

DEVELOPMENT CONTROL COMMITTEE

Thursday, 21st July, 2022
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 21st July, 2022 at 6.30 pm

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

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

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

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 20

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

3. Additional Items of Business

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

4. Declaration of Interest

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

5. Exclusion of the Public

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

6. List of Deposited Plans and Applications

21 - 22

To consider reports on planning applications for development permission:

a)	FUL/2022/0023 - Land at Kinross Street & Airdrie Crescent Burnley	23 - 42
b)	HOU/2021/0694 - 429 Cog Lane, Burnley	43 - 50
c)	FUL/2022/0146 - Arncliffe Cottage, Halifax Road, Briercliffe	51 - 60
d)	COU/2022/0348 - 55 Daneshouse Road, Burnley	61 - 70
e)	LBC/2022/0103 - 1, 2 & 3 Towneley Park Cottages, Towneley Park, Burnley	71 - 78
f)	FUL/2022/0024 - 160 St James Street, Burnley	79 - 90
g)	HOU/2022/0187 - 40 Pasturegate, Burnley	91 - 98
h)	HOU/2022/0123 - 54 Morse Street, Burnley	99 - 104
7.	Decisions taken under the Scheme of Delegation	105 - 116

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

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
 Councillor Anne Kelly (Vice-Chair)
 Councillor Gordon Birtwistle
 Councillor Phil Chamberlain
 Councillor Scott Cunliffe
 Councillor Sue Graham
 Councillor John Harbour
 Councillor Alan Hosker

Councillor Martyn Hurt
 Councillor Jacqueline Inckle
 Councillor Syeda Kazmi
 Councillor Lubna Khan
 Councillor Neil Mottershead
 Councillor Mark Payne
 Councillor Ann Royle
 Councillor Mike Steel

PUBLISHED

Wednesday, 13 July 2022

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 30th June, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, P Chamberlain, S Cunliffe, S Graham, J Harbour, A Hosker, J Inckle, A Royle and Steel

OFFICERS

Janet Filbin	– Principal Planner
Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Carol Eddleston	– Democracy Officer

13. Apologies

Apologies for absence were received from Councillors Hurt and Kazmi.

14. Minutes

The Minutes of the last meeting held on 9th June 2022 were approved as a correct record and signed by the Chair.

15. Declaration of Interest

Councillor Graham declared a personal interest in agenda item 6(e) [minute no 21] as she knew one of the members of the public who had come to address the committee about this item. She withdrew from the meeting for the duration of the item and took no part in the discussion or vote thereon.

16. List of Deposited Plans and Applications

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

DAN FERRIER	FUL/2019/0470 Coal Clough Windfarm The Long Causeway Cliviger Burnley
JAMIE GILLILAND	FUL/2019/0470 Coal Clough Windfarm The Long Causeway Cliviger Burnley
JUDITH DOUGLAS	FUL/2022/0141 Land to the South of Granville Street Briercliffe
BRIAN SUMNER	HOU/2022/0011 Kenmuir Burnley Road Briercliffe
LISA ALBERTS	HOU/2022/0011 Kenmuir Burnley Road Briercliffe
HAMZA RIAZ	HOU/2022/0186 6 Rochester Drive Burnley Lancashire
MARK BARNES	HOU/2022/0186 6 Rochester Drive Burnley Lancashire

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

17. FUL/2019/0470 - Coal Clough Windfarm, The Long Causeway, Cliviger, Burnley

Town and Country Planning Act 1990

Proposed solar farm (10 MW) with associated infrastructure and perimeter fence (25 ha) (Affects Public Footpath Nos. 26, 82, 83, 84, Cliviger and Public Bridleway No. 112, Cliviger)

Coal Clough Windfarm, The Long Causeway, Cliviger, Burnley.

Decision

That approval be delegated to the Head of Housing and Development Control subject to a s106 Agreement to secure off-site habitat management and the following conditions:

Conditions and reasons for conditions

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

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

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

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

3. Prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) to provide further details of an Ecological Clerk of Works and other measures and content of the submitted Outline Construction Environment Plan (prepared by Arcus, revised March 2022) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CEMP shall also include additional surveys to confirm the status and nest location of short-eared owls and, if appropriate, further safeguards to avoid disturbance to nesting short-eared owls. The measures and controls contained within the approved CEMP shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until the end of the decommissioning of the site.

Reason: To protect the ecology of the site during the construction period, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Plan is required prior to the commencement of development to ensure that the measures are implemented prior to any works taking place which is necessary for the conservation of potentially affected birds and other wildlife.

4. No construction work or other ground works or removal of vegetation shall take place at any time unless all the measures for the avoidance of harm to nesting birds, as described at section 6.4 of the submitted Ornithological Impact Assessment (prepared by Arcus, Version 3.0, March 2022), have been satisfied in full.

Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

5. No construction work or other ground works or removal of vegetation shall take place either prior to or during the construction of the development without full compliance with the Reasonable Avoidance Measures to safeguard amphibians as set out at section 4.4.2 of the submitted Ecological Impact Assessment (prepared by Arcus, July 2021).

Reason: To take account of a low risk that Great Crested Newts and other amphibians could be encountered during works and to ensure that any risk to these protected species from such activities is effectively minimised, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

6. Measures to prevent harm to mammals and other fauna during the construction and operation of the development shall be carried out at all times in accordance with controls contained within section 4.6 of the submitted Ecological Impact Assessment (prepared by Arcus, July 2021).

Reason: In order to prevent harm to animals and wildlife that may encounter the development, in the interests of their conservation, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

7. Prior to the commencement of development, a Reasonable Avoidance Measures Method (RAMM) Statement to safeguard reptiles during the construction and operation of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be constructed and operated in complete accordance with the details contained within the approved RAMM Statement.

Reason: To ensure adequate protection for any reptiles that may encounter the development, in the interests of their conservation, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Statement is required prior to the commencement of development to ensure that the approved measures can be implemented prior to any works taking place which is necessary to protect reptiles.

8. Prior to the commencement of development, a Method Statement for the protection of the Long Causeway Mire Biological Heritage Site (BHS) during the construction and operation of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be constructed and operated in complete accordance with the measures contained within the approved Statement.

Reason: To ensure adequate protection for the biodiversity of the designated Long Causeway Biological Heritage Site (BHS), in the interests of its conservation, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Statement is required prior to the commencement of development to ensure that the approved measures can be implemented prior to any works taking place which is necessary to protect the designated BHS.

9. The development shall only be constructed and operated in accordance with the mitigation measures detailed in the submitted report to inform a Habitat Regulations Assessment (prepared by Arcus, Version 3-0, March 2022) and the submitted Ornithological Impact Assessment (prepared by Arcus, Version 3-0, dated March 2022), including controls to working hours during the bird breeding season and the control of lighting during the construction of the development.

Reason: These mitigation measures to protect upland birds are necessary to ensure that there are no likely significant effects on the National Site Network due to the site's proximity to the South Pennine Moors Special Protection Area and South

Pennine Moors Special Area of Conservation, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

10. On-site and off-site habitat improvements shall be carried out, monitored and reviewed in accordance with the details contained within the Habitats Management Plan (HMP) set out at Appendix E of the submitted Ornithological Impact Assessment (prepared by Arcus, Version 3-0, dated March 2022). Monitoring reports, including a review of the findings and any appropriate adjustments or changes to the HMP, shall be submitted for approval to the Local Planning Authority at the intervals no greater than as stated in the HMP. The development shall not at any time be operated without compliance with the approved HMP and any subsequently approved modified HMP.

Reason: To ensure adequate and appropriate habitat creation and improvement to mitigate against the loss of accessible grassland from the approved installation of a solar array and associated equipment which is necessary to protect the integrity of the adjacent South Pennine Moors Special Protection Area and South Pennine Moors Special Area of Conservation, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

11. No works shall take place on the site until the applicant or any successor(s) in title has secured the implementation of a programme of archaeological investigation, monitoring and recording which must be carried out in accordance with a Written Scheme of Investigation that shall first be submitted to and approved in writing by the Local Planning Authority. An archaeological record of the investigation shall be deposited with the Local Planning Authority within one month of its completion.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance and interest associated with the site, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The programme of archaeological works and Written Scheme of Investigation are required prior to the commencement of development in order to ensure that any archaeological artefacts can be detected and recorded.

12. The construction of the development shall be carried out in accordance with the submitted Transport Statement (prepared by Arcus, revised September 2021) and a Traffic Management Plan that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The construction of the development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure that suitable controls and measures are in place to accommodate construction traffic and minimise any potential disruption, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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

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

14. No external lighting shall be installed or used at any part of the application site unless in accordance with details of minimal and ecologically sensitive lighting that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid harm to upland birds and wildlife, to protect the biodiversity of the site and the adjacent South Pennine Moors Special Protection Area, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

15. Prior to the commencement of development, details of the heights, materials and specification of all fences and gates to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be constructed in accordance with the approved fence and gate details.

Reason: To ensure a satisfactory appearance and minimise the visual impact of these features on the open countryside and users of the adjacent public rights of way, in accordance with Policies CC1 and SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the approved details can be implemented at the appropriate stage in the development.

16. Prior to the commencement of development, precise details of the siting, scale, design, colour, materials and external appearance of the approved solar array, camera poles, battery energy storage system, substations, inverters and associated equipment and surfacing materials to be used on the proposed access tracks, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance and minimise the visual impact of the development on the open countryside, in accordance with Policies CC1 and SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the approved details can be implemented at the appropriate stage in the development.

17. The approved use of the site shall cease on or before a period of 30 years following the first date that the site becomes either partly or fully operational (whichever is the sooner) and the entire development hereby approved (solar array, battery storage energy system, substation, inverters, cameras, kiosks, containers, access tracks, hardstandings and associated equipment) shall be removed from the site and the land restored to its former condition within this period or no later than 9 months from the date of the cessation of its use for the production of energy (whichever is the sooner). The restoration of the site shall be carried out in accordance with a Restoration Plan to be previously submitted to and approved in writing by the Local Planning Authority and shall include details of all works necessary to revert the site to open grassland, including the removal of any buried cabling and establishment of any new planting and timescales for the completion of all works.

Reason: The proposed development has an operational lifespan of 30 years and following this period (or a shorter period if the use ceases earlier than anticipated) the visual impact of the development is no longer justified and the landscape should be restored in the interests of visual amenity, in accordance with Policies CC1 and NE3 of Burnley's Local Plan (July 2018).

18. Prior to the decommissioning and removal of any apparatus from the development, a specific Decommissioning Environment Management Plan (DEMP) which shall be based on the measures and controls in the submitted Outline Construction Environment Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning of the development shall thereafter only be carried out in accordance with the approved Decommissioning Environment Management Plan.

Reason: To protect the ecology of the site during the decommissioning and restoration of the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

19. Prior to the decommissioning and removal of any apparatus from the development, a specific Traffic Management Plan to include details of the type, amount and timings, routes and control of traffic to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning of the development shall thereafter only be carried out in accordance with the approved Traffic Management Plan.

