 2.3 Other Health-related Strategies, Initiatives and Guidance

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2.3.1 A wide range of national, regional and local health related strategies and guidance are relevant to planning for health. National strategies inform the policy content of the NPPF and therefore the Local Plan. Regional and local strategies also inform the development of the Local Plan and the relevant bodies are engaged in the Local Plan's production e.g. NHS, Lancashire County Council, Sport England.

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<sup>20</sup> See [Developer Contributions SPD 2020](#)

2.3.2 New and updated strategies and initiatives (that postdate the Local Plan and have direct relevance to its content) include the following:

#### Local Authority Healthy Weight Declaration

2.3.3 The Healthy Weight Declaration was designed by Food Active to support local government in developing and implementing policies which promote healthy weight.<sup>21</sup>

#### Pennine Lancashire Childhood Obesity Trailblazer Programme

2.3.4 The 'Healthier Place Healthier Future' Programme (HPHF) is one of five Government funded childhood obesity trailblazers.<sup>22</sup> Referenced in the Childhood Obesity Plan: Chapter 2, the trailblazer programme supports local authorities to test existing levers to improve child health and increase the prevalence of healthy weight. The programme is commissioned by the Department for Health and Social Care (DHSC) and delivered by the Local Government Association (LGA).

2.3.5 The Pennine Lancashire Trailblazer includes a consortium of seven Council's: Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley, Rossendale and Lancashire County Council. Funding is for three years. The programme commenced in June 2019.

2.3.6 The HPHF team are working across and within the districts to collaboratively improve the food environment and make it easier for people to lead healthier lives. Delivery is focused on working within wards that have high levels of deprivation, large concentrations of fast-food establishments and children living with obesity.

2.3.7 The project is built upon 'four levers for change' to influence healthier environments. These four levers are:

- **System leadership:** working with system leaders to engage and inspire action to support healthy weight and more broadly the health and wellbeing agenda.
- **Businesses:** working with food businesses to encourage a healthier offer and to provide business support in return.
- **Planning:** working with planning authorities to support development of healthier places; aligning policy across the districts and using planning to support public health.
- **Communities:** working with communities to make sure what we are doing meets the needs of our Pennine Lancashire residents, giving them the opportunity to drive change and push for a healthier, accessible, and affordable food environment.

#### *The Planning Lever*

2.3.8 The planning lever aims to gather evidence and influence the development of positive planning policies to encourage healthier lifestyles. Specifically, the project is working with districts to influence local plans (where these are actively being written or updated) and where possible, align policies across districts. For others, such as in Burnley, it is supporting policy implementation and the production of a Planning for Health SPD (this document).

2.3.9 The agreed planning related actions, include:

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<sup>21</sup> [Food Active | Local Authority Declaration on Healthy Weight](#)

<sup>22</sup> [Childhood Obesity Trailblazer Programme | Local Government Association](#)

- Development of a Planning for Health SPD (for Burnley to be adopted by June 2022)<sup>23</sup>
- Conducting a ‘deep dive’ into the policies, planning decisions and appeals relating to food outlets in Pennine Lancashire.
- Developing a joint planner’s agreement on health.

### Together an Active Future

2.3.10 The Pennine Lancashire Together an Active Future (TaAF) initiative is one of twelve Sport England Local Delivery Pilots (LDPs).<sup>24</sup> TaAF has small teams across Pennine Lancashire whose role is to bring together local people and partners and improve the opportunities for people to be more active.

### Office for Health Improvement and Disparities (OHID)(was Public Health England)

2.3.11 Public Health England was replaced in 2021 by the UK Health Security Agency and Office for Health Improvement and Disparities.

2.3.12 Public Health England’s 2020 publication ‘Using the Planning System to Promote Healthy Weight Environments’<sup>25</sup> postdates the adoption of Burnley’s Local Plan. It does not include anything that is incompatible with the Local Plan approach, and it provides a useful overview of the ways in which the planning system can improve health outcomes around diet, obesity and physical activity and create a healthy weight environment. A healthy weight environment is one that supports individuals and local communities in maintaining and achieving a healthy weight through facilitating access to healthier food and active environments.

2.3.13 The guidance promotes the use of SPDs to support adopted local plan policies. It recognises that improving the quality of the environment by actively promoting walking and cycling, enabling easier access to healthier food and drink options and supporting a diverse and healthy high street retail offer, can help promote a healthy weight and reduce inequalities associated with obesity prevalence.

2.3.14 The guidance highlights that effective planning for health can contribute to an area’s economic wellbeing and that there are other co-benefits to be realised such as improving air quality and tackling issues of refuse, litter and smells.

2.3.15 The guidance was written before the 2020 and 2021 Use Class Order changes and extensions of Permitted Development rights further limited the tools available to local planning authorities to shape their areas.

### National Obesity Strategy

2.3.16 The 2020 policy paper ‘Tackling obesity: empowering adults and children to live healthier lives’<sup>26</sup> outlines actions the government will take to tackle obesity and help adults and children to live healthier lives.

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<sup>23</sup> SPD's were to be supported initially in Rossendale and Pendle and then in Burnley, Hyndburn and Ribble Valley

<sup>24</sup> [Local delivery | Sport England](#)

<sup>25</sup> [Healthy weight environments: using the planning system - GOV.UK \(www.gov.uk\)](#)

<sup>26</sup> [Tackling obesity: empowering adults and children to live healthier lives - GOV.UK \(www.gov.uk\)](#)

### Lancashire Health and Well Being Board

2.3.17 Lancashire County Council has had a responsibility for Public Health since its transfer from the NHS in 2013. Public Health includes a focus on improving health and wellbeing outcomes for people and their communities. It also includes focus on prevention, promoting behaviour change and addressing health inequalities.

2.3.18 It coordinates a Health and Wellbeing Board made up of key leaders from the health and care system in Lancashire to work together to improve the health and wellbeing of the local population and identify the priority health and wellbeing needs of the area (using the Joint Strategic Needs Assessment).

2.3.19 It published an annual report on the state of our health and wellbeing across Lancashire: [Report of the Director of Public Health 2020/21](#).



### *3. Local Plan Policies Overview*

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## 3.1 Introduction

3.1.1 Burnley’s Local Plan 2012-2032 was adopted on the 31 July 2018. It is a comprehensive local plan which includes a vision, objectives, strategic and other policies and site allocations.

3.1.2 The Local Plan Vision for Burnley is supported by a number of Objectives designed to address the key issues and challenges identified and summarised section 2 of the Plan. These include:

### Key Issues & Challenges:

- An ageing population
- Reversing trends of outmigration, particularly of the working age population
- Reducing deprivation and health inequalities
- Reducing crime

3.1.3 All policies and choices made in the Local Plan flow from its Vision and Objectives (whilst also ensuring the plan is consistent with national policy as this is one of the tests of the plan’s ‘soundness.’)

3.1.4 The eleven local plan objectives are set out in Appendix A, but of particular note is objective 6.

“To improve mental and physical health and wellbeing by improving environmental quality and increasing opportunities for exercise and for sport and recreation, including improved access to nature and the wider countryside.”

3.1.5 The development of the Local Plan was also subject to Sustainability Appraisal and Strategic Environmental Assessment (SA). The SA is an iterative process that looks at the significant effects of the emerging plan and the reasonable alternatives and culminates in a final report. The SA looks at the social, economic and environmental effects of the plan’s, vision, objectives, policies and site choices and tests them against a series of SA Objectives.

3.1.6 These included Objective 7: *“To improve physical and mental health and reduce health inequality”*; with three sub-objectives/questions: 7a. *Will it promote healthier lifestyles?* 7b. *Will it reduce health inequalities among different groups in the community?* and 7c. *Will it reduce isolation for vulnerable people?*<sup>27</sup>

## 3.2 Local Plan Health Impacts

3.2.1 Whilst it could be shown that almost every Local Plan policy has a potential direct or indirect impact on people’s mental or physical health even if health is not its main or key emphasis, a number of policies have a specific link which the SPD seeks to explore.

3.2.2 For some policies, the link to health is obvious and the application of the policy is clear and there is no need for discussion or additional guidance on the application of the policy in this SPD e.g. Policy IC1 c) ensuring safe and convenient access.

3.2.3 For others, the link is either less clear or more complex and the SPD can be used to assist in the interpretation of the policy and its health impacts to better inform planning decisions.

<sup>27</sup> [Sustainability Appraisal | Burnley Borough Council](#)

3.2.4 Policies have been grouped as follows:

- Environmental Protection Policies (section 4)
- Open Space and Infrastructure Policies (section 5)
- Sustainable Travel and Transport Policies (section 6) and
- Food Environment Policies (section 7)

### 3.3 Themes and Impacts

3.3.1 For this SPD, in assessing the health impacts of policies, the following themes have been identified. An individual policy may address more than one of these themes.

**Theme 1 - Policies that protect people from harm**

**Theme 2 - Policies that seek to enable people to live healthier lifestyles**

**Theme 3 - Policies that seek to provide access to health infrastructure**

**Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.**

3.3.2 The key policies are then scored in relation to their role and relative importance (**'Impact'**) in tackling these health issues and inequalities. This impact scoring **does not** reflect the importance of the health issue, but rather the importance of the planning tool to the matter (against the availability of other tools). This approach will give applicants a clear indication of the firmness of the application of certain key policies and aligns with the prioritisation established in the Developer Contributions SPD.

3.3.3 Where a policy or specific clause is identified as Impact 1, the highest level of policy compliance will be sought, particularly where it is in association with Theme 1.

3.3.4 A summary matrix of Themes and Impacts of the key policies is set out in Section 8.

**Impact 1:** Where the planning tool clearly can or does have a positive effect on its own (regardless of other agencies' activities) but is also essential to the efforts of other agencies to address health issues and inequalities; and where normal levels of public and private sector funding can deliver the policy e.g. protection of precious open space and ensuring safe vehicular access in new development.

**Impact 2:** Where the planning tool is one of the key tools available in relation to the matter and is essential to the efforts of other agencies to address health issues and inequalities; and where it clearly can or does have a positive effect, but is heavily reliant on public sector funding or private sector investment e.g. the protection and provision of formal sports and play facilities.

**Impact 3:** Where the planning tool complements wider efforts to tackle health inequalities but has a limited effect on its own e.g. controlling the location and where possible the menu offer of hot food takeaways.

## 3.4 How to use this SPD

3.4.1 Planning decisions by law must be made in accordance with the local plan (the development plan) unless material considerations indicate otherwise. Material considerations can include changes to national policy which postdate the local plan and SPDs; however, the local plan remains the starting point.