Reason: To ensure that suitable controls and measures are in place to accommodate traffic associated with the decommissioning and restoration of the site and to minimise any potential disruption, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

18. FUL/2022/0141 - Land To The South Of Granville Street. Briercliffe

Town and Country Planning Act 1990

Proposed change of use from agricultural land to a dog walking meadow including 1.8m perimeter fencing, car parking area, dog play equipment and shelter. Resubmission of application FUL/2021/0734

Land To The South Of Granville Street Briercliffe Burnley

Decision

That the application be approved subject to the following conditions.

Conditions and reasons for conditions

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: location plan dated 18/11/21, Proposed plans FR03, proposed site plan FR02

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

3. There shall be no more than 4 cars utilising the designated car park at any one time.

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

4. The maximum number of dogs allowed on the development at any one time shall be limited to four, with dog owners to be present at all times.

Reason: to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with policy SP5 of Burnley's Plan.

5. All external equipment used in association with the dog walking meadow shall only be located within the designated area as shown on proposed site plan FR02 and shall not be moved without prior consent from the local planning authority.

Reason: In order to protect the rural character of the open countryside in accordance with policy SP4 of Burnley's adopted Local Plan.

6. The use hereby permitted shall only be open for customers between the following hours:

08:00 - 19:30 Mon - Fridays

08:30 - 18:00 Saturdays, Sundays and Bank Holidays

All customers must have booked in advance of any exercise visit. A booking slot shall last 50 min and 1, 10 minute gap in between booking slots.

Reason: In order to protect the rural character of the open countryside and to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan.

19. HOU/2022/0011 - Kenmuir, Burnley Road, Briercliffe

Town and Country Planning Act 1990

Proposed Two Storey Side Extension and Rear Extension. Erection of rear dormer.

Kenmuir Burnley Road Briercliffe Lancashire

Decision

That the application be approved subject to the following conditions.

Conditions and reasons for conditions

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

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

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

Proposed Elevations and Floor Plans: ALI/M/01/
Dwg no 04F Proposed Site Plan: AL/01 Dwg 03E

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

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

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

4. The landscaping proposals hereby approved dwg no 03E shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

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

Reason: In the interests of visual amenity.

5. Before the widened parking area is used for vehicular purposes, it shall be appropriately paved in tarmac, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

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

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

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

7. The parking facilities shall include provision of an electrical supply suitable for charging an electric motor vehicle.

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

20. COU/2022/0166 - Mosque 112 - 114 Burns Street, Burnley

The Chairman reported that this item had been withdrawn from the agenda.

21. HOU/2022/0186 - 6 Rochester Drive, Burnley, Lancashire

Town and Country Planning Act 1990
Retrospective application to retain detached timber shed in rear garden.
6 Rochester Drive, Burnley, Lancashire, BB10 2BH

Decision

That planning permission be granted subject to the following conditions.

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:

Drawing described as Detached Shed, scale 1:50 Received 1st April
2022 Drawing described as Site Plan 1:500 and Location Plan 1:1250
Received 1st April 2022

3. Notwithstanding details shown within the application, within 28 days of the date of this approval the shed shall be painted or stained a dark neutral colour, to be agreed in writing by the Local Planning Authority and so retained.
4. Notwithstanding details shown within the application, within 28 days of the date of this approval details of a scheme of planting (and maintenance thereof) shall be submitted to and approved in writing by the Local Planning Authority. This planting scheme shall have the effect of breaking up the outline of the shed when viewed from public vistas. The planting scheme shall be implemented during the next available planting season and retained/maintained for the lifetime of the shed.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. In the interests of visual amenity and to ensure compliance with Local Plan Policies SP4 and SP5.
4. In the interests of visual amenity and to ensure compliance with Local Plan Policies SP4 and SP5.

22. COU/2022/0005 - New Hall House, New Hall Street, Burnley

Town and Country Planning Act 1990

Proposed Change of Use of land to operate a car sales site with a porta cabin office

New Hall House, New Hall Street, Burnley, Lancashire

Decision

That the application be approved subject to the following conditions.

Conditions and reasons for conditions

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

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

- 2 The development shall be carried out in accordance with the approved plans; 2261 001 static office and site location plan (6/1/22), 2261 002 rev A (17/6/22).

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

3. The surface water from the approved hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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

4. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the highway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

5. No building or use hereby permitted shall be occupied or the use commenced until the parking area serving the car sales as detailed on plan 002 Rev A (rec 17/6/22) have been surfaced or paved. The car parking spaces and manoeuvring areas shall be clearly marked out and shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas.

6. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan.

7. The use hereby permitted shall only be open for customers between the following hours:

09:00 - 17:00pm Mon - Saturday

09:00 - 16:00 Sundays and Bank Holidays

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

8. All vehicles for sale shall be within the car sales area only. No vehicles shall be placed for sale within the surrounding public highway network, or elsewhere within the site.

Reason: To ensure that the use does not unacceptably impact upon the availability of on street and on-site parking, in the interest of highway safety.

9. The number of car sales plots operated from the site shall be limited to 45 and the number of plots shall not be increased at any time without the prior written approval of the Local Planning Authority.

Reason: To ensure adequate manoeuvrability within and around the site in the interests of highway safety.

10. The parking facilities shall include provision of an electrical supply suitable for charging an electric motor vehicle.

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

23. HOU/2022/0051 - 60 Fairfield Drive, Burnley, Lancashire
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Town and Country Planning Act 1990

Proposed bedroom and wet room rear extension

60 Fairfield Drive, Burnley

Decision

That the application be approved subject to the following conditions.

Conditions and reasons for conditions

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

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

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

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no windows shall be constructed in the elevation of the extension which faces towards no.62 Fairfield Drive without Planning Permission obtained from the Local Planning Authority.

Reason: To ensure the continued protection of privacy for adjacent occupiers, in accordance with policies HS5 and SP5 of Burnley's Local Plan July 2018.

4 Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

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

5 No building or use hereby permitted shall be occupied until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

24. HOU/2022/0224 - 476 Colne Road, Burnley, Lancashire

Town and Country Planning Act 1990

Proposed double storey side and rear extension, with single storey rear extension (resubmission of HOU/2021/0454)
476 Colne Road, Burnley, Lancashire BB10 1TW

Decision

That the application be approved subject to the following conditions.

Conditions and reasons for conditions

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:

Drawing No. 2030 01B – Front elevation illustration received on 08.06.2022

Drawing No. 2030 02C – Existing & proposed site plan received on 08.06.2022

Drawing No. 2030 03C – Block plan received on 08.06.2022
Drawing No. 2030 04 – Existing floor plans received on 08.06.2022
Drawing No. 2030 05C – Proposed floor plans received on 08.06.2022
Drawing No. 2030 06 – Existing elevations received on 08.06.2022
Drawing No. 2030 07C – Proposed elevations received on 08.06.2022
Drawing No. 2030 01B – Front elevation illustration received on 08.06.2022
Drawing No, 2030 100 – Location plan received 19.04.2022

3. Notwithstanding details submitted with the application, the extension shall be faced with stone and render to match the existing dwelling, and so retained.
4. Notwithstanding details submitted with the application, the extension shall be roofed in slate to match the existing dwelling, and so retained.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed in the elevation facing north without Planning Permission obtained from the Local Planning Authority.
6. Prior to first occupation of the extension, a charging point for electric vehicles shall be included, and this shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states: - charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy SP5 of the Local Plan, and the NPPF.
4. In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy SP5 of the Local Plan, and the NPPF.
5. To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.
6. In the interests of sustainability and to accord with the provisions of the NPPF.

25. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation for the period 27th May 2022 to 14th June 2022.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

21st July 2022

Housing and Development

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Housing & Development
Town Hall, Manchester Road

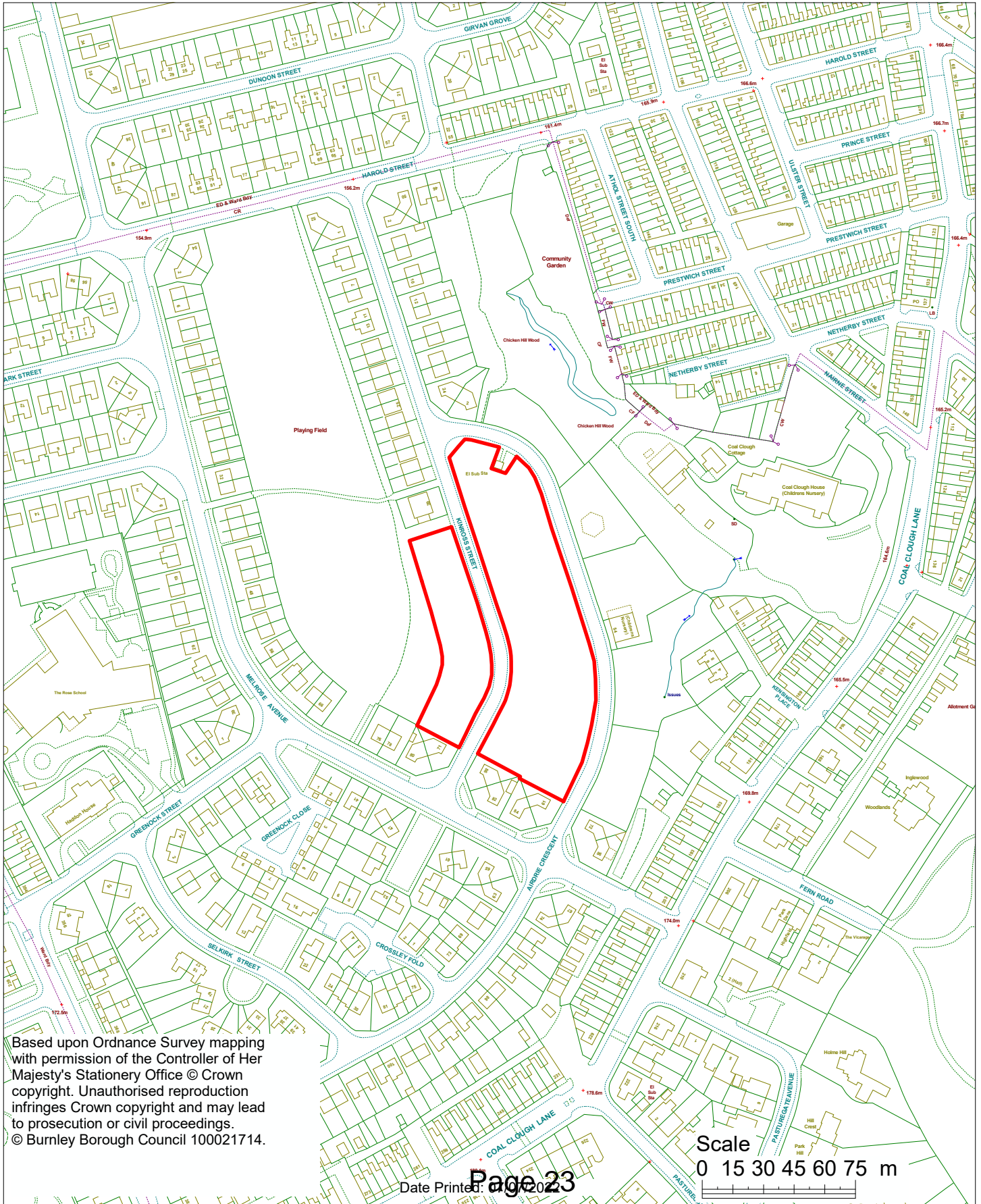
Paul Gatrell Head of Housing and Development Control

Location:



Land At Kinross Street & Airdrie Crescent, Burnley

1:2500



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Application Recommended for Delegation to Approve subject to s106 Agreement

FUL/2022/0023

Coal Clough With Deerplay Ward

Town and Country Planning Act 1990

The erection of 61no. dwellings with associated infrastructure and landscaping works
Land At Kinross Street & Airdrie Crescent Burnley BB11 4DP

Background:

The proposal is to erect 61no. dwellings on land fronting Kinross Street and Airdrie Crescent within a primarily residential built-up area south east of Burnley town centre. The land is currently used as amenity grassland but has in former times been occupied by housing.



The proposed housing consists of 58no. houses (12no. three bedroom and 46no. two bedroom) and three bungalows (1no. three bedroom and 2no. one bedroom). The

proposed dwellings are mostly semi-detached and in terraces of four with one of the bungalows attached to a pair of semi-detached houses.

All properties would have access to the rear for bin storage.

The scheme has been amended since first submitted to provide adequate spacing with existing houses, to improve car parking provision, to introduce street trees where possible and to alter the proposed materials from render to reconstituted stone (Marshalls Cromwell pitched faced and Weathered). In addition, the design of part of the scheme (15 dwellings, that is 24% of the development) has been amended to comply with the optional Part M4(2) standards of the Building Regulations 2010 to provide adaptable homes to allow occupiers to remain in their homes as their needs change. Electric Vehicle Charging points are proposed for 13 plots (21% of all proposed dwellings).

The full scheme would provide affordable housing.

Relevant Policies:

Development Plan

Burnley`s Local Plan 2012-32 was adopted on the 31st July 2018.

Burnley`s Local Plan

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

SP6 – Green infrastructure

HS2 – Affordable housing provision

HS3 – Housing density and mix

HS4 – Housing developments

NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

IC4 – Infrastructure and planning contributions

Material Considerations

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

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

The National Planning Policy Framework (2021)

National Planning Practice Guide

National Design Guide (2021)

Site History:

No relevant planning history.

Consultation Responses:

LCC Highways

No objection. In order to ensure that the adopted highway is reinstated to a suitable standard it is expected that a Section 278 Agreement will be entered into to ensure that the structure of the existing highway construction is not compromised by the re-development of the house stock. It is likely that following the reinstatement of the general utility connections to the new housing stock in addition to the reinstatement and construction of a number of dropped crossings that in order to ensure the sound construction of the highway a full resurfacing of the carriageway and footway will be required. Additionally, a number of lowered kerbs with tactile paving will be required at junctions of Kinross Street and Harold Avenue, Kinross Street and Melrose Avenue, Airdrie Crescent and Melrose Avenue, and Kinross Street with Melrose Avenue. Further details relating to the construction phasing are required, Kinross Street and Airdrie Crescent are both currently adopted highways and may require to be temporarily closed for some periods during the construction process. A plan showing the phasing and potential road closures should be provided an indication of the length of potential closures should be provided. It is not expected that both roads will be closed at same time to allow for the movement of traffic. Additionally, access to the children's centre on Airdrie Crescent will need to be maintained. The transport statement refers to the sustainability of the site but notes that there is no storage provision for cycles. Recommend that a charging point for electric vehicles is provided for each dwelling. Conditions are recommended to require full engineering, drainage, street lighting and constructional details of the streets; an Estate Street Phasing Plan; a scheme for the reconstruction of the highway and off-site works of highway improvement; and, a highway surface water scheme.

Local Lead Flood Authority

No objections subject to conditions to require the scheme to be constructed in accordance with the final submitted Flood Risk Assessment and drainage strategy; a Sustainable Drainage System Operational & Maintenance Manual; and, a Verification Report of the constructed sustainable drainage system.

United Utilities

No objection. Request that a condition be imposed to require the development to be carried out in accordance with the principles set out in the Foul and Surface Water drawings submitted by the applicant. United Utilities state that no surface water will be permitted to drain directly or indirectly into the public combined sewer. A condition is also recommended to require a management and maintenance scheme for the sustainable drainage systems.

Greater Manchester Ecology Unit (GMEU)

The proposal and the submitted information: -

- Preliminary Ecological Appraisal (Pennine Ecological, August 2021)
- Biodiversity Metric 3.1
- Biodiversity Net Gain Assessment

The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance. The Report concludes that the site supports a number of trees which are of negligible value to bat roosting and the habitats within the site are of only local value to biodiversity. GMEU advise that there is no need for any further assessment

in this regard but sought further information in relation to Biodiversity Net Gain which has been subsequently submitted. GMEU accept the submitted Biodiversity Net Gain calculation that finds that the scheme would result in a 66.6% loss equating to -1.95 habitat unit and state that in order to achieve net gain for this scheme > 1.95 habitat units will need to be secured either within the scheme or as off-set in another location. This is in the absence of the formal adoption of the 10% net gain signalled within the Environment Bill, which received Royal assent in November 2021. An Environment Bill compliant scheme would require significantly greater habitat units to achieve the target uplift. GMEU note that the Council is currently in discussion with the applicant over improvements to the adjacent POS to the west of the application site and consider that this could be an appropriate location for off-set. GMEU advise that the Council need to have confidence that an appropriate scheme can be delivered in this location and/or an appropriate monetary contribution is provided to secure the uplift. Currently GMEU are using a figure of £11,000 per habitat unit, which is the assumed median cost formulated by Defra. This sum includes the costs of management and monitoring within the 30 year time frame required by the BNG process. GMEU has suggested a suitable condition that would achieve these requirements. GMEU also recommend conditions to require a Control and Eradication Method Statement to remove Japanese Knotweed from the site; tree protection measures; an external lighting scheme that is sensitive to ecology; to avoid vegetation clearance within the breeding season (March – August inclusive); to require boundary treatment to be designed with Ecological Permeability (gaps for small mammals and amphibians); and, a Biodiversity Enhancement Plan (to include the details, quantum, location and specification for bat boxes integral to the units and bird boxes, for example, house sparrow, swift, starling etc).

LCC Schools Planning Team

No contribution is sought for primary school places. In respect of secondary school places, the projected number of pupils in the next five years is 5628 whilst the future planned net capacity is 5625. This means, therefore, based on current figures, there would be an existing shortfall of three secondary school places within a 3 mile radius within the next five years. LCC Schools Planning Team has applied their adopted methodology to calculate that there would be a yield of three additional secondary school places that would arise as a result of this development. At a rate of £23,061.75 per secondary school place, a request is made for a contribution of £69,185.25 in order to make up for the identified shortfall of places. In the event that the contribution is not agreed with the applicant, the Schools Planning Team object to the development. A full copy of their assessment is available to view on the Council's web site.

Burnley Civic Trust

Do not object to this application but are concerned that the proposed insulation of the houses is of a minimum standard. In view of climate change and rising energy costs the Council ought to be requiring high standards of insulation.

The Coal Authority

No objection. The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and probable shallow coal mine workings associated with a thick coal outcrop. The Geo-Environmental Appraisal (September 2021, prepared by

Groundtech Consulting Ltd), which accompanies the planning application correctly identifies that the application site may have been subject to past coal mining activity and has been informed by an appropriate range of sources of information. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning to demonstrate that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Contaminated Land Officer

No objection. Recommend a condition to require a verification statement is submitted following the remediation of the ground.

BBC Greenspaces and Amenities

There is no provision in the plans for children's play space on site. There are play facilities at Hargher Clough Park and Scott Park that are fairly close. Hargher Clough has good provision for all age groups including a play area and skate park. Scott Park has good younger children play facility provision but the youth provision is minimal as there is no wheeled sport offer available and the existing MUGA needs upgrading/refurbishment. There is green space close by at Melrose Avenue for informal recreation, but this does not offer any new formal provision of recreational/play value which would be of benefit to the residents of the new housing development. As such, and in lieu of provision on site, and due to the site's proximity with Scott Park and Hargher Clough Park, an off-site contribution is requested to be used to refurbish and/or upgrade the existing MUGA in addition to the development of a wheeled sports area around the existing bandstand. The contribution would also be used towards additional play equipment at Hargher Clough Park. Based on the provision of 61 dwellings with 203 bed spaces, the S106 contribution would be £46,550.

Designing Out Crime Team (Lancashire Constabulary)

Advocate that the development be designed and constructed using the security principles and security rated products as stated in the Secured By Design (2019) document.

East Lancashire NHS Trust

Request a contribution. In summary, the Trust states that they currently provide acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale. The impact of non-recurrent (capital) and recurrent (service provision) infrastructure costs as a direct result of new housing development are very significant and as such a contribution is now sought to address the direct impact which the application will have on the Trust. A scheme for 61 new dwellings will support a population increase of 140 (assuming an average of 2.3 people per dwelling) all of whom will need to access health services. It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available. The Trust will in due course be able to obtain funding to meet the needs of the population which arises from the development but this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding. The Trust therefore request a contribution for this development in the sum of £104,097.00. The Trust consider that this request meets the requirements of the appropriate tests.

Electricity North West

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Informatives and guidance on necessary precautions is offered to the applicant.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

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

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

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

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

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

The application site is situated within a primarily residential area, close to services and amenities and accessible by public transport services. The land was historically occupied by housing but is currently amenity grassland that is not protected and bound by a wider area of amenity grassland that affords protection under Policy NE2. The loss of this area of amenity grassland would not in this instance lead to a significant loss of available amenity grassland or green infrastructure in the immediate

or wider area. The use of the land for an appropriate development would in principle satisfy Policy SP4 subject to detailed considerations which are considered below.

Design and layout considerations

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping; ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers. Principles for good design are set out in the National Design Guide. Policy HS4 sets out open space requirements and relevant spacing distances to safeguard outlook and privacy.

The development has been designed at a density that is consistent with the surrounding residential area and provides formal frontages to the street which would be consistent with existing pattern of development surrounding the site. The development is mostly two storey with a minor proportion of single storey development and designed with gable roofs which is in scale and in keeping with the surrounding area.