3.4.2 Whilst SPDs cannot introduce entirely new policy, they can elaborate on the application of local plan policies in respect of health-related matters and identify any new national policy which as a material consideration, strengthens or otherwise the plan's policies.

3.4.3 Many factors have to be balanced in planning decisions and achieving sustainable development; some matters are mutually supportive, whilst others pull in different directions.

3.4.4 The aim of this SPD is to identify in more detail than is possible in the Local Plan itself, the important links between planning policies and decisions and people's physical and mental health, to highlight how important the matter is in Burnley with its acknowledged health inequalities, and to aid decision making by categorising relevant policies/clauses according to their health impact.

3.4.5 This is discussed in sections 4-7 and summarised in the matrix in Section 8.

### Planning Application Submissions

#### *Validation Checklist*

3.4.6 The Council's validation checklist<sup>28</sup> sets out the requirements for planning submissions. It requires all 'major' applications to be accompanied by a number of assessments (and some non-major applications in specific circumstances). At present, a separate health impact assessment is not required. For major applications however, a 'planning statement' is required.

3.4.7 Planning statements are normally prepared by professional planning agents but may be prepared by others. They may incorporate other assessments required e.g. affordable housing statement, but they should as a minimum provide an explanation and justification for the proposals in the context of local plan policies and any other material considerations, including adopted SPDs. A suitable statement may include:

- An assessment of the site and its context
- A description of the proposed development
- An assessment of the relevant planning policies and an appraisal of how the proposal accords with that policy context
- Any need for the development and any benefits that would arise from it (such as economic benefits from new employment, provision of community facilities, affordable housing, environmental improvements etc)

3.4.8 The current validation checklist dates from 2017 and requires updating. The updated version will include reference to the adopted Local Plan, all of the Council's adopted SPDs and any consequent additional/refined information requirements.

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<sup>28</sup> [Planning Application Validation Checklist 1st November 2017.pdf \(burnley.gov.uk\)](#)



## *4. Environmental Protection Policies*

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## 4.1 Policy NE5: Environmental Protection

Relevant Themes:	Impact Level:
Theme 1 - Policies that protect people from harm	1

4.1.1 Local Plan **Policy NE5: Environmental Protection** sets out the requirements for new development to address environmental impacts which can have a direct impact on health. These include:

- air quality
- light pollution
- noise pollution
- land contamination, and
- land instability

4.1.2 Developments that have potential impacts on any of these five categories identified in policy NE5 would be the subject of consultation with any relevant national bodies e.g. the Coal Authority and internally with the Council's environmental health officers.

4.1.3 For allocated sites where development has already been determined to be acceptable in principle, these factors will have already been considered and determined to be capable of being addressed, but they will need to be further assessed in terms of the specific design and mitigation measures at the planning application stage, and subsequently through the successful discharge of relevant conditions.

4.1.4 Policy NE5 is now supported by the Air Quality Management: Protecting Health and Addressing Climate Change SPD which sets out the requirements for new developments to address air quality impacts - primarily in terms of vehicle emission-related pollutants. These are known to have adverse impacts on people's health above certain exposure levels. They also contribute to climate change, the effects of which can also impact on people's health.



4.1.5 Whilst Policy IC3 Clause 8) requires the provision of ultra-low emission vehicle (ULEV) charging infrastructure in accordance with specific standards set out in the Plan's Appendix 9; **Policy NE5 4)** supports and promotes additional provision to protect air quality. These standards, which are being successfully implemented, will in due course be overtaken by the higher provision standards set out in revisions to the Building Regulations introduced in December 2021 (Part S). These will take effect from 15 June 2022 and require the installation of infrastructure (charging points and/or cabling) for the charging of electric vehicles for certain building projects. The projects covered include most new dwellings with 'associated' (on site) parking spaces.

4.1.6 There exist separate legislative regimes which seek to prevent certain levels of environmental and physical harm, such as air and water pollution, or noise nuisance. The grant of planning permission does not override these separate controls. The policies of the Local Plan do however, seek to avoid situations where planning permission is granted for schemes which are likely to cause breaches (serious and/or regular) of this separate legislation.

4.1.7 The policies of the Local Plan also go further than this and seek to protect the environment from levels of harm that may fall below the standard that can be separately enforced under other regimes but still could be demonstrably detrimental to people's physical and mental health. This may result in applications being refused or conditions being attached to planning permissions to help ensure this does not occur e.g. conditions imposed that restrict the hours of working on business premises or construction activity.

4.1.8 Policy NE5 requires the risk of adverse impacts to be minimised and supports refusal where the levels of any "negative" or "adverse" impacts are "unacceptable" (air quality and light pollution) or would result in "significant impact on health and quality of life" (noise pollution).

### Limitations

4.1.9 The widening of Permitted Development rights and reforms to the Use Classes Order means more and more development does not require planning permission and so the Council has less control over potentially harmful development.

4.1.10 Even where the Council does have control, its planning decisions cannot take into account the effect on people's mental and/or physical health of seeing development proposals approved that they personally disagree with e.g. those that will spoil a cherished view they have over private land. Schemes cannot be refused simply because they will have an impact e.g. create some additional noise from traffic or site activity that was not present previously or because they will cause some disturbance and disruption during their construction phase. The issue is about the level of impact (as set out in para 4.1.8 above). Conditions may be imposed to help minimise impacts for example to restrict activities to working hours, require wheel washing of construction vehicles etc.

### Summary

4.1.11 Policy NE5 is a key policy in ensuring development does not create unacceptable adverse environmental impacts which can affect people's physical and mental health. Whilst it is complemented by other legislative regimes, the policy has a clear positive impact on its own and failure to apply the policy can cause real harm to human health and /or create compliance issues for other legislative regimes. It is therefore identified in this SPD as Theme 1, Impact level 1.

## 4.2 Policy SP5: Development Quality and Sustainability

Relevant Themes:	Impact Level:
Theme 1 - Policies that protect people from harm	1
Theme 2 - Policies that seek to enable people to live healthier lifestyles	2
Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.	2

**4.2.1 Policy SP5: Development Quality and Sustainability** includes clauses which seek to directly protect physical and mental health. The effect of these clauses in protecting people from direct harm is quite limited and complex but is nevertheless important. These clauses include:

### *Energy Efficiency and Water Consumption*

**4.2.2 Policy SP5 Clause 1),** in seeking improved energy efficiency and water consumption (above the Building Regulations) can help protect people’s physical and mental health by (potentially) reducing fuel costs thus allowing people to afford to adequately heat and/or cool their homes and reducing the pressures of high fuel and water bills. There is also a wider but more complex link to climate change. Reduced energy usage helps to secure overall reductions in greenhouse gas emissions which contribute to climate change, and improved water efficiency helps limit drought.

**4.2.3** The Building Regulations set minimum standards for many aspects of construction of new buildings and certain alterations, including energy efficiency.

**4.2.4** In 2019, the Government announced the introduction of a Future Homes Standard for England by 2025. The standard will ensure that new-build homes are future-proofed with low-carbon heating and high levels of energy efficiency. The Government expects that homes built to this standard will produce no operational carbon dioxide (once the supply has been decarbonised), with 75% to 80% lower emissions than those built to current Building Regulations standards. This will mainly be achieved by moving to very high efficiency electrical heating instead of gas boilers with heat pumps becoming the primary heating technology for new homes.

**4.2.5** As a stepping-stone to the Future Homes Standard, in December 2021 the Government introduced an interim uplift in Building Regulations standards, effective from June 2022, that would result in an estimated 31% reduction in carbon emissions from new homes compared to current standards. The emphasis will be on the adoption of a ‘fabric first approach’ with higher standards for the building envelope and improved airtightness, along with the use of low-carbon heating technologies.

**4.2.6** As the 2021 regulation changes will result in such significant uplifts in energy efficiency, the requirements Policy SP5 1) will be met (in terms of energy efficiency) once homes become subject to the new regulations. Until that time, clause 1 will be applied as is and require a clear demonstration of all reasonable efforts to improve energy efficiency above the current Building Regulations levels. The costs of these measures and their benefits will need to be balanced against any other competing planning matters that could be affected, such as density and architectural quality.

### *Unneighbourly development*

4.2.7 **Policy SP5 Clause 2) g) and h)** seek to protect people from unneighbourly development which could have an adverse impact on their mental health and to ensure adequate conditions for occupiers of new development. For new housing development and home extensions, Policy HS4 and HS5 have specific clauses in this regard (HS4 3) and (HS5 1 c).

### *Crime*

4.2.8 **Policy SP5 Clause 6)** seeks to reduce crime and the fear of crime through designing safer places. Crime and the fear of crime has a direct effect on peoples mental and/or physical health.

4.2.9 Layout, building design and appropriate lighting and a high quality public realm can both deter crime and increase perceptions of safety in an area and which may encourage greater levels of exercise (walking and cycling) and social interaction with all the associated health benefits.

4.2.10 Design solutions to reduce crime and the fear of crime need to be considered on a case by case basis - there is no single solution. Advice on the crime context (e.g., the type and level of crime experienced in the locality) and suitable prevention measures is provided by Lancashire Constabulary in response to certain major applications.<sup>29</sup>



### *Design, Layout and Appearance*

4.2.11 **Policy SP5 Clauses 2) to 4)** set out the wider design requirements which seek to deliver high quality design and locally distinctive development. Well-designed developments can directly improve mental health by creating environments which people want to occupy and use, creating a strong and positive sense of community identity, giving people an enhanced experience and greater feeling of well-being and pride in their environment.

4.2.12 High quality environments play a key role in shaping a positive image of a place and in turn enhancing its economic viability, attracting investment and jobs - which are fundamental to people's physical and mental well-being.

<sup>29</sup> Secured by Design - [Lancashire Constabulary - Designing Out Crime](#)

4.2.13 Updated versions of the NPPF were issued in 2018, 2019 and 2021 and a new National Design Guide was issued by the government in 2021.<sup>30</sup> The 2018 version of the NPPF added reference to healthy living conditions (Para 119). The 2021 version significantly strengthened policies towards design. Together these changes are a material consideration which add weight to/strengthen aspects of SP5 clause 2).

4.2.14 The NPPF makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. The National Design Guide, and the National Model Design Code and Guidance Notes for Design Codes are intended to illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. These form part of the NPPG. Whilst these all post-date the Local Plan they are consistent with its approach and reinforce the importance of high-quality design through the planning system and its role in protecting and improving physical and mental health.