Examples of Proposed Street Elevations



10 Kinross Elevation Plot 1 to 7



11 Kinross Elevation Plot 8 to 19



2 Kinross Elevation Plot 20 to 35



14 Airdrie Crescent Plot 43 to 49

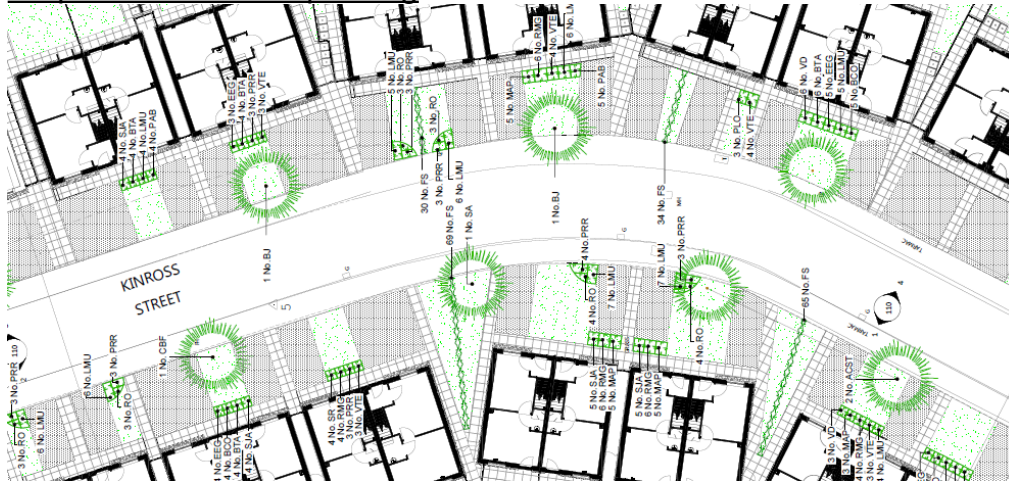


15 Airdrie Crescent Plot 50 to 61

The proposed external materials have been changed from render with brick plinth to reconstituted stone which is in response to the Case Officer’s request to reduce the amount of render in order to create more variety in materials in the immediate local area. The use of reconstituted stone and flat grey concrete interlocking tiles would achieve this objective and provide an attractive appearance that reinforces the distinctive character of the wider local area.

The NPPF (2021) states that new streets should be tree lined. Trees have been incorporated into the front gardens of plots to achieve tree lined streets where possible.

Proposed street tree planting



The proposed tree planting would enhance the public realm.

Policy HS4 requires schemes over 10 dwellings to design 20% of the proposed dwellings to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities, complying with the optional technical standards of part M4(2) of the Building Regulations 2010. The applicant has provided a total of 15 dwellings compliant with this higher standard which equates to 24% of the development. This includes all of the three bungalows that are proposed. The proposal therefore complies with this requirement of Policy HS4.

Residential Amenities

Policy HS4 requires a minimum of 20m between elevations with habitable rooms and 15m between a blank gable and habitable rooms. The applicant has made some minor adjustments to the layout to ensure that adequate privacy and outlook can be achieved for the development. Notably, the site is constrained to some extent by the existing positions of the streets and the need to make efficient use of the land by having a house frontage to each of these streets. In places, this has led to shorter separation distances between the rear elevations of some of the plots on Airdrie Crescent and Kinross Street. Where this occurs, plots 44 to 61 (all semi-detached houses) have been designed without a first floor rear window to avoid overlooking

between bedroom windows. There would be a minimum separation of 12.6m (where 15m would normally be required) towards the northern section of the site. This would still provide an adequate private garden space, outlook and privacy for occupants. In these circumstances, the design and layout would provide an adequate level of amenity for future occupiers. At the southern end of the site, bungalows have been sited adjacent to the side/rear of existing houses on Airdrie Crescent and Kinross Street which at a minimum separation distance of 8m (between the side/rear containing kitchen/diner window on ground floor) would safeguard the privacy and outlook of existing occupiers.

Open Space

Policy HS4 requires open space to be provided at a rate of 0.3ha per 50 dwellings which where not practical for schemes less than 50 houses can be catered for by a commuted sum to be used to improve open space nearby. In this case, no formal public open space is proposed on site. Whilst the total number of dwellings would be greater than 50, it is acknowledged that the site is bound by informal amenity greenspace and is also within walking distance of Hargher Clough Park and Scott Park. The Head of Greenspaces and Amenities has requested a commuted sum of £46,550 which would be used to improve facilities for children and young people at these existing sites. In this case, the improvement of existing areas of open space would adequately cater for the needs of the development and would also benefit residents in the local area. The applicant has agreed to the open space contribution which would be secured through a s106 Agreement.

Energy Efficiency

Policy SP5 requires developments to incorporate measures to minimise energy and water consumption and seek opportunities for on-site energy supplies from renewable or low carbon energy sources. The submitted Design and Access Statement states that there will be `fabric first` approach to improving the energy performance of the proposed dwellings. A new Part L to the Building Regulations (2013) came into force on the 15th June 2022 which sets new standards for energy efficient homes, requiring a 30% betterment on carbon dioxide emissions to the previous requirements. Compliance with the new standard will therefore provide energy efficient homes which would comply with the objective of Policy SP5.

The design and layout of the proposed scheme would therefore provide a suitable development.

Traffic and parking

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

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

The proposal makes efficient use of the existing streets and requires minimal street works which include some reconstruction to install new street lighting, services and access points. Direct access and parking is provided to all new dwellings. Two car parking spaces would be provided for all three bedroom houses and one car parking space would be provided for two bedroom houses. The latter provision is lower than the standard. Given, however, that the properties are to provide affordable housing,

one car parking space (for a 2 bedroom) house where there is available on-street parking for occupiers and visitors, is likely to be sufficient to meet the needs for car parking. LCC Highways encourages the use of sheds for storing cycles. Each property has sufficient space for sheds which can be provided by the applicant/occupiers where needed.

The amount of additional traffic that would be generated by the development would be accommodated within the existing highway with no significant impacts.

Policy IC3 only requires new EVC points on detached homes but these are encouraged by LCC Highways, in which case, these would be installed at 13 properties which would be a benefit of the proposal.

Subject to the conditions recommended by LCC Highways, the proposed development would have an acceptable impact on traffic and parking and would not conflict with Policies IC1 and IC3.

Impact on Biodiversity

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible.

There are a small number of trees on the site which are a mainly low quality (Cat C) which would be removed to accommodate the development. None of these have been found to be used by bats and GMEU is satisfied that there would no harm to protected species subject to various precautionary measures, including the avoidance of vegetation clearance during the bird breeding season. The loss of a large area of grassland would, however, lead to a loss of biodiversity which has been calculated at a 66.6% loss equating to -1.95 habitat unit. The Biodiversity Net Gain Assessment submitted by the applicant states that this loss would be compensated through habitat improvements close to the site. The applicant has discussed options for doing this with the Council's Head of Greenspace and Amenities which includes suitable improvements (including meadow grasses and native shrubs) on the adjacent amenity land to the west of the application site. The details of a scheme for off-setting the loss of biodiversity can be secured by a planning condition. With this provision and further conditions recommended by GMEU (to remove Japanese Knotweed; tree protection measures for retained/adjacent trees; an external lighting scheme; to avoid vegetation clearance within the breeding season; to require gaps for small mammals in boundary treatment; to require a Biodiversity Enhancement Plan), the proposal would have an acceptable impact on biodiversity and would comply with Policy NE1.

Affordable Housing provision

Policy HS2 requires affordable housing on sites of over 10 dwellings. In this case, the applicant, Calico Homes, is a Registered Provider (RP) and intends to provide 100% Affordable Housing on the site which will be in the form of Affordable Rent.

The proposal would therefore go well beyond the requirements of Policy HS2. As such, the provision of affordable housing would be a key benefit of the development. In these circumstances, where the scheme is for 100% affordable housing by a RP, the implementation of the affordable housing can be adequately secured through a planning condition. It is recognised that the RP will have its own mechanisms for controlling the occupancy and affordability of the units and for their retention as

affordable units for future occupiers and that this to some extent will also be controlled through any restrictions that are imposed by Homes England who award grants to RPs.

The provision of the whole scheme as Affordable Housing would therefore comply with Policy HS2 and a condition is recommended to ensure its implementation.

Contributions

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. LCC has requested a contribution towards three secondary school places which is based upon a three mile radius of schools from the site. In this case, the Developer Contributions SPD indicates that it is unlikely that development on this site (due to abnormal costs in the development from past uses) would be viable with contributions. A contribution has however been agreed for improving public open space at Hargher Clough Park and Scott Park which is necessary to cater for the open space needs of the development to comply with Policy HS4. An open space requirement is prioritised above education places. In this case, the advantages of the development in terms of providing affordable housing across the full site would outweigh any disadvantage in not funding the identified secondary school places. Notably, in this instance, where the scheme would not be viable with the contribution, the application should not be rejected as funding will be provided, as needed, through other means. In these circumstances, the applicant has not been requested to make a secondary school contribution.

In addition, a health contribution has been requested by NHS East Lancashire for £104,097.00 towards secondary healthcare. No evidence has, however, been submitted to support their assumption that the proposed development would lead to an increase in population in the Trust area from all the proposed dwellings on this site. As such there is no reliable reasoning or evidence to conclude that the development will have an impact on the health care services provided by the Trust. On recent appeals where a similar request had been made (FUL/2020/0321- Butchers Farm and FUL/2021/0264 – Harrogate Crescent), the Inspector agreed with the Council's reasoning on this matter. In these circumstances, a contribution is not necessary to make the development acceptable. As such, as a matter of law and policy, the Council cannot either request or accept a contribution as sought by the Trust. Given that the requested contribution is not necessary to make the development acceptable, the concerns raised by the Trust are not reasons to object to the application.

Other issues

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

The site is subject to past coal mining legacies which as been assessed through a Coal Mining Risk Assessment that demonstrates that the application site is safe and stable for the proposed development.

A condition is recommended to require Verification report following the completion of remediation measures that have been submitted to deal with land contamination. With this provision, the development would not pose a risk to human health.

Conclusion

The proposed development would be beneficial in delivering 100% affordable housing on an accessible urban site and sustainable location for development within the Development Boundaries as identified in Burnley's Local Plan. The proposed scheme is designed to complement the street pattern of the surrounding residential area and would introduce some variety in terms of the external materials. It would also include landscaping and new planting to compensate against small numbers of tree losses and, subject to a condition, would provide the means to off-set a loss of biodiversity. Provision for open space and play facilities for future occupiers would be accommodated through a contribution to improve facilities at the nearby Hargher Clough Park and Scott Park. Contributions towards health provision and education have been assessed but have not been adequately justified and/or would not be viable in this instance. The proposed scheme would make a positive contribution to the Council's delivery of housing. The development complies with the development plan and there are no material reasons which would outweigh this finding.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement to secure contributions to public open space improvement

Conditions

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

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

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

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

3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the submitted schedule of materials titled 'Materials Tracker' (Job No. 3588) prepared by BTP Architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

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

4. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority.

The proposed offsetting scheme shall:

- a) be based on prevailing DEFRA guidance;

- b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;
- c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;
- d) include the identification of a receptor site or sites;
- e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;
- f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);
- g) Timetable for implementation.

The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that there is no net loss to biodiversity resulting from the proposed development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that compensation for the loss of biodiversity resulting from the proposal can be adequately mitigated at an early stage.

5. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Report (prepared by ACS Consulting, dated November 2021). There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018).

6. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Proposals plan (drawing number 6676.01RevD) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

7. Details of any external lighting both temporary and permanent which shall be designed to minimise impact on nocturnal wildlife shall be submitted to and

approved in writing by the Local Planning Authority prior to its installation. No further external lighting shall thereafter be installed.

Reason: To protect bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

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

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

9. No vegetation clearance required to facilitate the scheme shall take place during the bird nesting season between March and August inclusive unless a qualified ecologist has inspected the area no more than 24 hours prior to its removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

10. Prior to the commencement of development above ground level, a Biodiversity Enhancement Plan which shall include details of ecologically permeable boundary fencing (to include gaps for small mammals and amphibians) and bird and bat boxes (including the location, quantum and specification) on the site, together with details of the timescales for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved Biodiversity Enhancement Plan shall thereafter be carried out as approved and retained at all times thereafter.

Reason: To ensure that the development provides opportunities for on-site biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Biodiversity Enhancement Plan is required prior to the commencement of development above ground level to ensure that the agreed measures can be incorporated into the construction of the development at the appropriate stages.

11. Prior to the commencement of development above ground level, a scheme for the re-construction of the highway and off-site works of highway improvement to include lowered kerbs and tactile paving (at the junctions of Kinross Street and Harold Avenue; Kinross Street and Melrose Avenue; Airdrie Crescent and Melrose Avenue; and, Kinross Street and Melrose Avenue) site shall be

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling or flat being first occupied.

Reason: To ensure that satisfactory access is provided to the site and safe conditions for pedestrians in the immediate surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

12. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

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

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

14. The development shall at all times be constructed in accordance with the measures and details contained within the Construction Method Statement, prepared by Ringstones Maintenance and Construction LLP and headed, Kinross Street, dated January 2021, and in accordance with an Estate Street Phasing Plan that shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Estate Street Phasing Plan is required prior to the commencement of development in order that the stages of the development can be controlled in order to maintain access to residential properties in the immediate area.

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

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

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

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

17. No built development above ground level shall be commenced until details of a highway surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved highway surface water drainage scheme shall thereafter be implemented in accordance with the approved details as part of the highway construction and completed prior to the occupation of any dwelling.

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground development to ensure that the approved scheme can be implemented at the appropriate stages of the construction of the development.

18. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (March 2022, AMO/210609/FRA rev C, SCP) and drawings:

- Drainage Layout - SCP-210609A-0500-001 Rev B
- Surface Water Catchment SCP-210609A-0500-003 Rev B
- Flood Routing Plan - SCP-210609A-0500-004 Rev A
- Finished Levels - SCP-210609A-0600-001 Rev A
- Construction Phase Surface Water Management Plan (Ring Stones, 7/6/22) and associated drawings.

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

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

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

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

Reason: To reduce the risk of pollution and flooding, in accordance with Policies CC4 and NE5 of the Burnley's Local Plan (July 2018).

21. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the approved Site Plan. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

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

22. The development shall not be carried out other than in accordance with the remediation works contained within the submitted Remediation Specification (prepared by Groundtech Consulting, report reference GRO-21190-3528, dated May 2022) and no dwelling shall be first occupied until a Verification Report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed remediation works have been completed and any further necessary steps, including an future monitoring have been identified.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic industrial use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

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

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

24. Electric vehicle charging points shall be installed externally in accordance with the approved plans (drawing number 3900 - 112Rev1) prior to the completion of the development.

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

25. The plots identified on approved drawing number 3900-S3-106 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes and none of these dwellings shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each dwelling, has been submitted to and approved in writing by the Local Planning Authority.

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

Janet Filbin
1st July 2022

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2021/0694

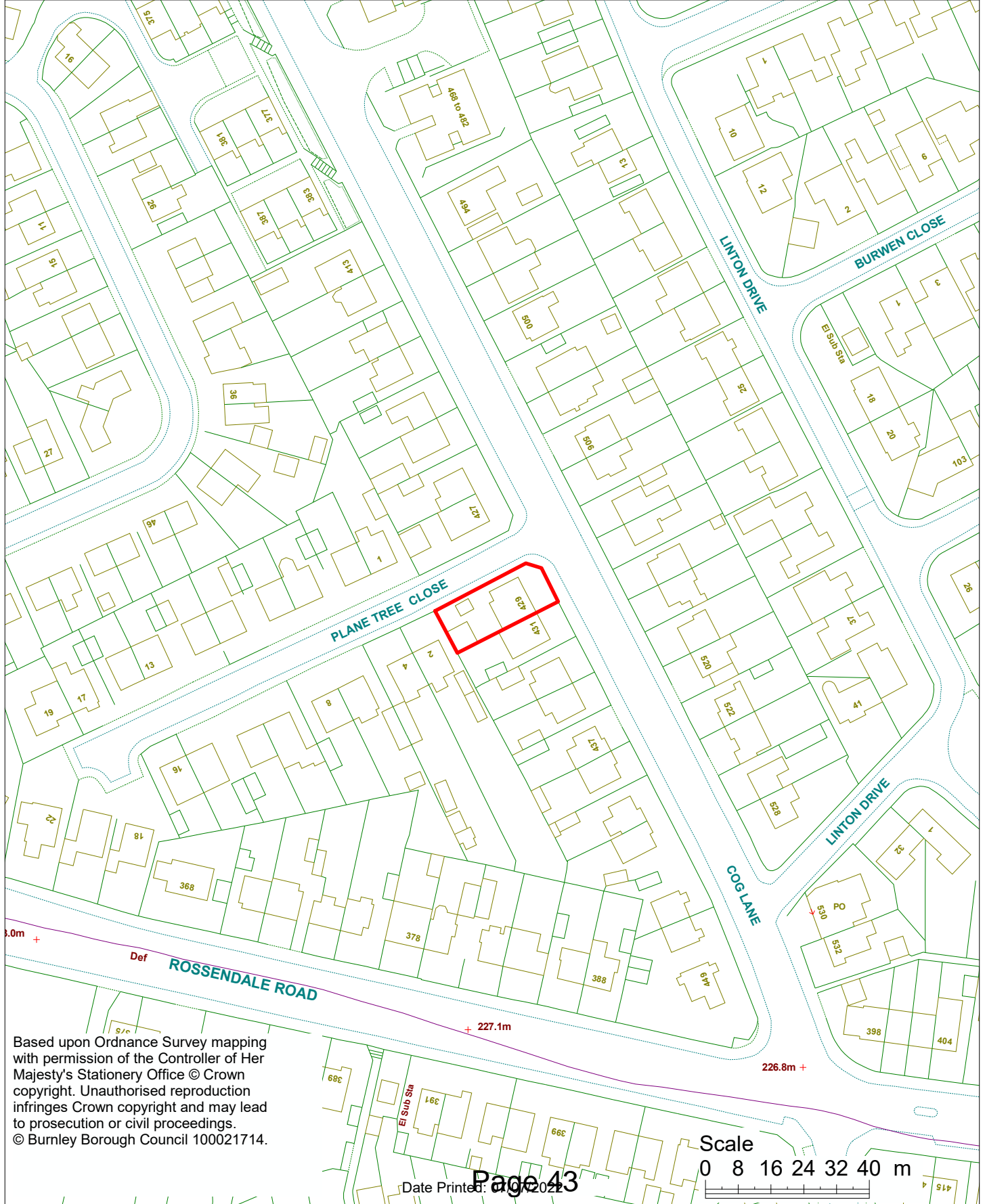
Paul Gatrell Head of Housing and Development Control

Location:

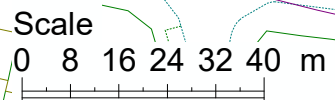


429 Cog Lane, Burnley

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Application Recommended for Approve with Conditions

HOU/2021/0694

Coal Clough With Deerplay

Town and Country Planning Act 1990

Demolition of existing single storey rear conservatory and erection of single storey rear extension (Resubmission of HOU/2020/0455)

429 Cog Lane Burnley Lancashire BB11 5HR

Background:

The application relates to a semi-detached property located in Burnley. The property benefits from a detached garage and private garden to the rear. Consent was refused and dismissed at appeal for the erection of a replacement extension with a terrace above ref (HOU/2020/0455).

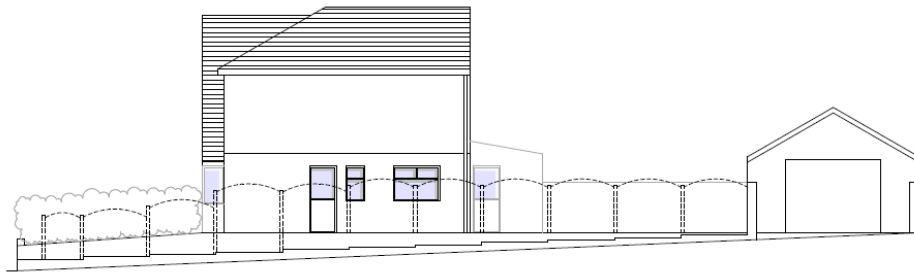
This application is a resubmission of the development for the erection of a rear extension. The terrace has been removed from the scheme.

The application has been brought to Development Control committee as an objection has been received.

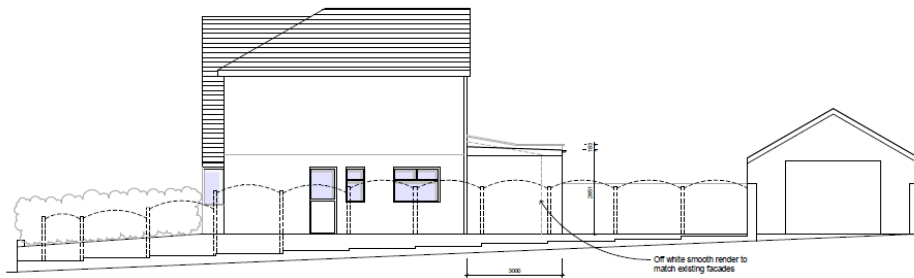


Proposed Development

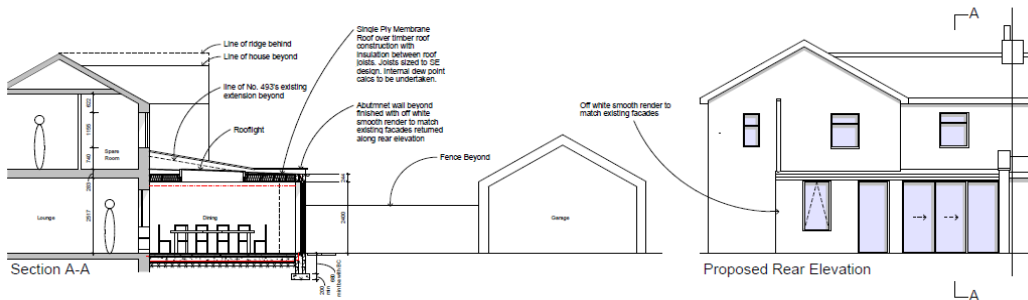
Consent is sought to demolish the existing single storey lean to extension and erect a larger single storey extension in its place. The extension proposes a rearward projection of 4.9m and measures 7.3m in width. The extension will have a flat roof measuring approximately 2.8m maximum height.