4.2.15 In July 2020, Design for Homes, a social enterprise company, in partnership with Homes England, NHS England and NHS Improvement, announced that the Government endorsed industry standard for well-designed homes and neighbourhoods ‘Building for Life 12’ (to which the Local Plan refers at para 4.5.21), is to be replaced by ‘Building for a Healthy Life’.<sup>31</sup> The new initiative puts a greater focus on healthier communities by encouraging healthier lifestyles to be considered as an important aspect of design in the development of new housing and neighbourhoods.

*Accessibility*

4.2.16 **Policy SP5 Clause 5** requires new development, as appropriate to its nature and scale, to incorporate and promote sustainable methods of transport including cycle routes, walking routes and good links to public transport; and to be inclusive and accessible to all.

4.2.17 The links between sustainable transport and health (clause 5a) is discussed in Section 6.1 in relation to policies IC1 to IC3 which set out specific requirements for travel and transport.

4.2.18 A monitoring indicator for clause 5 b) is the number of toilets built to ‘Changing Places’ standards. A Changing Places toilet is a fully accessible toilet with additional equipment to a standard accessible toilet and enough space for up to two carers.

4.2.19 The following table shows the number of changing places toilet facilities available in the borough. Two more facilities are planned by the Council at Padiham Leisure Centre and the Mechanics Theatre, Burnley - for installation by the end of 2023.

4.2.20 In January 2021 the building regulations were amended to require changing place facilities to be included in a wide range of large facilities that provide public access including sport, recreation and entertainment venues, shopping centres and large retail stores.<sup>32</sup>

**Table/Figure 9: Changes Places Toilet Facilities installed**

Year	Location	Facilities
2018/19	St Peters Leisure Centre	1
2019/20	Charter Walk Shopping Centre, Burnley	1

<sup>30</sup> [National design guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/national-design-guide)

<sup>31</sup> [Building For Life | Design for Homes](#)

<sup>32</sup> [The Merged Approved Documents \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

	Tesco Extra, Burnley	1
	Towneley Park	1
	Burnley Football Club	1
2020/21	N/A	0

Source: <http://changingplaces.uktoiletmap.org>, Burnley Council and Tesco plc, <https://www.innovacareconcepts.com/en/blog/news/burnley-fc-choose-an-innova-changing-place-to-improve-stadium-accessibility/>

### Limitations

4.2.21 The numbers of new homes being built in Burnley represents a very small proportion of the overall stock of older and generally less energy efficient properties. The Local Plan sets a requirement for at least 3,880 additional homes over the 20 year period from 2012 to 2032 which represents a growth of just under 10%. Around 80% of the requirement is likely to be met through new build, the remainder through conversion, change of use and the reuse of empty homes. Around half of the overall requirement had already been delivered by 31 March 2021.

4.2.22 The widening of Permitted Development rights and reforms to the Use Classes Order means more and more development does not require planning permission and so the Council has less control over potentially harmful development.

4.2.23 Even where the Council does have control, its planning decisions cannot take into account the effect on people’s mental and/or physical health of seeing development proposals approved that they personally disagree with e.g. those that will spoil a cherished view they have over private land or are not to their particular taste and applications cannot be refused simply because they have some adverse effects or introduce unwanted change. The tests for Policy SP5 in terms of unneighbourly development is whether the adverse effect on amenity or future conditions for occupiers are “unacceptable”. The test for this is the level of amenity reasonably expected to be enjoyed at the property bearing in mind its particular location and current levels of amenity e.g. in a village, town centre location or predominantly residential area.

4.2.24 Wider crime prevention and criminal enforcement is of course a matter for the police and the grant of planning permission does not override criminal law. The policies of the Local Plan do, however, seek to avoid situations where planning permission is granted for schemes which are likely to result in offences being committed (serious and/or regular), or provide environments where the risk of crime and the fear of crime is unnecessarily increased.

### Summary

4.2.25 Policy SP5 is a key policy in ensuring development does not create unacceptable adverse environmental impacts which can affect people’s physical and mental health. Whilst it is complemented by other legislative regimes (building regulations and criminal law), the policy has a clear positive impact on its own and failure to apply the policy can cause real harm and /or create compliance issues for other legislative regimes. Aspects of the Policy (unneighbourly development and crime) are therefore identified in this SPD as Theme 1, Impact level 1; Others (accessibility) as Theme 2, Impact level 2 and others (design quality and appearance) as Theme 4, Impact level 2.

## *5. Open Space and Infrastructure Policies*

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## 5.1 Policy SP6: Green Infrastructure

Relevant Themes:	Impact Level:
Theme 1 - Policies that protect people from harm	1
Theme 2 - Policies that seek to enable people to live healthier lifestyles	2
Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.	1

5.1.1 Local Plan Strategic **Policy SP6: Green Infrastructure** seeks to protect, enhance and extend the borough’s multifunctional green infrastructure network (GI).

5.1.2 Access to GI can has a positive impact on people’s physical and mental health. GI reduces pollution and provides opportunities for formal or informal physical activity, social interaction and the enjoyment of nature, including, importantly, opportunities that are free of charge to use for those on restricted incomes.

5.1.3 Visual access to GI also has a positive impact on people’s mental wellbeing, and the frequency of exposure is important. As such, in addition to the importance of public of parks and formal recreational facilities are smaller spaces that people will encounter naturally in the course of their daily routines, including streetscapes, private gardens, workplace gardens, and views from home or office windows.



### Townley Park, One of Burnley’s six Green Flag Parks

5.1.4 The importance of access to GI to people’s physical and mental health was highlighted during the early months of the Covid-19 pandemic. Due to ‘lockdown’ restrictions, the opportunity to exercise outdoors and close to home was of increased importance for everybody, but for those who live in flats or homes without private gardens and for those without access to a private car, locally accessible GI was essential for their physical and mental health. The lockdown restrictions exacerbated existing health inequalities.

5.1.5 No changes are necessary to the Local Plan’s approach to protecting and providing new GI in response the pandemic as the Local Plan has specific and strong policy protections/requirements in place. The Pandemic has however helped to highlight the vital importance of these policies to people’s mental and physical health.

## Limitations

5.1.6 Policy SP6 is a strategic overarching policy - much of what it seeks to achieve is taken forward through other subject-specific policies e.g. policy NE1, NE2, NE4, HS4 and IC5, and these are discussed in the following sections.

## Summary

5.1.7 Policy SP6 is a strategic overarching policy taken forward through other subject-specific policies. Together, these policies help protect people's physical and mental health. Aspects of the Policy are identified in this SPD as Theme 1, Impact level 1 (the role of GI in reducing pollution) and other aspects as Theme 2, Impact level 2 (the role of GI in providing opportunities for physical activity) and Theme 4, Impact level 1 (the role of GI in providing opportunities for the enjoyment of nature and high-quality environments).

## 5.2 Policy NE2: Protected Open Space

Relevant Themes:	Impact Level:
Theme 2 - Policies that seek to enable people to live healthier lifestyles	1
Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.	2

5.2.1 Local Plan **Policy NE2: Protected Open Space** identifies specific Council-owned open spaces within the Plan's identified Development Boundaries that are to be protected in situ for at least the lifetime of the Plan. These specific open spaces were identified on their scarcity, quality, visual amenity and GI functions.

5.2.2 Whilst these open spaces include those that are publicly accessible, this is not a prerequisite for their identification. These protected open spaces include areas that are not publicly accessible or usable but have been judged to be vital to maintain visual amenity or environmental quality. This in-situ protection applies throughout the plan period such that development which undermines their fundamental purpose and nature as open space will not be supported.

5.2.3 Whilst Policy NE2 therefore identifies in advance specific open spaces that must be retained in situ, Policy SP6 and Policy IC5 are used in relation to specific development proposals to assess whether it is necessary to protect or provide any other green infrastructure, the type necessary and/or whether this needs to be retained or re-provided elsewhere as compensation or mitigation.<sup>33</sup>

5.2.4 Policy SP4 protects land outwith the identified Development Boundaries which it defines as "open countryside" where development is to be "strictly controlled".

### Limitations

5.2.5 The open spaces that this policy applies to are almost exclusively within the Council's ownership. The approach and methodology used to identify these particular spaces could be used in the future, including by neighbourhood planning groups, to identify further open spaces in private ownership or the ownership of other public bodies that are similarly precious. This type of policy cannot be used as a blanket protection for all open spaces within a built up area or as wider protection for the open countryside.

### Summary

5.2.6 Policy NE2 helps protect people's physical and mental health. Aspects of the Policy are identified in this SPD as Theme 2, Impact level 1 (the role of these protected open spaces in providing opportunities for physical activity) and Theme 4, Impact level 2 (the role of these protected open spaces in providing opportunities for the enjoyment of nature and high-quality environments).

<sup>33</sup> In this context compensation would mean direct reprovision of the facility or opportunity that would be lost, whereas mitigation could include new opportunities or on or off site improvements to address other impacts of the development e.g. biodiversity net gain.

## 5.3 Policy IC5: Protection and Provision of Social and Community Infrastructure

Relevant Themes:	Impact Level:
Theme 2 - Policies that seek to enable people to live healthier lifestyles	2
Theme 3 - Policies that seek to provide access to health infrastructure	3

### The Scope of the Policy

5.3.1 Local Plan **Policy IC5: Protection and Provision of Social and Community Infrastructure** is concerned with the provision and protection of public or private facilities that are accessible to the public (free of charge or via a fee).

5.3.2 Social and community infrastructure includes many facilities which have clear links to health e.g. public parks and play spaces, playing fields and sports pitches, allotments, indoor sports and leisure facilities, off-road footpath and cycle routes.

5.3.3 For development proposals involving any loss of social and community infrastructure, depending on the circumstances, the acceptable approach could be:

- That the existing social or community infrastructure that is on the development site is essential and cannot be relocated and the scheme should therefore be refused;
- That the existing social or community infrastructure that is on the development site is surplus to requirements and can be lost;
- That the demand for the existing social or community infrastructure still exists but that it can be relocated and provide the same local functionality or even be enhanced.<sup>34</sup>

5.3.4 For allocated sites, where it was likely that a facility would need to be relocated e.g. playing fields, and the issue was capable of being addressed, this was identified in the allocation policy so that any developer would be aware of the need to address this issue.

#### *Outdoor sport and recreational facilities and open space*

5.3.5 In assessing whether existing open spaces and outdoor sport or play facilities are required to remain in situ<sup>35</sup> or be relocated, and whether new facilities must be provided on or off-site, the standards set out in the Council’s Green Spaces Strategy, and proposals in the Burnley Play Area Strategy and Playing Pitch Strategy will be relevant. Policy HS4 specifically addresses the need for new open space and play space in association with new housing development (see next section).