Existing Side Elevation to Plane Tree Close

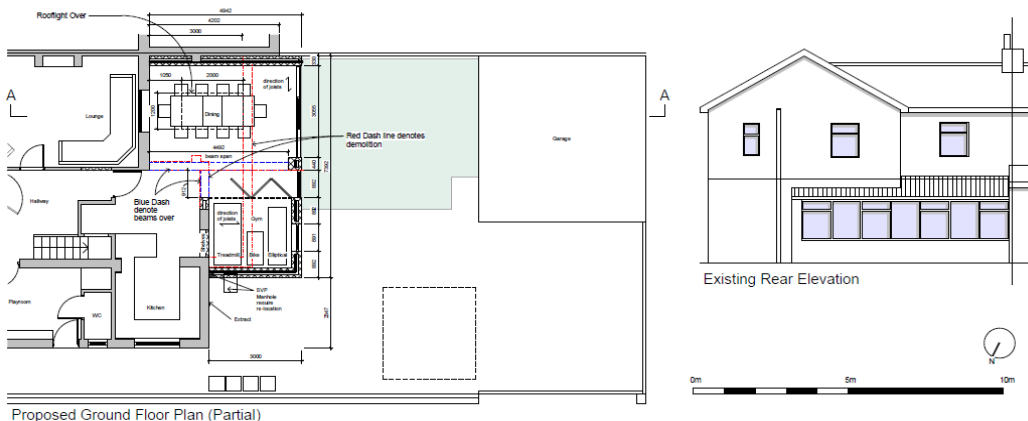


Proposed Side Elevation to Plane Tree Close



Section A-A

Proposed Rear Elevation



Proposed Ground Floor Plan (Partial)

Existing Rear Elevation

Relevant Policies:

Burnley Local Plan

SP1: Achieving Sustainable Development
 SP4: Development Strategy
 SP5: Development Quality and Sustainability
 HS5: House Extensions and Alterations

Site History:

App Number	Proposal	Status	Received Date	Decision Date
HOU/2020/0455	- Demolition of existing single-storey rear conservatory. - Replacement with single-storey rear extension including roof terrace accessed from adjusted first floor window.	REF	07.10.2020	10.03.2021

Consultation Responses:

N/A

Interested Party Comments:

A letter of objection has been received within concerns regarding loss of light and overbearing impact.

Planning and Environmental Considerations:

The key issues in relation to this application are:

- Principle of Development
- Visual Amenity / Design
- Residential Amenity

Principle of Development:

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

Visual Amenity/Design.

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out a requirement for the extension to remain subordinate to the existing building with appropriate building materials and that the

extension should not have an adverse impact upon the character of the street scene. Also, the proposal should not lead to an unacceptable loss of useable private amenity space.

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

Whilst the extension is single storey and located on the rear of the application property, the host dwelling is located on a corner plot resulting in the rear being highly visible on the approach from Plane Tree Close. The previously refused application involved the erection of an extension that extended the full width of the existing dwelling with a rearward projection of over 5m. The proposed extension no longer extends the full width of the property, and the rearward projection has been reduced to 4.9m. In addition, the overall height of the extension has been reduced from 4.7m to 2.8m. Therefore, when viewed from the rear it is considered that the proposed extension would not result in a prominent addition and the use of matching materials ensures that the extension will remain subservient to the main dwelling. As such it is considered that the development will have an acceptable impact on the visual amenity of the area.

Impact on Residential Amenity:

Policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reasoning of overlooking, lack of privacy or reduction of outlook or daylight.

As the property occupies a corner plot the only neighbour with the potential to be impacted by the development is the attached neighbour, no 431 Cog Lane. The proposed extension will share a boundary wall with this property as this neighbour also benefits from a single storey rear extension. The proposed extension will project beyond the rear wall of this neighbour's extension by approximately 1m. The neighbour has concerns that the 1m by 2.8m high wall would result in the loss of light to their garden and dining room. When assessed against the 45 degree rule the proposed extension would not result in a detrimental impact to the garden area of this property or the dining area. Nor is it considered that the 1m expanse of wall would have an unacceptable overbearing impact on the garden or dining room to warrant refusal of the application.

Recommendation:

That planning consent be granted subject to conditions

Conditions

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

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

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

Location Plan and Block Plan: Dwg no 1 RLB

Rear Elevations, Section and Floor Plan: Dwg no A102 Rev 08 amended plan received 12.04.2022

Proposed Side Elevations: Dwg no A1205 Rev 05 amended plan received 12.04.2022

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

3. All new external work, materials and finishes shall match those of the existing dwelling/building in their detailed execution, colour, texture, form, scale and finished appearance except where indicated otherwise on the approved drawings.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the parent dwelling/building.

Rebecca Bowers
6th July 2022

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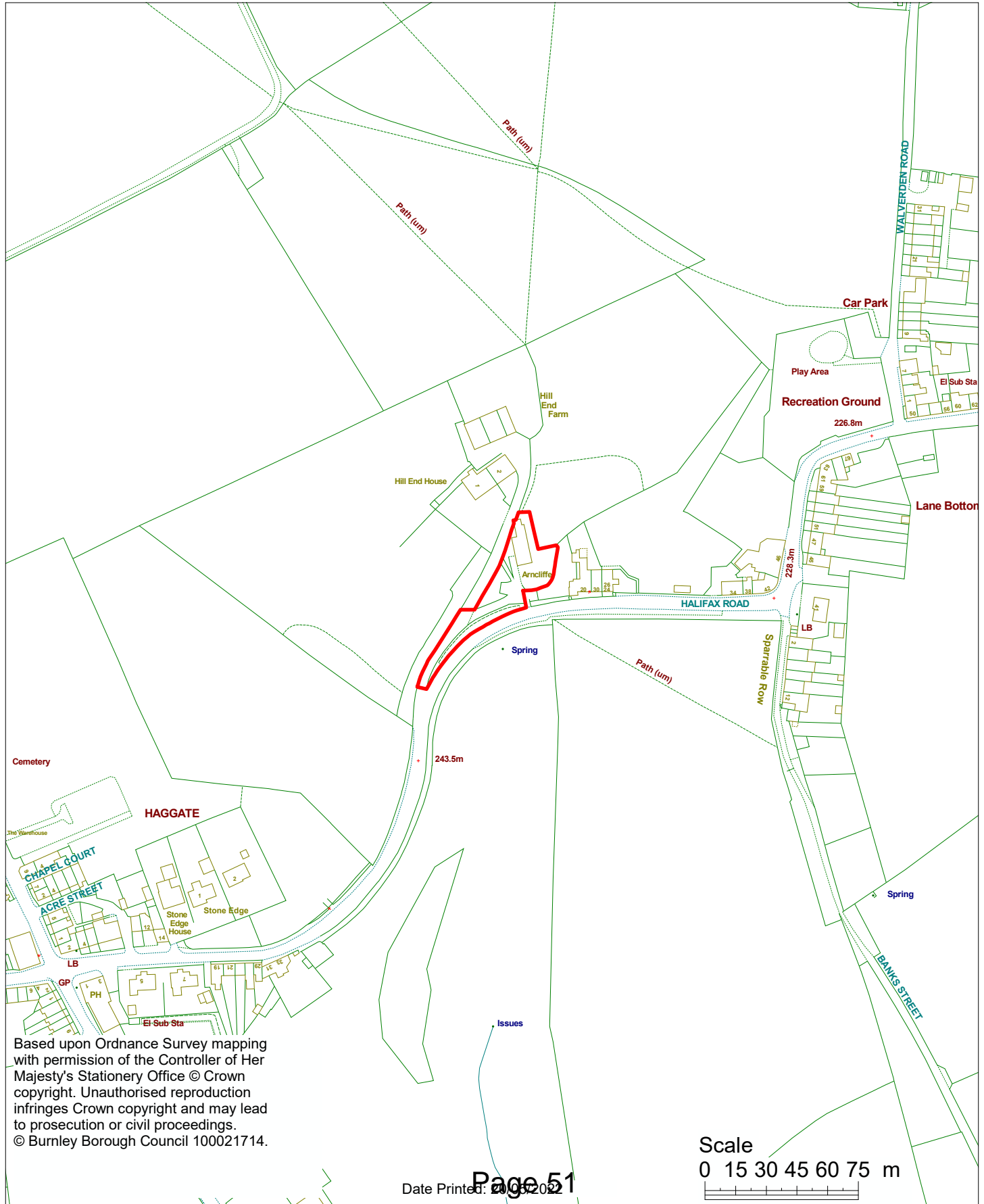
Paul Gatrell Head of Housing and Development

Location:

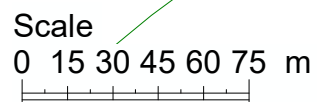


Arncliffe Cottage, Halifax Road, Briercliffe

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Town and Country Planning Act 1990
Change of use from C3 Dwellinghouse to C2 small children's residential care home
Arncliffe Cottage Halifax Road Briercliffe Lancashire

Background

The application site is a 6 bedroom detached property located off Halifax Road, Burnley. The site is located outside the settlement boundary in an area of open countryside, although is within close proximity to the main settlement boundary to the west and the separate settlement boundary of Lane Bottom to the east.

The property is in a rural location with the surrounding uses being predominantly residential. The property sits on an elevated position, cut into the hill side which has a clear fall in levels west - east. The principal elevation is from the main access lane (photo 1) with the property having 2 floors descending the slope (see photo 2) leading to the parking area. There is a small, grassed area to the east (rear) of the property which is at a higher level to the properties along Halifax Road. The amenity space is modest in size compared to the size of property.

To the east is a collection of cottages along Halifax Road, with No. 20 being the closest property, sharing a common boundary with the site and also parking area. The gable elevation of No. 20 sits approximately 20m from the rear of the site and whilst there is an established hedgerow and some mature trees along the boundary, given the site differences there is opportunity if standing on the raised patio area, of views into the rear gardens (see photo 5).

To the west of the site continuing along the access track, lies Hill End Farm (locally listed) and 1 and 2 Hill End House (both grade II statutory listed). The distance between the properties is approximately 19m with Hill End Farm located 42m along the access lane.



Photo 1:



Photo 2: showing the site levels



Photo 3: access lane and shared drive to the property



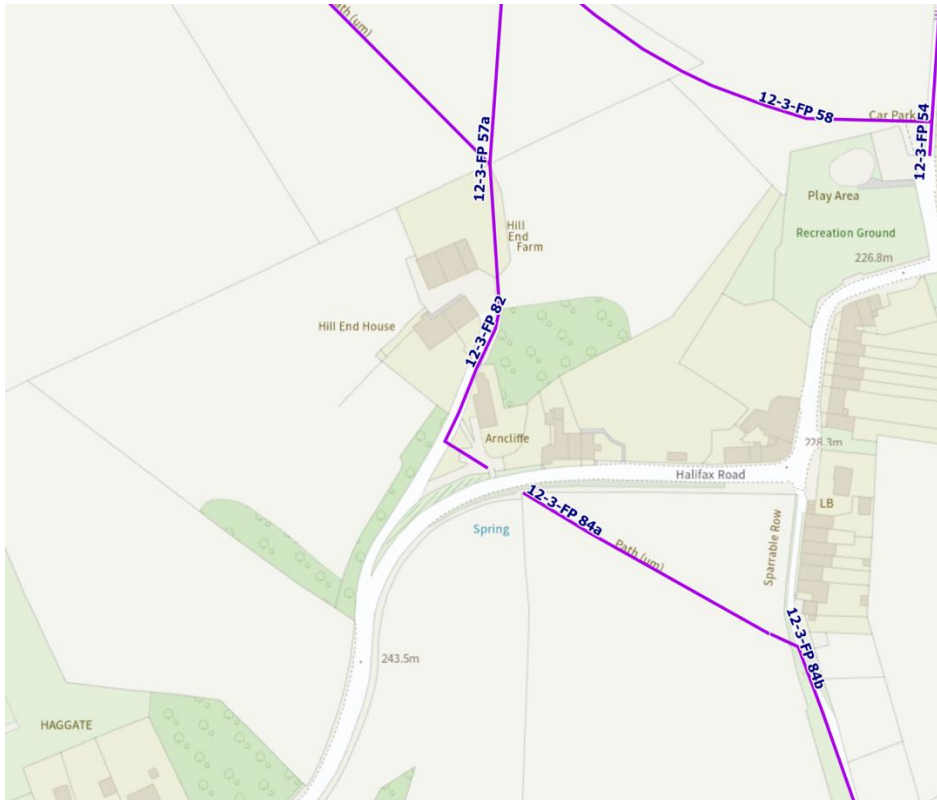
Photo 4: parking area



Photo 5: small area of soft landscaping

Public Right Of way

Public Right of Way No. 82 comes off Halifax Road, taking a steep route via steps and across the parking area of the application site. The application form states that there will be no diversions or extinguishments of the PROW, however it must be noted that the PROW does pass through the red edge of the application site.