5.3.6 Policy IC4 sets out that Developer Contributions towards new or replacement off-site provision may be required and the Developer Contributions SPD prioritises such contributions as

<sup>34</sup> This could include direct re-provision of the facility or opportunity that would be lost or new similar opportunities.

<sup>35</sup> Those protected by Policy NE2 must remain in situ

Priority 1 (open or play space required by Policy HS4 and replacement playing pictures) or Priority 2c (other open space, pedestrian and cycle way provision/improvement).

5.3.7 As set out earlier, the importance of access to GI to people's physical and mental health was highlighted during the early months of the Covid-19 pandemic. Due to 'lockdown' restrictions, the opportunity to exercise outdoors and close to home was important for everybody, but for those who lived in flats or homes without private gardens and for those without access to a private car, locally accessible GI was essential for physical and mental health. The restrictions exacerbated existing health inequalities in the borough.

5.3.8 Protecting and providing minimum levels of open space and recreation facilities is identified as 'Impact 1' in this SPD and 'Priority 1' in the Developer Contributions SPD and is essentially 'non-negotiable'.



### *Community Facilities*

5.3.9 Community facilities, including places of worship, recreational centres, social centres, pubs and community halls, play an important yet sometimes undervalued role in helping to build and maintain strong communities and support good mental and physical health.

5.3.10 They provide facilities for social interaction and for recreational activities. These range from space for exercise classes and for local interest and support groups, to more informal facilities for social interaction such as in pubs. Ensuring that people do not feel the negative impacts of social exclusion is an important consideration in terms of both their physical and mental health. Such facilities can encourage companionship, a sense of identity and belonging and help to address loneliness among vulnerable groups. These facilities are also increasingly relied upon for the delivery of health services e.g. vaccination programmes, health campaigns etc functioning as broader community hubs.

5.3.11 Local Plan Policy IC5 seeks to protect such community and social infrastructure where there remains a demand for the facility in question, and provide new such infrastructure where it is required to support development.

### *Allotments and Community Food Growing Spaces*

5.3.12 National planning policy recognises the role of food growing in helping to enable and support healthy lifestyles through, amongst other things, the provision of allotments.

5.3.13 It is recognised that allotments can and do improve community wellbeing, providing a source of fresh food and opportunities for healthy outdoor exercise and social interaction, as well as being a positive resource for people with physical and mental health disabilities.<sup>36</sup> This is particularly

<sup>36</sup> [growing-community-second--8f5.pdf \(local.gov.uk\)](#)



important in Burnley given the high proportion of properties without any suitable private 'garden' space. Other opportunities for food growing include community gardens and orchards. Vertical gardening and the use of green walls also offer a means of local food production to householders who may not have access to allotments, and are suitable for many types of plants, from herbs to fruit.

5.3.14 A number of allotment sites are protected by Policy NE2, and others by Policy SP6 and IC5 which support their wider protection or replacement and the provision of new facilities where appropriate.



### *Health Infrastructure*

5.3.15 Whilst the Local Plan cannot control decisions made by health providers to introduce new, close or relocate facilities, be it the NHS or private companies (e.g. pharmacies); it can inform these decisions. Burnley is fortunate in having a full local plan that identifies many of the sites for development to 2032 and this gives the best opportunity possible for infrastructure providers such as the East Lancashire Hospitals Trust<sup>37</sup> (who run Burnley General Hospital) and the East Lancashire Clinical Commissioning Group<sup>38</sup> (who Commission GP services) to plan their services in the knowledge of where development is likely to happen.

5.3.16 Local Plan Policy IC5 seeks to protect health infrastructure where there remains a demand for the facility in question and provide new infrastructure where it is required to support development.

5.3.17 The Local Plan requires most new residential development to be in accessible (aka sustainable) locations i.e. locations where people can access day to day facilities including GP's and pharmacies other than by private car if they so choose, or do not (for whatever reason) have access to a private car. Developer Contributions may be required to improve access to services through improving footpaths and cycle links or through new or improved bus stops.

5.3.18 Policy IC4 sets out that where additional health infrastructure is required directly as a result of new development, this can be something that a developer is asked to provide or to contribute towards. The Developer Contributions SPD sets out how this policy is applied and that any requests for contributions must be supported by a robust evidence of the need for the contribution and how it will be spent. Viability can be taken into account where development, which is otherwise acceptable,

<sup>37</sup> The East Lancashire Hospitals NHS Trust (ELHT) was established in 2003 and provides acute secondary healthcare for the people of East Lancashire and Blackburn with Darwen across five hospital sites and various community sites; including Burnley General Teaching Hospital.

<sup>38</sup> The East Lancashire Clinical Commissioning Group (CCG) commissions local health services for Burnley, Hyndburn, Pendle, Ribble Valley (excluding Longridge) and Rossendale. CCG's are responsible for commissioning planned hospital care, rehabilitative care, urgent and emergency care, most community health services, and mental health and learning disability services. The CCG do not manage local NHS hospitals, however they commission many of the services they offer.

cannot afford to make such a contribution, but only where occupants of the development will still have access to appropriate facilities. These types of contributions are 'Priority 2 - necessary and important.'

5.3.19 Refusals based on a lack of health infrastructure will only be relevant where it is clear that there is no realistic prospect of the services required being provided by the NHS or the private sector.

5.3.20 In drawing up the Local Plan, consultation took place with the NHS, ELHT and CCG at all stages. Specific discussions were held with the CCG about the planned level of growth and proposed housing allocations and the likely impacts on the health services the CCG provide and its capacity to accommodate the sites and growth planned. The CCG accepted that the Borough cannot stand still and that the development of better-quality homes would have a positive health impact on residents. In addition, the CCG felt that the development of more attractive aspirational homes might assist in workforce recruitment within the health sector.

5.3.21 At that time, the CCG estimated that the growth proposed in the Local Plan may require an additional four whole-time equivalent GPs, with associated nursing and administrative staff. It was anticipated that this growth could be accommodated within existing practices and would not be required until later in the plan period.

5.3.22 It was proposed to review the situation periodically with the CCG and wider NHS, to identify where pressures may exist and whether these require support through developer contributions.

5.3.23 A review of the Council's Infrastructure Delivery Plan (IDP) is underway. This will set out updated information on infrastructure needed to support the Local Plan.

### Limitations

5.3.24 The provision and availability of facilities relies on public or private sector funding and investment decisions and much of this is outwith the remit of the planning system.

5.3.25 The Local Plan therefore has a limited role in protecting existing facilities. Although it can successfully prevent (in some circumstances) the demolition, redevelopment or change of use of important facilities – it cannot normally force a facility to remain open. Where it can protect the facility/building however, this significantly increases the chance of it being brought back into similar uses.

5.3.26 Where new development is proposed which relies on specific existing facilities or requires additional facilities, then the Local Plan through Policy IC5 can require these to be maintained or provided through a legal (S106) Agreement.

### Summary

5.3.27 Policy IC5 helps protect people's physical and mental health. Aspects of the Policy are identified in this SPD as Theme 2, Impact level 2 (the role of sporting facilities and wider open space in providing opportunities for physical activity, social interaction and food growing), and Theme 3, Impact level 3 (providing access to health facilities).

## 5.4 Policy HS1 – HS7: Housing Developments

Relevant Themes:	Impact Level:
Theme 1 - Policies that protect people from harm	1
Theme 2 - Policies that seek to enable people to live healthier lifestyles	2
Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.	1

### *Privacy and Daylight*

5.4.1 Similar to Policy SP5 clauses 2 g and h) discussed earlier, **Policy HS4 clause 3)** which applies specifically to new housing developments, includes set privacy distances and more generalised requirements for adequate daylighting and outlook to protect people from unneighbourly development which could have an adverse impact on their mental and physical health. **Policy HS5 clause 1 c)** which applies to home extensions and alterations has equivalent requirements.

5.4.2 The effect of these clauses in protecting people from direct harm is quite limited in scope but is nevertheless important and neighbours expect these standards to be strictly applied. Neighbour disputes can cause real harm to people's mental health and well-being. Of course, not all new alterations and extensions that can cause problems require planning permission.

### *Gardens and Open Space*

5.4.3 **Policy HS4 clause 5)** sets out the requirements for recreational open space in new housing developments. The importance of physical and visual access to open space to people's physical and mental health is discussed earlier (in Sections 1.3 and Section 5.1-5.3).

5.4.4 For schemes of over 50 dwellings, recreational open space is required on site (as it is for schemes of 10-49 dwellings where this is determined to be the correct approach). New open spaces provided under this policy would be protected moving forward by Policy NE2.

5.4.5 As this particular policy is mainly concerned with recreational open space, in order to provide tangible health benefits, the open space needs to be well sited and managed, convenient and safe to use. Clauses 6 to 9 set out the specific requirements for the design and location of the open space, including a requirement for the main space to be socially inclusive and overlooked by adjoining properties to avoid anti-social behaviour.

5.4.6 **Policy HS3** aims to make the most efficient use of land by maximising the density of housing developments whilst meeting other important policy objectives. The policy requires housing developments, unless justified by individual site constraints or development needs, to be at a gross density of at least 25 dwellings per hectare (dph) and at least 40 dph within or close to Town and District Centres. Allocated sites have their own individual density expectations based on the considerations set out in Policy HS3.



*Housing Mix*

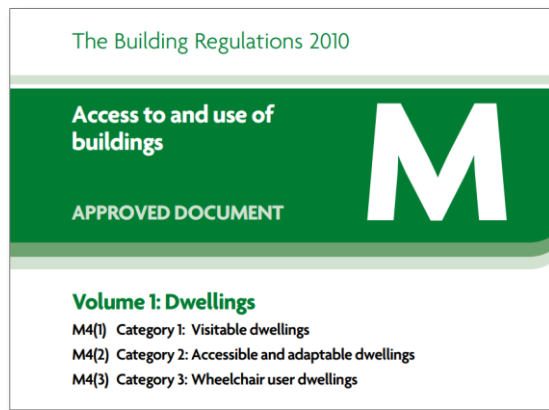
5.4.7 Policy SP1 of the Local Plan sets a requirement for at least 3,880 additional homes. This includes C3 housing of all types and tenures, including C3 Extra Care. It does not include C2 nursing homes or other institutional accommodation. The provision of such accommodation is supported on suitable sites by Policy SP4 and the wider policies of the Plan.