Extract plan: www.mario.lancashire.gov.uk showing public right of way NO. 82 through the site

Proposal

The application seeks consent for the change of use of the dwelling (C3) to a C2 (Residential Institution) use for the provision of residential accommodation and care for up to 4 children between the ages of 8-17. The applicant (Positive Pathway Solutions Ltd) has provided the following additional information about how the C2 use would operate on a daily basis:

Maximum amount of 4 children staying at any one time, although the agent has confirmed that within the first 2 years there will be a maximum of 3 children.

Staffing: 7 in total employed by the home over a rota system. 2 full time members during the day and 1 overnight member of staff.

The children will attend school during the day and will be visited by social workers and family and friends.

There are no physical alterations to the existing building.

Site history

None relevant

Relevant policies

Burnley's Local Plan (July 2018)
SP4 – Development strategy
SP5 – Development quality and sustainability

NE5 – Environmental protection
IC3 – Car parking standards

The National Planning Policy Framework 2021

Consultation Responses

Highways – no objection in principle. Additional layout plan submitted to show swept path analysis.

Ward Councillors – 1 comment

Already similar facilities in the area, further facilities should be spread across the borough
Internally the building (erected in 1777) would need a lot of alteration to be safe for children to use
Significant local listed building which should be preserved
The access to this property is via a private road owned by a local farmer who gives residents right of access and a duty to maintain
No pavements on sections of Halifax Rd
Blind bend from the access onto Halifax Rd
Likelihood of larger vehicles accessing the site which is not appropriate and there is no turning area
No safe open space associated with the property
PROW through the site issues of privacy for the residents

Publicity

Letters of objection 15 letters in total summarised as follows:

Poor access on narrow lane which is privately owned and maintained by the residents.
Concerns that additional traffic will weaken the condition of the road
The access lane is used by a working Farm which frequently use the lane with heavy farm vehicles
No turning area for deliveries if they go all the way along the lane and don't use the tightly enclosed designated parking area
No pavements along sections of Halifax Road
Sightlines are poor coming out of the access onto Halifax. An increase in traffic movement would add to an already difficult to access point
Issues with refuse and recycling for the site, larger bins will be required which will be difficult to achieve
What are the staff patterns at the site, it states 7. How many visitors will be expected, specialist staff, doctor visits?
Quite rural area and there will be impact on the residential amenity by way of noise, loss of privacy, general comings, and goings
No external space at the property and no privacy for the children who would use the garden area
Genuine need for the proposed use, the property is currently listed on Air b + b

PROW through the site which could lead to issues of over looking and has been over looked in the application validation

Arncliffe is sited on a steep slope, the only outdoor space is an outdoor terrace which is at a much lower level than main entrance, it is not considered that this is safe space for children to play

Already 3 children's homes within the Briercliffe area, is this rural location the best place for young, vulnerable children? It is not a suitable building/environment for the use of a care home for vulnerable young children. Impact on the heritage assets of 1 and 2 Hill End house which are adjacent to the application site

Concerns over the safety of local residents from unknown people visiting the site

Impact on locally listed non designated heritage asset

Principle of proposal

The site is an existing dwelling located outside the development boundary of Burnley in which policy SP4 applies. The National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development. The change of use of the property would be acceptable in principle, providing the proposal meets all relevant local and national planning policies.

The main issues in the consideration of this application are:

Impact on residential amenity

Amongst other things, Policy SP5 requires proposals to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users and occupiers of the development.

No.20 Halifax Road is the closest property to the site, sharing access to the main parking area. Arncliffe sits at a higher level to No. 20 Halifax Road the attached cottages and views can be taken across into the rear garden areas (refer to photo 5). There are some trees (during the summer months) which offer some buffer between the site and properties along Halifax Road. It is considered that the distance between the properties is sufficient to avoid any direct over looking. The garden area is not proposing to change and therefore the use of the space for a family of 6 is no different to the proposed use.

In terms of the level of activity at the site, there will be no more than a maximum of 4 children occupying the site with no more than 3 staff at any one time. Whilst this may seem to be an intensification of the site, it is considered that there is little difference between the proposed and the general activity of a family living in a 6 bedroom home, and it is considered that the development will be in accordance with policy SP5 of Burnley's Local Plan. It is considered necessary and appropriate to condition the number of children to be cared for at the site to be no more than 4.

The additional information the agent has supplied in terms of the day-day operation of the site would suggest that the children will be out at school during the day which is not dissimilar to that of a normal family home. It is anticipated that there will be visits from professionals and visitors, but this would be no different from visitors who would visit a family home.

It is accepted that parking at the site is constrained, but LCC highways have been consulted and do not have any objection to the application and consider there will be an adequate provision of parking to serve the development.

Impact on character of the area including local listing

The character of the area is rural in nature with surrounding open countryside and clusters of residential properties.

The application site is a large 6-bedroom property which could have a large family with all its associated day to day activities. As there are no physical alterations to the exterior of the building there will be no physical impact on the traditional character of the building.

In terms of the use, the changeover in shift patterns and the dropping off and picking up of children from school will create additional activity, but it is not considered that this will be any greater than that experienced by a large family dwelling.

An appeal against the refusal of planning permission for a similar development in the borough was recently allowed (ref: APP/Z2315/W/21/3288141) this was for 4 adult residents at a typical suburban detached property. The Inspector concluded that; *'in terms of the day to day operational activities, staff change over would unlikely detract from the local character with the modest scale of the proposal'*. The Inspector concluded that the use of the dwelling as a C2 would not have an *'unacceptable effect in the living conditions of occupiers of nearest properties by way of noise and disturbance.'*

Whilst each application is taken on its merits, there are some comparisons which can be drawn between the appeal and this current application. The proposed change of use at Arncliffe is a larger property which does not require further extensions and there are greater separations with the nearest properties. It is considered that the application meets policy SP5 of the adopted Local Plan.

Local listed – non designated heritage asset

As there are no physical alterations to the property there will be no impact on the character and appearance of the locally listed building. In accordance with para 203 of the NPPF:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The (proposals) will not alter the external appearance of the building and therefore will not have a detrimental impact upon the non-designated heritage asset.

Access and parking

The site is not considered to be located within an isolated location, however the access and pedestrian connectivity to the site from Halifax is difficult. The main access track (A privately owned lane) which leads up to the property is shared with other properties; including Hill End Farm and Hill End House 1 and 2. There is no space to turn around and the lane is narrow which then leads down to the parking area of the application site.

There are 6 parking spaces available on site and access to the parking area is also shared with No. 20 Halifax Road which has 2 parking spaces.

After visiting the site, additional swept path analysis plans were requested to clarify if the parking area could be safely used if the shared neighbouring parking was also in use. The

additional plans were assessed by LCC highways who do not have any concerns about access or parking.

It is considered that the development complies with policy IC3 of Burnley's Local Plan.

Other issues

Whilst all issues raised are noted within the determination of a planning application, there can only be weight attached to those 'material considerations' that relate to land use planning. Issues on the types of people to be cared for and any perceived behavioural matters are not recognised as material considerations. If issues such as this were to arise, they would be addressed through other powers.

Conclusions

The site is a large family dwelling and it is not considered that the proposed use caring for up to 4 children will be any different from that of a large family dwelling. There are no physical alterations to the building and it is not considered there will be impact on the locally listed building and the setting of the nearby listed properties.

It is considered that the proposed change of use from C3 to C2 with the care of up to 4 children would not have a detrimental impact on the character and amenity of the surrounding area and the application is recommended for approval with the following conditions:

Having had regard to the relevant development plan policies and material planning considerations the proposal is considered to be acceptable and it is recommended accordingly.

Recommendation:

Approve with conditions.

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

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

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans; SLP – 001 Rev B, EX-001 Rev A, PR-001, PR-002 Rev A unless otherwise agreed in writing by the local planning authority.

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the approved use shall operate for up to four children only and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley`s Local Plan (July 2018).

4. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed to serve the development and shall thereafter be maintained

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

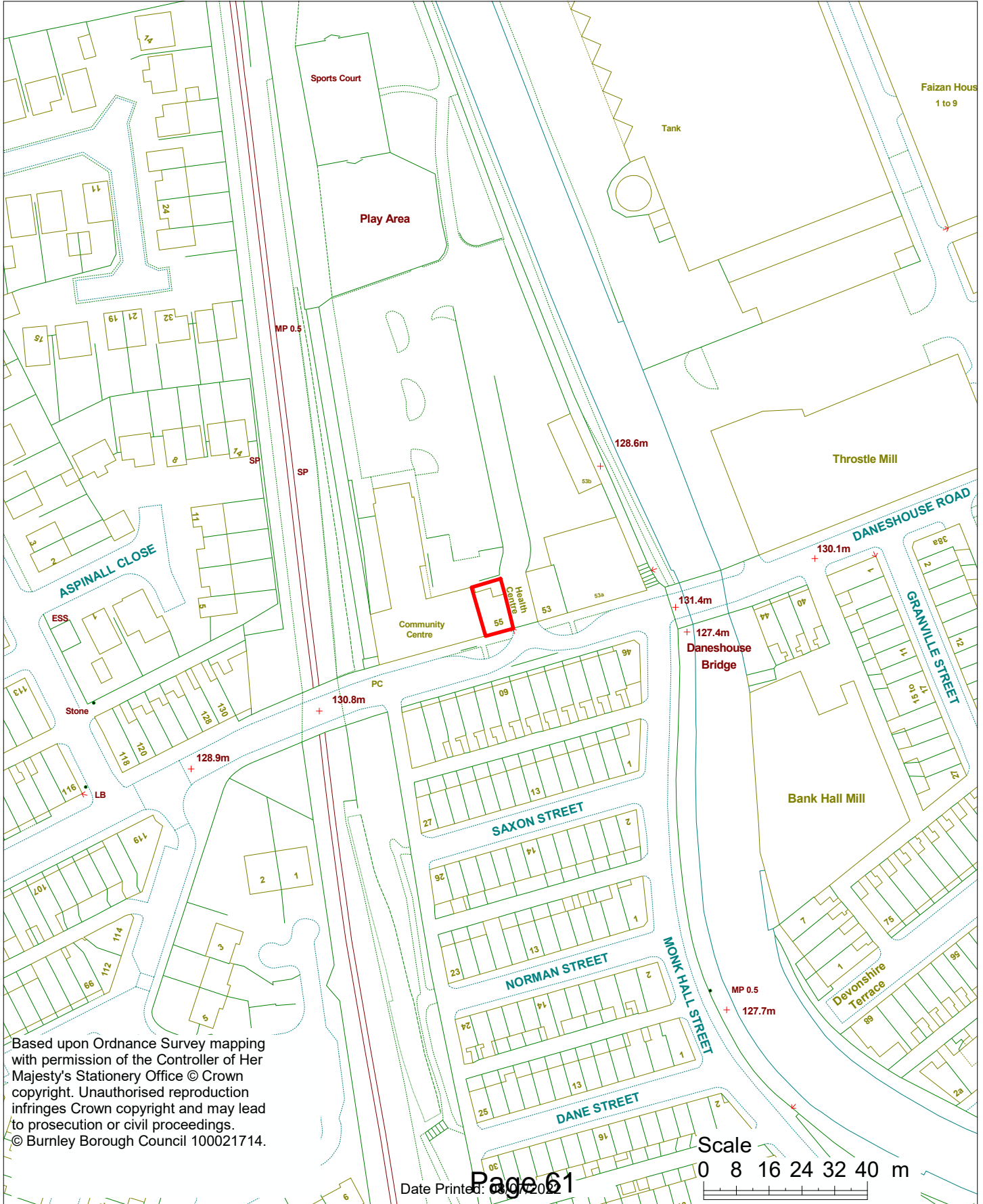
Paul Gatrell Head of Housing and Development Control