5.4.8 **Policy HS3** and the site allocations under **Policy HS1** reflect the need to meet a wide range of housing needs and to improve housing quality and choice in line with the vision and objectives of the Local Plan, including by diversifying away from smaller terraced properties to provide larger aspirational detached and semi-detached homes and bungalows with gardens and off-street parking - while still providing quality and choice at all ends of the market and ensuring the efficient use of land. Policy HS3 does not set out indicative targets for every type of housing, rather, together with Policy HS4 and Policy SP5 it allows for and supports other types of housing including residential caravans for those Gypsies and Travellers who have permanently ceased travelling; and for custom and self build.

5.4.9 **Policy HS2** seeks to ensure there is a sufficient supply of good quality affordable housing and **Policy HS7** that the specific needs of Gypsies and Travellers who practice a travelling lifestyle are met.<sup>39</sup>

5.4.10 At least one of the Plan’s housing allocations is identified as being suitable for C3 extra care or sheltered housing. An application for 93 units of affordable rent extra care housing has been approved subject to the signing of a Section 106 Agreement.<sup>40</sup>

5.4.11 Construction of a new 66 bed C2 facility which will provide residential and dementia care for those aged over 65 years is underway at the site of the former Bull and Butcher Public House at Manchester Road, Burnley.



Left: Approved 66 Bed C2 Scheme © LNT Care Developments Right: The Buildings Regulation Part M

5.4.12 **Policy HS4 clause 4)** requires a proportion of new homes to be built to the enhanced adaptable standards of the building regulations (Part M4(2)) allowing people with disabilities and/or age-related challenges to remain in their home wherever possible. This policy has a direct role in preventing harm because these standards ensure occupants and any carers are less prone to accidents

<sup>39</sup> Including those who have ceased temporarily - as explained in the Local Plan.

<sup>40</sup> Site HS1/10 - application 2021/0659. The scheme is not formally approved until the section 106 agreement is signed

and injury, and by helping people to remain in their own homes can also help protect their mental health and reduce healthcare costs with benefits for other users.

5.4.13 The positive effects of this policy clause are limited by the number of dwellings that the plan requires to be constructed to these standards (20% of schemes of over 10 dwellings i.e. over 400 from the allocations, plus 20% of any major windfalls) but together with the specialist forms of accommodation mentioned above, they will significantly increase the sock of specialist and adaptable housing in the borough over the Plan period.

### Limitations

5.4.14 The numbers of new homes being built in Burnley represents a small proportion of the overall stock of older and generally less energy efficient and adaptable properties. The Local Plan sets a requirement for at least 3,880 additional homes over the 20-year period from 2012 to 2032 which represents a growth of just under 10%. Around 80% of the requirement is likely to be met through new build, the remainder through conversion, change of use and the reuse of empty homes. Around half of the overall requirement had already been delivered by 31 March 2021.

### Summary

5.4.15 Policy HS1 to HS7 help protect people's physical and mental health. Aspects of these Policies are identified in this SPD as Theme 1, Impact level 1 (ensuring adequate privacy, daylight and living standards) and Theme 2, Impact level 2 (the role of open and play space in providing opportunities for physical activity and the requirement for adaptable homes and meeting the needs of Gypsies and Travellers) and Theme 4, Impact level 1 (providing safe and convenient parking, private or communal gardens/outdoor space, high quality design).

## *6. Sustainable Travel and Transport Policies*

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## 6.1 Policies IC1 to IC3: Travel and Transport Policies

Relevant Themes:	Impact Level:
Theme 1 - Policies that protect people from harm	1
Theme 2 - Policies that seek to enable people to live healthier lifestyles	2
Theme 3 - Policies that seek to provide access to health infrastructure	3

6.1.1 Policy IC1: Sustainable Travel, IC2: Managing Transport and Travel Impacts, and IC3: Car Parking Standards, individually and cumulatively have direct and indirect health impacts.

### *Policy IC1 and IC2 Sustainable Travel and Transport Impacts*

**6.1.2 Policy IC1 Sustainable Travel clause C)** ensures appropriate standards of pedestrian, cycle and vehicular access to new developments, including adequate visibility splays; which obviously has a direct role in reducing harm from accidents.

**6.1.3 Policy IC1, supported by Policy IC2** compliment Policy SP4: Development Strategy which focusses development, including employment and new housing, close to local services including sporting facilities and health infrastructure in order to reduce the need to travel. Policies IC1 and IC2 seek to ensure sustainable travel choices are available. These choices include walking and cycling (active travel), which, if undertaken safely, can improve health. They also include public transport for those who do not have access to a private car.

### *Policy IC3 Car Parking Standards*

**6.1.4 Policy IC3 Clause 5)** requires adequate, safe parking, including mobility parking spaces, which obviously has a direct role in reducing direct harm from accidents and a direct role in helping people with mobility impairments to access health and community infrastructure.

**6.1.5 Policy IC3 Clause 8)** requires the provision of ultra-low emission vehicle (ULEV) charging infrastructure in accordance with specific standards set out in the Plan’s Appendix 9. These standards, which are being successfully implemented, will in due course be overtaken by the higher provision standards set out in revisions to the Building Regulations introduced in December 2021 (Part S). These will take effect from 15 June 2022 and require the installation of infrastructure (charging points and/or cabling) for the charging of electric vehicles for certain building projects. The projects covered include most new dwellings with ‘associated’ (on site) parking spaces.

**6.1.6** Whilst Policy IC3 sets out minimum requirements, Policy NE5 4) supports and promotes additional provision to protect air quality, as set out earlier in section 4.1, Policy NE5 is now supported by the Air Quality Management: Protecting Health and Addressing Climate Change SPD which sets out the requirements for new developments to address air quality impacts - primarily in terms of vehicle emission-related pollutants. These are known to have adverse impacts on people’s health above certain exposure levels. They also contribute to climate change, the effects of which can impact on people’s health.

**6.1.7** Burnley’s Local Plan does not take the approach of under-providing parking to encourage or force people to use alternative means of travel to the private car. Rather, Policies IC1-2 adopt a user

hierarchy of i) pedestrians ii) cyclists iii) public transport and iv) private vehicles. Together with Policy IC3 the aim of this prioritisation is to allow people to make sustainable and healthy travel choices whilst ensuring people who do not have access to private cars are not socially excluded. Providing inadequate parking can cause accidents and nuisance. The vision and objectives of the Local plan identify the need to improve housing quality and choice including by diversifying away from smaller terraced properties to provide larger aspirational detached and semi-detached homes with gardens and off-street parking.

### Limitations

6.1.8 Road safety and traffic management relies also on investment by other public sector agencies, notably National Highways and Lancashire County Council, and on the enforcement of speed limits through legislation via the police.

6.1.9 The availability of public transport is highly dependent on government funding decisions.

### Summary

6.1.10 Policies IC1, IC2 and IC3 help protect people's physical and mental health. Aspects of the Policies are identified in this SPD as Theme 1, Impact level 1 (road safety and reducing pollution) and others as Theme 2, Impact level 2 (the role of foot and cycle paths in providing opportunities for physical activity and all modes of sustainable transport in preventing social exclusion) and Theme 3, Impact level 3 (providing access to health infrastructure through public transport and accessible parking).

## *7. Food Environment Policies*

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## 7.1 Policy TC7: Hot Food Takeaways

Relevant Themes:	Impact Level:
Theme 1 - Policies that protect people from harm	1
Theme 2 - Policies that seek to enable people to live healthier lifestyles	3
Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.	2

7.1.1 **Policy TC7: Hot Food Takeaways** seeks to control the location and environmental impacts of new hot food takeaways. The main focus of the policy is controlling the location of new outlets to protect town centres and (mainly residential) amenity. The policy does not refer specifically to health impacts, but these are acknowledged in the supporting text (para 5.3.50).

### Links to Obesity

7.1.2 The link between the regular consumption of food from hot food takeaways and obesity has long been established. The food environment plays an important role in promoting a healthy diet, but this is a complex system influenced and determined by a series of factors, including a person’s awareness, ability to access specific food outlets, and affordability.

7.1.3 Takeaway food outlets provide a popular service and contribute to the local economy, particularly the night-time economy. Whilst there is demand for these facilities, it is recognised that takeaway outlets tend to sell food that although tasty, is high in fat, salt or sugar, and low in levels of beneficial nutrients. Regular consumption of these types of foods over time can increase a person’s risk of being overweight or obese as well as increasing the risk of chronic diseases. Some takeaway food can represent a low-cost option to the consumer which may enhance its appeal to children and those with low incomes.

7.1.4 Whilst the 2021 NPPF does not contain specific reference to hot food takeaways, it advises that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, including access to healthier food.<sup>41</sup>

7.1.5 This is supported by the NPPG which indicates that local plans and SPDs can, where justified and evidenced, seek to limit the proliferation of less healthy uses such as hot food takeaways, including on health grounds.<sup>42 43</sup>

### Limitations of Planning

7.1.6 Whilst planning (policy and decisions) can in some circumstances control the location of new hot food takeaways on health grounds, the lack of control over existing outlets and the ability to travel

<sup>41</sup> Para 92 c). Access to healthier food was not specifically mentioned in the 2012 NPPF to which the Local Plan was written. It was first mentioned in the 2018 version and this change can therefore be a material consideration in planning decisions.

<sup>42</sup> NPPG Healthy and Safe Communities Para 004. This para (then para 06) was first introduced in July 2017 prior to the adoption of the Local Plan and remains largely unchanged

<sup>43</sup> SPDs cannot introduce entirely new policies

and/or order online for home delivery means planning's role is severely limited. Control of and demand for existing takeaways is beyond the remit of planning.

7.1.7 More and more people order takeaways by telephone or online for home delivery rather than by visiting outlets. Whilst most online ordering should be restricted to adults who have the ability to pay online; telephone orders where there is the option for cash payment at the point of delivery may be available to children.

7.1.8 Unhealthy food may also be obtainable from cafes and restaurants which offer a takeaway service; and unhealthy food, confectionery, alcohol and sweetened drinks are widely available in other shops and supermarkets, at leisure facilities or at mobile food outlets.

7.1.9 Recent reforms to the Use Classes Order and Permitted Development rights mean that cafes and restaurants can now more easily be created without planning permission. These may serve unhealthy food to eat in or offer an ancillary takeaway service. Many well-known providers of hot food takeaways are classed as restaurants.<sup>44</sup>

7.1.10 Hot Food Takeaways still require planning permission as do pubs, wine bars and other drinking establishments. The latter many also serve food that may or may not be healthy.<sup>45</sup>

7.1.11 Tackling the health implications of excessive takeaway consumption and wider poor-quality food consumption is reliant on a whole system approach to diet and obesity, including societal changes, education, tax regimes, food quality standards (licencing), calorie and allergen labelling, advertising etc.

7.1.12 Many of these wider actions are set out in the government's 2020 policy paper "Tackling obesity: empowering adults and children to live healthier lives" which outlines actions the government will take to tackle obesity and help adults and children to live healthier lives.<sup>46</sup>



High quality takeaway shopfront at St. James's Street, Burnley – Google Street View 2022

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<sup>44</sup> The Use Class is E if the premises is for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises

<sup>45</sup> See Appendix B for further explanation

<sup>46</sup> [Tackling obesity: government strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/strategy/tackling-obesity)

## Popular Planning Approaches

7.1.13 Despite the clear limitations, a number of local authorities are trying out different approaches to limiting new hot food takeaways through their Local Plans. There is as yet no evidence of the effectiveness of these policies in actually reducing obesity levels, or in most cases, in reducing the overall number of takeaway outlets; but clearly as part of a concerted effort to tackle the issue, these efforts can play a part; particularly in protecting children.

7.1.14 Lancashire County Council has recently updated its non-statutory 'Hot Food Takeaways and Spatial Planning' Advisory Note,<sup>47</sup> and this also sets out some of the research undertaken into the setting and applying of policies limiting the number of new takeaway outlets; although again it does not set out any evidence of a corresponding decrease in obesity levels.

7.1.15 Popular approaches used in local plans elsewhere include:

- **Exclusion zones:** Banning or limiting the number of new outlets within certain distances of secondary schools or places where young people congregate; or limiting their opening hours to avoid times when schoolchildren are likely to be passing.
- **Density limits:** Setting a maximum number or density of units within a certain area above which no new outlets will be supported. These can be based on simple numbers which are easy to administer, or relate to specific obesity or deprivation levels within certain areas e.g. Wards – this is more difficult as these will fluctuate (and hopefully decrease) over time.

## Burnley's Local Plan Approach

7.1.16 Whilst Burnley's Local Plan Hot Food Takeaways Policy TC7 does not specifically refer to applications being refused on health grounds, by restricting takeaways in the main to Town and District Centres,<sup>48</sup> the Plan's approach has a similar effect to the other approaches that seek to restrict new outlets near schools because the borough's secondary schools are away from the Town and District Centres.<sup>49</sup> The exception is Coal Clough Academy which is within 400m of Coal Clough Lane and Accrington Road District Centres. The portion of Accrington Road District Centre that falls within 400m of the school contains two hot food takeaways.

7.1.17 The map in Appendix D shows the location of the Town and District Centres, secondary schools and 400 metre radius distances from their site entrances.

7.1.18 Whilst wider design issues are dealt with in other policies, principally Policy SP5; Policy TC7 identifies some of the common issues associated with hot food takeaways which require particular attention, such as waste provision, odours, hours of opening, ensuring adequate parking is available to retain the free flow of traffic, and protecting residential amenity. These clauses protect people from direct harm, and indirect harm through seeking to protect the wider environment.

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<sup>47</sup> [LCC hot-food-takeaways-and-spatial-planning. undated](#)

<sup>48</sup> The policy Clause 1) directs hot food takeaways to the Secondary Frontages of Burnley Town Centre's Primary Shopping Area, to Padiham Town Centre and to the eight District Centres.

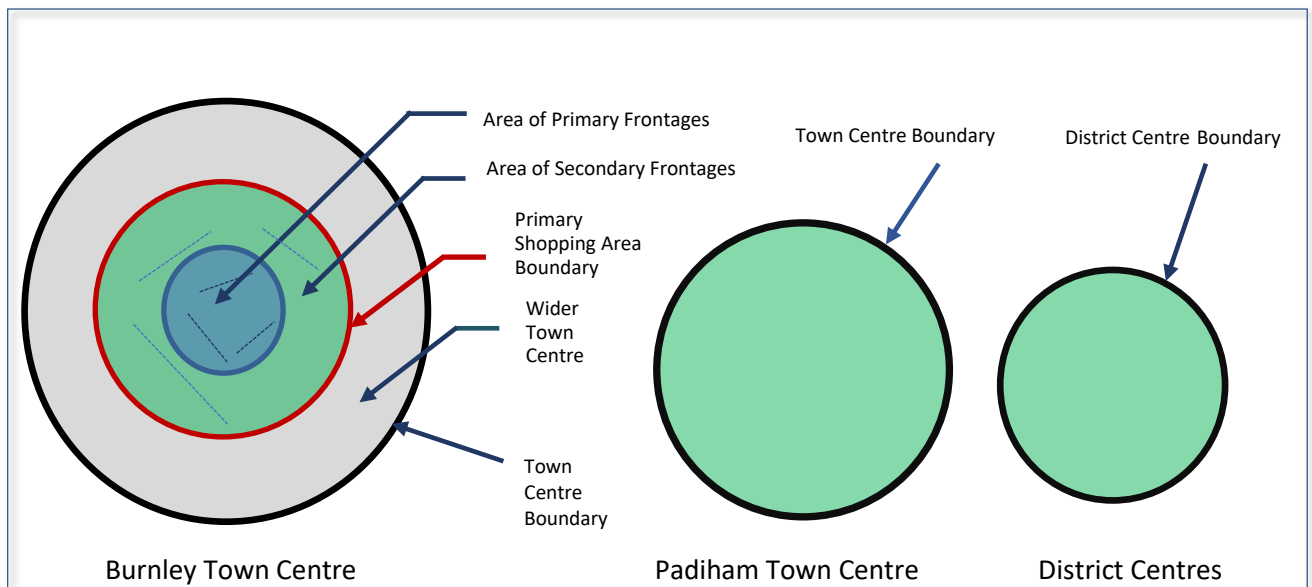
<sup>49</sup> In Burnley most of the secondary schools (whose pupils would be most vulnerable to the temptation of takeaways) were rebuilt on new sites in that late noughties.

*Town and District Centres*

7.1.19 **Policy TC7 1)** identifies three areas where hot food takeaways will “be permitted” providing they satisfy the other clauses set out in Clause 3 of the Policy and any wider plan policies (including Policy TC3). These areas are shown in light green below.

- a) Burnley Secondary Frontage area
- b) Padiham Town Centre
- c) District Centres

**Table/Figure 10: Diagram of Town and District Centre zones**



*Town Centre Clustering:*

7.1.20 Concentrating takeaways in Town and District Centres (to protect the vibrancy of the centres and residential amenity) can drive out other retail uses and cause clustering.

7.1.21 Clustering can have negative weight-related health impacts, not only by providing increased temptation and choice, but increased competition can lead to price undercutting and reductions in quality and/or increases in portion size.

7.1.22 It is also sad to say that areas with concentrations of hot food takeaways often display the poorest visual environmental qualities, often (but not always) with poorly designed, inferior quality and inadequately maintained shopfronts, signage and security measures. Close competition can encourage signage which attempts to outbid neighbours. This can have a negative effect on local residents and other businesses and can create a negative image of an area, reducing its attractiveness to visitors and investment which can contribute to a spiral of economic decline that has many health implications.

7.1.23 **Policy TC7 clause 3) a)** ‘Clustering’ allows for the refusal of proposals that would create an unacceptable concentration of hot food takeaways in Burnley’s Secondary Frontages or in Padiham Town Centre.

7.1.24 This clause supports Policy TC3 (Burnley Town Centre Primary and Secondary Frontages) which limits the levels of non-A1 Use Classes in Burnley's Primary and Secondary Frontages (which

together make up the Primary Shopping Area - edged red above) to protect the retail offer.<sup>50</sup> This clustering restriction only applies in Burnley's Secondary Frontages or Padiham Town Centre because clustering is not likely in Burnley's Primary Frontages (because of the restrictions on non-A1 retail uses in Policy TC3), or elsewhere because of TC7 clause 2).<sup>51</sup>

7.1.25 Changes to the Use Classes Order introduced by the government since the Local Plan was adopted has impacted on the interpretation of the Local Plan's Town Centre policies and in particular on the effectiveness of Policy TC3 in controlling uses and protecting the retail offer. However, some level of control is still possible and national policy on the approach to town centres set out in the NPPF remains largely unchanged and consistent with the approach of the Local Plan. (See Appendix B).

*Elsewhere:*

7.1.26 **Policy TC7 2)** does allow takeaways outside of the Secondary Frontages of Burnley's Primary Shopping Area, Padiham Town Centre and the District Centres, where the property does not physically adjoin a residential property or other sensitive use outside of the applicant's control.

7.1.27 The wording of the Policy TC7 clauses 1 and 2 and 3 b) is a little confusing, but read as a whole the intention is clear:

- The three areas identified in Clause 1 are the areas where hot food takeaways will "be permitted" (rather than "only be permitted" as stated), providing they satisfy the other clauses set out in Clause 3 of the Policy and any wider plan policies that are applicable (including Policy TC3). New Hot Food Takeaways could therefore adjoin residential properties outside of the applicant's control in these three areas.
- Outwith the three areas identified in Clause 1, Clause 2 applies, which would not normally allow a new takeaway to open adjoining a terraced house, under a flat or in a semi-detached house where any of these are in someone else's ownership. Policy TC7 Clause 3 (especially b) seeks to protect residential amenity generally but clause 2) is much stricter so as to make it clear these are unacceptable locations in principle.
- As worded, this Clause 2 restriction would also apply in Burnley's Primary Frontages and the wider Town Centre of Burnley. This is explained below:
  - The Clause 2 restriction does not refer to the Primary Shopping Frontages area of Burnley (marked blue on diagram) because hot food takeaways are non-A1 uses and are therefore limited in this area by Policy TC3, and TC7 Clause 2 restrictions are also not relevant in this area due to its commercial nature. Clause 2 could have usefully made this clearer.
  - The Clause 2 restriction does not refer to the wider Burnley Town Centre area (marked grey on diagram). National policy supports hot food takeaways in town centres (as set out in TC2 Clause 3), but given the greater mix of commercial and residential uses in this wider town centre area (i.e. beyond the Primary Shopping Area), residential amenity will be an issue. Policy TC7 Clause 3 provides a level of protection for residential and other amenity but the strict restrictions of Clause 2 are not considered relevant in this wider Town Centre area.

<sup>50</sup> Class A1 is now within a wider Class E along with classes A2 A3 B1a B1c B1b and D2 – see Appendix B

<sup>51</sup> current statistics for the takeaways in the various retail locations are set out in Appendix C

7.1.28 The suite of Local Plan Town Centre policies TC1-TC8 seek to ensure the Town Centres remain vibrant and can support a range of civic, retail and leisure facilities which has a positive health impact.

### Proposed Refined Approach

7.1.29 As discussed above, Policy TC7 does not refer specifically to health impacts but its overall effect, and particularly clause 2), is to limit the amount of new takeaways that could be opened in the more deprived areas of the borough outwith the Town and District Centre boundaries (as the building stock in these areas tends to be predominantly flats, terraced houses or semis) and effectively restricts new outlets near secondary schools. It does allow, in some circumstances, new outlets in Town and District Centres and these are areas where young people may congregate in their leisure time and away from parental oversight.

7.1.30 As acknowledged above, using planning policies to control the location of hot food takeaways on health grounds, particularly for adults, is of limited value and in Burnley's case, the proximity of hot food takeaways to secondary schools is not a major issue. However, an approach to the application of Policy TC7 which formalises the link to obesity and ill-health impacts that is acknowledged in the supporting text and builds on the existing clustering restrictions set out in the policy is considered justified. Whilst this approach goes a little beyond the Local Plan policy, it is fully consistent with its overall approach and is supported by new national policy that post-dates the adoption of the Local Plan (see footnote 40).

7.1.31 This refinement to the application of Policy is set out below. It is not possible or appropriate to introduce an entirely new policy approach through an SPD e.g. one based on restricting the proportion of takeaways based on obesity or deprivation levels in particular Wards.

#### Policy TC7 Additional Interpretation:

Where new takeaways are allowed under **Policy TC7**, be they in a location set out in **Clause 1)** i.e. Burnley Secondary Frontages area, Padiham Town Centre, or a District Centre, or elsewhere if they satisfy **clause 2) and 3)**; the Council will consider:

**i)** Imposing conditions on opening hours under **Clause 4)** where a new takeaway is close to a secondary school requiring the outlet to shut at school letting out times. The hours of closure may need to reflect the possibility of after school clubs running past the school closing time. This would allow sales to adults at lunchtimes and evenings or anytime at weekends. Children can be prevented from leaving school premises at lunchtimes by appropriate school policies.

**ii)** Interpreting **Clause 3 a)** to include the District Centres and the 'unacceptable concentration' referred to will be measured as follows: <sup>52</sup>

#### **Burnley Secondary Frontage:**

No more than two consecutive hot food takeaway uses in any length of secondary frontage will be allowed and there should be a gap of at least two non-takeaway uses between premises.

#### **Padiham Town Centre:**

No more than two consecutive hot food takeaway uses will be allowed and there should be a gap of at least three non-takeaway uses between premises.

<sup>52</sup> The existing pattern of takeaways is generally in line with these standards

**District Centres:**

No more than two consecutive hot food takeaway uses will be allowed and there should be a gap of at least three non-takeaway uses between premises.

**Elsewhere:**

No consecutive hot takeaway uses will be allowed.

**Summary**

7.1.32 Policy TC7 helps protect people's physical and mental health. Aspects of the Policy are identified in this SPD as Theme 1, Impact level 1 (e.g. location, odours, hours of opening) and others as Theme 4, Impact level 1 (visual amenity, clustering, waste). The proposal to restrict the opening hours of new takeaways within 400 metres of secondary school boundaries and extending the remit of the clustering policy to protect health would also fall under Theme 2, Impact level 3.



## 8. Policy Health Impact Matrix

8.1.1 This table provides a summary matrix of themes and relative health impacts of key policies and clauses as set out and discussed in Section 4 to 7.

Local Plan Policy:	Theme 1 - policies that protect people from harm		Theme 2 - policies that seek to enable people to live healthier lifestyles	Theme 3 - policies that seek to provide access to health infrastructure	Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.
NE5	Clause 2) Clause 4) Clause 5) Clause 6)	Clause 7) Clause 8) Clause 9)	-	-	-
SP5	Clause 1) Clause 2 g) and h) Clause 6)		Clause 5	-	Clauses 2) 3) and 4)
SP6	Clause 1 Clause 2		Clause 1 Clause 2	-	Clause 1 Clause 2
NE2	-		Clause 1 Clause 2	-	Clause 1 Clause 2
IC5	-		Clause 1	Clause 1	-
HS1-HS4 and HS7	HS4 Clause 2 and 3 HS5 Clause 1 C		HS4 Clause 4 HS4 Clause 5 HS2 HS7 Clause 1 (Part)	-	HS1 – Various HS4 Clause 1 HS5 Clause 1 HS7 Clauses 1 (part) and 2
IC1-3	IC1 Clause 1 c IC2 Clause 1 a IC3 Clause 8		IC1 Clause 1 IC2 Clause 1) to 3) IC3 Clause 5	IC1 Clause 1 IC3 Clause 5	
TC7	Clause 2 Clause 3 e) and h)		Clause 1 Clause 2 Clause 3 a) and c) Clause 4	-	Clause 3, all sub-clauses

Impact level 1

Impact level 2

Impact level 3



## 9. Monitoring and Review

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9.1.1 A monitoring framework has been established to assess the performance of the policies in the Local Plan to see if they are performing as intended towards delivering the Vision and Objectives set out and to identify the need for a local plan review, new or updated SPDs, or other interventions. The monitoring framework is reported on in the Council's Annual Monitoring Report (AMR).

9.1.2 A number of these monitoring indicators are relevant to this SPD including those (core output type) indicators which directly measure the performance of policies e.g. the delivery of adaptable homes or loss of protected open space. Other indicators are more 'contextual' showing matters such as life expectancy, levels of disease and obesity and where these show an improvement or deterioration it is often difficult to link this directly to the performance of planning policies as they are influenced by many other wider factors. However, where performance against such contextual health indicators show a prolonged deterioration, this would need to be looked at to see whether the policies are having any effects or whether an alternative approach is justified.



# Appendices

## Appendix A: Local Plan Objectives

Delivering Sustainable Growth	
1.	To minimise the adverse impacts of climate change and support growth to meet the need for jobs, homes and services in the context of moving towards a low carbon economy and stemming population decline. Growth will be managed so that it takes place in the most appropriate locations, promotes the re-use of previously-developed land and buildings, energy efficiency and sustainable design; and encourages the use of decentralised and renewable or low carbon energy sources.
Population and Housing	
2.	To revitalise the housing market by encouraging a well-integrated mix of high quality, aspirational and affordable homes of different types and tenures to meet the needs of a wide range of households and support economic growth.
Economy and Employment	
3.	To create an environment that supports economic prosperity, growth, entrepreneurship and a diverse business base.
4.	To enhance and develop Burnley town centre’s role as a sub-regional commercial centre and Padiham’s as a market town, supported by a network of other smaller centres that supply accessible services to local neighbourhoods; encouraging development that supports these service centres to ensure they are vibrant and prosperous.
The Natural Environment	
5.	To protect and enhance the borough’s distinctive landscape character and high quality network of habitats and open spaces necessary for people and wildlife to thrive.
6.	To improve mental and physical health and wellbeing by improving environmental quality and increasing opportunities for exercise and for sport and recreation, including improved access to nature and the wider countryside.
The Built and Historic Environment	
7.	To create a safe, healthy, attractive, locally distinctive and accessible public realm for all.
8.	To ensure that the intrinsic qualities and distinctive character of the historic environment is protected and, where possible, enhanced; and that heritage assets are used positively to promote and support regeneration and recreation and stimulate ‘pride of place’.
Accessibility, Transport and Other Infrastructure	
9.	To improve connectivity to major cities, including Manchester and Leeds, and provide infrastructure that supports sustainable economic growth and travel patterns.
10.	To establish Burnley as a centre of educational excellence with high levels of educational attainment and a skilled, highly qualified workforce that meets the needs of the borough's economy.
Community Involvement	
11.	To promote a diverse, vibrant and creative local culture encouraging pride and community cohesion and to seek community involvement in planning the future of the borough.

## Appendix B: Use Class Reforms

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### Use Classes

B1. The Use Classes Order divides different types of development into 'Use Classes'. A change of use within an identified Class is not 'development' and therefore can be carried out without planning permission or any form of notification to a local planning authority.

B2. Any external alterations to buildings to facilitate the change of use will still require planning permission in most cases.

B3. Internal and external alterations to buildings to facilitate the change of use may also require building regulations approval.

B4. Certain types of new uses may also require licencing.

### Permitted Development

B5. Permitted Development is development that has been granted planning permission through national legislation. This can be limited, for example by size of building or its location, or can be subject to conditions for example it must be carried out in similar materials, and, increasingly, through a 'prior approval' process which is akin to a light touch planning application where people have to apply to the Council in a particular form, but the Council can consider only certain planning matters and not others.

### Reforms

B6. Significant changes to the Use Classes Order and to Permitted Development rights have been made by the government over the last few years.

B7. These include establishing a new Use Class - Class E which includes a variety of different commercial and leisure uses covering most of what was Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure). Certain shops and facilities which are deemed as being important to the local community have been placed into Use Class F2.

B8. Cafes and restaurants, which were Class A3, are now included in Class E and so can be widely created without planning permission. These may serve unhealthy food to eat in or offer an ancillary hot food takeaway service.

B9. Hot Food Takeaways, which were Class A5, are now classed as a '*Sui Generis*' use, which means they are in a class of their own. There are no permitted development rights to change the use of any premises to a hot food takeaway and so planning permission is always required.

B10. Permitted Development rights allow existing takeaways to be changed to a Class E use subject to the local planning authority being notified of the intention in writing; or the conversion up to 150sqm of floorspace to residential use falling within Class C3 (dwellinghouses) subject to a prior approval process.

B11. Pubs, wine bars and other drinking establishments which were Class A4 are also now a *sui generis* use which means planning permission is required for their creation. These may serve unhealthy food to eat in or offer an ancillary hot food takeaway service.

B12. The reforms to permitted development rights include allow the conversion of Class E buildings to residential use without planning permission. These rights are subject to a prior approval process, but, as with many of the other changes, they are clearly intended to limit the local planning authority's ability to restrict the change which makes it much harder for them to protect their town centres and ensure satisfactory living conditions for residents.

B13. The changes impact on the interpretation of the Local Plan policies as these were adopted prior to them being introduced and therefore refer to the former Use Classes. However, whilst the changes have limited the effectiveness of certain policies e.g. those in controlling uses in the Primary Shopping Area and therefore in protecting the retail offer, some level of control is still possible and national policy on the approach to town centre's set out in the NPPF remains largely unchanged and consistent with the approach of the Local Plan.

B14. Use Class and permitted development rights are extremely complicated and it is always advisable to check what form of permission you may need before you plan or start work.

### Guidance

[Use Classes - Change of use - Planning Portal](#)

[Is permission needed? | Burnley Borough Council](#)

[Legislation.gov.uk](https://legislation.gov.uk)

[guide-to-the-use-classes-order-in-england.pdf \(lichfields.uk\)](#)

## Appendix C: Fast Food and Hot Food Takeaway Statistics

### *Burnley Council Statistics 2021:*

C1. As part of its Local Plan monitoring, the Council conducts a biennial survey of Use Classes and vacancies within the two Town Centres of Burnley and Padiham and the eight District Centres. The most recent survey was completed in May 2021. The survey data can be used for many purposes, including to identify the location of hot food takeaways (A5/Sui Generis Use Class). The survey is based on an external inspection of the premises and is not necessarily legally definitive.

C2. The 2021 statistics for hot food takeaways below do not include vacant premises (the last use of which may have been a hot food takeaway).

#### **Burnley Town Centre:**

22/538 = 4.09%

#### **Burnley Secondary Frontages:**

13/180 = 7.22%

#### **Padiham Town Centre:**

8/197 = 4.10%

#### **District Centres:**

Accrington Road	2/28	=	7.14%
Briercliffe Road	5/69	=	7.25%
Coal Clough Lane	0	=	0%
Colne Road	21/120	=	17.50%
Harle Syke	2 /15	=	13.33%
Lyndhurst Road	0	=	0%
Pike Hill	0	=	0%
Rose Grove lane	2/31	=	6.45%

### *(OHID) Public Health England Statistics*

C3. This data set (including maps and charts) shows the variation in density of fast food outlets in local authorities across England per 100,000 population. The data was produced using the Food Standards Agency (FSA) Food Hygiene Rating Scheme (FHRS) dataset. It is not a measure of the number of A5/Sui Generis hot food takeaways.

C4. According to this data published in 2018, the density of fast food outlets for each local authority in England ranged from 26 to 232 outlets per 100,000 population, with the average across England being 96.1. It indicated that there were 147 fast food outlets in Burnley giving at density of 168, the 3rd highest in England. Figures for the number of outlets in each Ward is also available.<sup>53</sup>

C5. The notes accompanying the data set say that '*fast food*' refers to food that is energy dense and available quickly, therefore it covers a range of outlets that include, but are not limited to, burger bars, kebab and chicken shops, chip shops and pizza outlets and that it is likely that the data here does not show the complete picture for fast food outlets. Many of the outlets that could be considered 'fast

<sup>53</sup> [Fast food outlets: density by local authority in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

*food' are likely to be multi-functional; sit-down and eat in, takeaway and home delivery. As a result businesses may have been recorded under the category of restaurant or café which would mean they may not have been included here despite selling similar types of food to those included in this analysis."*

C6. However, despite these notes, it does appear that a number of A3 restaurants and some A1 food retailers have been included in the statistics?

C7. The data is a specific snapshot at a point in time (31/12/2017).

*Lancashire County Council Statistics*

C8. Lancashire County Council has gathered data on the number of “takeaways” and rate per 100,000 of the population for Districts in Lancashire from Feat (Food environment assessment tool).<sup>54 55</sup> It would appear that this isn't actually data on hot food takeaways but data on fast food outlets. At the time of drafting this SPD the web data is not actually available so we are unable to check what is included.

C9. As the figures for Burnley are similar to the Public Health England figures it is assumed that they are not figures just for hot food takeaways but also include restaurants and other outlets selling fast food. For other areas in East Lancashire however the figures are considerably higher than the Public Health England statistics.

C10. The figures reported by LCC show that the rate of “takeaways” in 2018 is high in Burnley at 168.3 per 100,000 people but the number is fairly static (3% rise) in comparison to the significantly greater increases in Pendle (15%) and Hyndburn (24%) and also nearby Blackburn with Darwen (38%).<sup>56</sup>

Area	2014		2015		2016		2017		2018		Difference	Percentage increase
	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate		
England	47566	87.6	48171	87.9	50641	91.6	56977	102.4	59131	105.6	11565	24%
Lancashire	1399	118.3	1421	119.5	1481	123.9	1519	126.4	1557	128.7	158	11%
Burnley	145	166.3	149	170.8	147	168.0	157	179.0	149	168.3	4	3%
Chorley	117	104.8	120	106.2	127	111.1	128	110.6	124	106.1	7	6%
Fylde	92	119.3	95	122.6	96	122.8	103	130.6	96	120.3	4	4%
Hyndburn	111	138.5	118	147.3	125	155.5	127	157.9	138	170.8	27	24%
Lancaster	137	97.7	141	100.2	145	102.3	136	95.4	147	101.9	10	7%
Pendle	126	140.5	128	142.3	138	152.5	138	152.2	145	158.6	19	15%
Preston	200	143.0	200	142.2	205	145.4	211	149.3	227	160.1	27	14%
Ribble Valley	62	106.7	57	97.4	63	107.0	65	109.2	65	108.2	3	5%
Rossendale	105	151.9	98	141.2	104	149.0	106	150.6	111	156.6	6	6%
South Ribble	107	98.1	115	104.8	124	112.6	130	117.8	137	124.0	30	28%
West Lancashire	74	66.2	76	67.6	76	67.2	82	72.0	82	72.0	8	11%
Wyre	123	113.3	124	113.2	131	119.1	136	123.2	136	122.3	13	11%
Blackburn with Darwen	190	128.9	199	134.6	230	154.9	234	157.3	263	176.6	73	38%
Blackpool	286	203.0	285	203.3	309	220.7	340	243.1	348	249.8	62	22%

<sup>54</sup> FEAT is developed by the Centre for Diet and Activity Research and the MRC Epidemiology Unit at the University of Cambridge. It is designed around the needs of professionals in public health, environmental health and planning roles, locally and nationally.

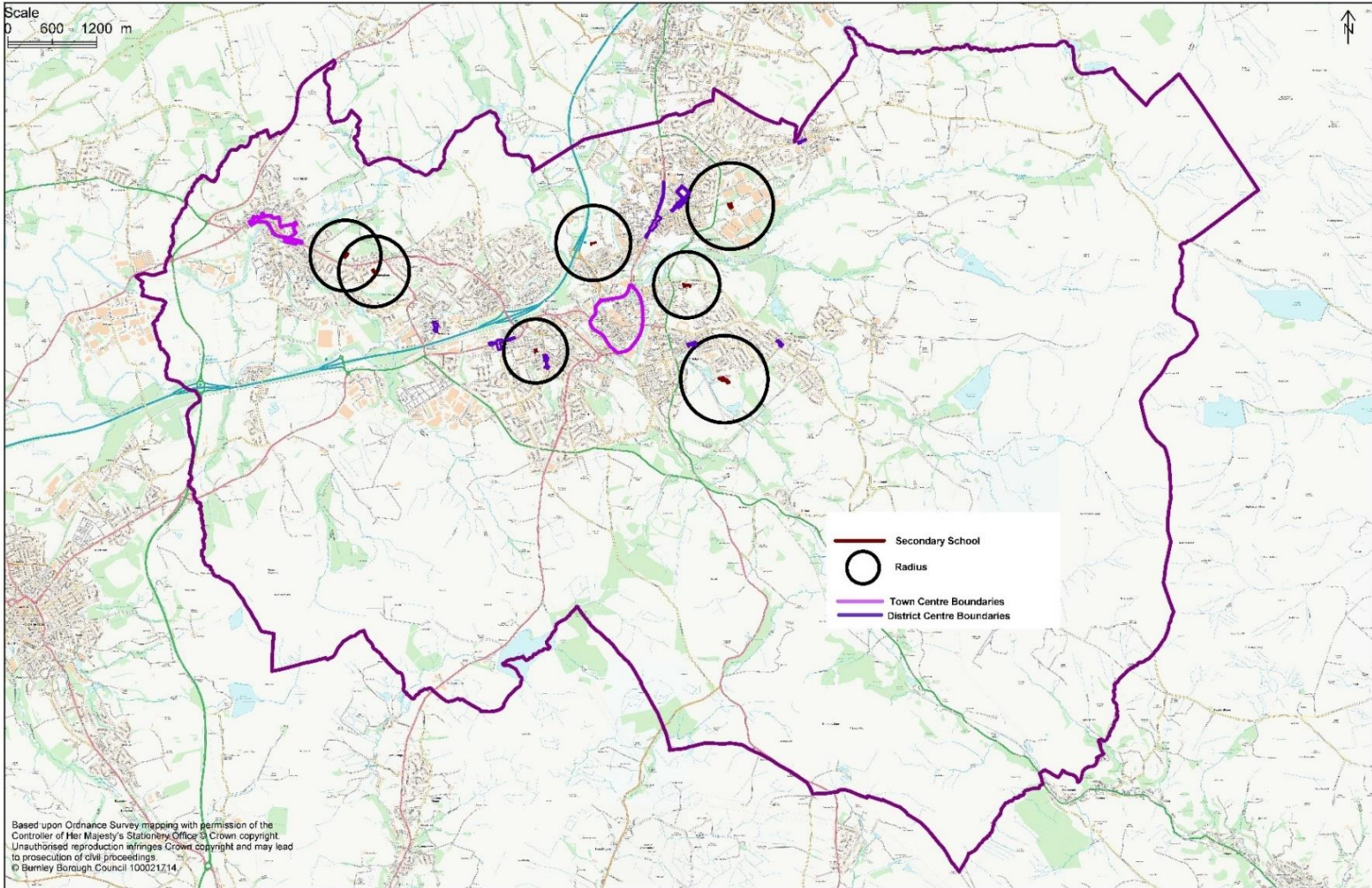
<sup>55</sup> [Feat \(feat-tool.org.uk\)](http://feat-tool.org.uk) at the writing the source of this data is not available

<sup>56</sup> Blackburn with Darwen has had a Local Plan policy in place since Dec 2015 and PfH SPD in place since April 2016.



# Appendix D: Secondary Schools Map

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 <b>Town &amp; District Centres Within 400 Metre Of Secondary Schools</b>				
Burnley Borough Council	Policy & Environment	Drawn by:	Date printed: 28/01/2021	Scale: 1:45334



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