Location:

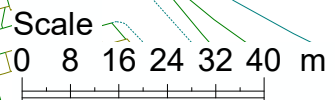


55 Daneshouse Road, Burnley

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**Application Recommended for Approve with Conditions
Daneshouse With Stoneyholme**

COU/2022/0348

Town and Country Planning Act 1990

Change of use from an existing commercial office premises (Class E) to a 5 bedroom HMO (House of Multiple Occupation)(Class C4).

55 Daneshouse Road Burnley Lancashire BB10 1AF

The application has been brought to the Committee following receipt of an objection.

Site and Surroundings:

The application relates to an existing stone built property to the northern side of Daneshouse Road, Burnley. The site is located within the settlement boundary in which policy SP4 of Burnley's Local Plan applies.

The site is within a mixed use area comprising small/medium sized businesses and residential properties. Daneshouse Road is a main thoroughfare continuing from Brougham Street through the Stoneyholme area.

To the south of the site is a traditional stone terrace row, 'Danes House Terrace' which dates back to 1886. To the rear of the site is a car park area leading onto Daneshouse Park with access along the canal. The site is attached to a single storey (from the front elevation) building which is a community resource centre.



Photo 1: front elevation



Photo 2: rear elevation

Proposal:

This application seeks planning permission for the change of use of an existing office to a 5 bedroom HMO (House in Multiple Occupation). The existing office will be subdivide internally. There are no external alterations to the building aside from the insertion of a window in the side gable to serve room 3.

Ground Floor

Bedroom 1 – 13.62sqm

Communal Living room, kitchen and access to outside yard area

1st Floor

- Bedroom 2 – 8.57sqm
- Bedroom 3 – 7.94 sqm
- Bedroom 4 – 10.31sqm
- Bedroom 5 – 7.96sqm
- Bathroom and shower

The property would accommodate a maximum of 5 occupants, all single occupancy. Refuse storage is proposed to the rear yard area. No provision is made for off-street parking but there is cycle storage within the enclosed rear yard.



Plan extract – showing the proposed floor plans and elevations

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- NE5: Environmental Protection
- IC1: Sustainable Travel

The National Planning Policy Framework (2021): The NPPF features no specific guidance on the subject of HMOs although the general guidance at paragraph 60, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.

Burnley Council House in Multiple Occupation and Small Flats SPD April 2022 - The focus of this SPD is proposals for Houses in Multiple Occupation and small flats (including studios and self-contained bedsits). Its particular focus is on conversions and changes of use rather than new build schemes. The principles and guidance would still be relevant to new build schemes, but a wider range of considerations would also be applicable.

Burnley Council Standards for Houses in Multiple Occupation (October 2018):

HMOs are also guided by separate legislation under the Housing Act 2004. It is a legal requirement for all HMO's to be licenced if the property is occupied by five or more persons, from two or more separate households. The Council's adopted standards are used to assess all application for HMO's within the borough and include floorspace, waste disposal, management and fire safety in order to control the quality and safety of accommodation.

Consultation Responses:

Housing Needs:

Based on the submitted plans, the bedrooms and kitchen/communal living space meets the minimum room sizes and meets the minimum required number of kitchen/bathroom facilities as outlined in the Councils HMO Standards for Houses in Multiple Occupation. We would therefore not have any objection to the application for the proposed conversion to a 5 bedroom HMO.

Highways Authority:

With respect to this application, we would not wish to raise any objections to the proposals. It is noted however that the proposed cycle storage is insufficient for the number of bedrooms and that it is not covered. Whilst "Sheffield Hoops" covered or not may be sufficient for short term storage at a shop or similar retail out let, they are not suitable for long term residential storage. An alternative solution should be sort and provided at a ratio of 1 cycle per bedroom, to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

Environmental Health: No comments

Lancashire Fire & Rescue

The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

Publicity – 1 letter of objection has been received from a ward councillor

On the Burnley Local Plan this area is predominantly for community facilities, and has been for a number of years. Having a HMO would disturb the character and nature of the place. Previous applications to turn into domestic homes have been rejected. The property does not have facilities such as parking to accommodate 5 individual dwellings, this will create traffic chaos in front of the chicane's. This already causes road rage amongst motorists and the HMO will further escalate the problem. The property should be left as office space.

Principle of Development:

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to significantly boost the supply of housing. This proposal is for the change of use of an office to residential to create a small HMO accommodation. HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock.

The application site is considered to be in a sustainable location being well located in relation to an adequate range of existing services and facilities; and accessible by public transport, walking and cycling. It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its sustainable location within the defined development boundary. As such the principle of development is considered to be acceptable subject to consideration of the following main matters:

- Impact on the character of Daneshouse Road
- Impact on neighbouring amenity
- Amenity of future occupiers
- Waste (refuse and recycling) storage
- Highway safety and parking including cycle storage

Impact on the character

NPPF 130 emphasises that developments should function well and add to the overall quality of an area, providing a high standard of amenity for existing and future occupants. This is reflected in the strategic policies of the Local Plan SP4 and SP5 which require developments to take account of the different roles and character of different areas as well as ensuring developments function well and relate appropriately to their context.

Danehouse Road is mixed use in nature with residential and commercial properties. The proposed change of use to create a 5 room single occupancy HMO will potentially create additional intensity of the site but this is not considered to be significantly different to the that of a 2/3 bedroom family dwelling which are located within the surrounding area.

Impact on neighbouring amenity:

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

The attached building is a community facility which is only single storey to the front elevation but does step down to the rear. Whilst the community building may be used beyond normal office opening hours, it is not considered that the adjacent use will have any detrimental impact on noise levels for the proposed use.

Living conditions for future occupiers:

Paragraph 130 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policy SP5 seeks to ensure that developments provide a good level of amenity for future occupiers. This includes providing living accommodation that is of an appropriate size, offers appropriate outlook and adequate natural daylight, protects privacy and ensures an appropriate juxtaposition of rooms to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity space and adequate waste storage.

Room sizes and facilities

The Council has adopted space standards for licensed HMOs which provides an objective guide to acceptable standards in terms of room sizes and facilities. The internal layout shows communal areas comprising of kitchen and living room on the ground floor. The bedrooms have been annotated as single occupancy rooms ranging from 7.94 – 13.6 sqm. This level of accommodation meets the adopted minimum room sizes in the HMO standards and is therefore considered sufficient.

Noise between rooms

Given that the 1st floor is to be subdivided to create the 4 rooms, it is important to consider the noise between bedrooms. As HMO rooms will typically be used for a large proportion of time, it is important that there is sufficient noise insulation between rooms. As such a condition will be placed to ensure this issue is addressed.

Private outdoor amenity space

In terms of amenity space the only provision is a narrow strip of the rear yard and this area provides direct access from the back street and the bin store. The space is small with limited use for outdoor domestic activities such as clothes drying, but there is some space provided and there is close access to the canal tow path and other pockets of open space within a few minutes walk of the property.

Waste (Refuse and Recycling) Storage:

Policy SP5 requires the provision of adequate and carefully designed waste storage. Inadequate waste storage could represent a health hazard with the potential to attract vermin. Such a hazard would have an unacceptable risk to the health and wellbeing of neighbouring residents, as well as the future occupants of the property.

An area for waste storage is shown within the curtilage of the site which is considered adequate.

Highway safety and parking including cycle storage:

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Plan Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards the Local Plan allows for local circumstances to be taken into account including the accessibility of the site by public transport, walking and cycling and the availability of existing on-street or public parking.

In accordance with the parking standards, the proposal would generate a requirement for 5 parking spaces however, the site is unable to offer any off-street parking. A HMO is not typically car-dependent, with occupants instead utilising public transport, walking or cycling however there is no control or predication that all occupiers will not have access to a car. The site is in a highly sustainable location with good access to public transport and within easy walking and cycling distances of local services including outdoor amenity space, places of education and community facilities, and future occupiers may therefore choose not to own a car.

Furthermore, the site is located within an area of predominantly terraced dwellings and off street parking is not commonly found. It is not considered that in this location the impact of a small amount of on street parking associated with the HMO would be significant or harmful. The previous use of the premises as offices within use class E would allow for a variety of alternative uses that would potentially generate much higher vehicle movements than the proposed use.

The Highways Authority has assessed the application and do not object. Whilst comments have been made on the type of cycle storage being provided on site, provision has been made, the location of which is within a walled yard area.

Objection concerns

The site has no previous history and is not a protected employment site, therefore the ability to change the use through the submission of a planning application is possible.

Highways have made comments to the application and do not have any objections in principle. It is recognised that the site is located on a busy section of road and on street parking would be very difficult. Alternative means of transport are available, and the site puts forward cycle storage for future occupiers.

Conclusion:

The site is within a sustainable location and the principle of the change of use is considered acceptable.

Recommendation:

That planning permission is granted subject to the following conditions.

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

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

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans; 6587 – 01, 6587 – 02, 6587 - 03 unless otherwise agreed in writing by the local planning authority.

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

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

Reason: To safeguard the amenities of nearby residents in accordance with policy NE5 of the adopted Local Plan.

4. No part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans. The approved refuse and recycling storage provision shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

5. Prior to the first occupation of any of the HMO rooms, internal sound proofing measures shall have been installed;
b) between each of the HMO rooms created on the 1st and 2nd floors

c) to windows in all habitable HMO rooms

All in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter these approved works shall be permanently retained.

Reason: In order to ensure that no undue disturbance is caused to individual occupants by the transmission of airborne and impact sound between the rooms or from external noise sources, in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

5. The approved House in Multiple Occupation (HMO) shall have no more than 5 bedrooms and occupied as single rooms only.

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

PF

Senior Planning Officer

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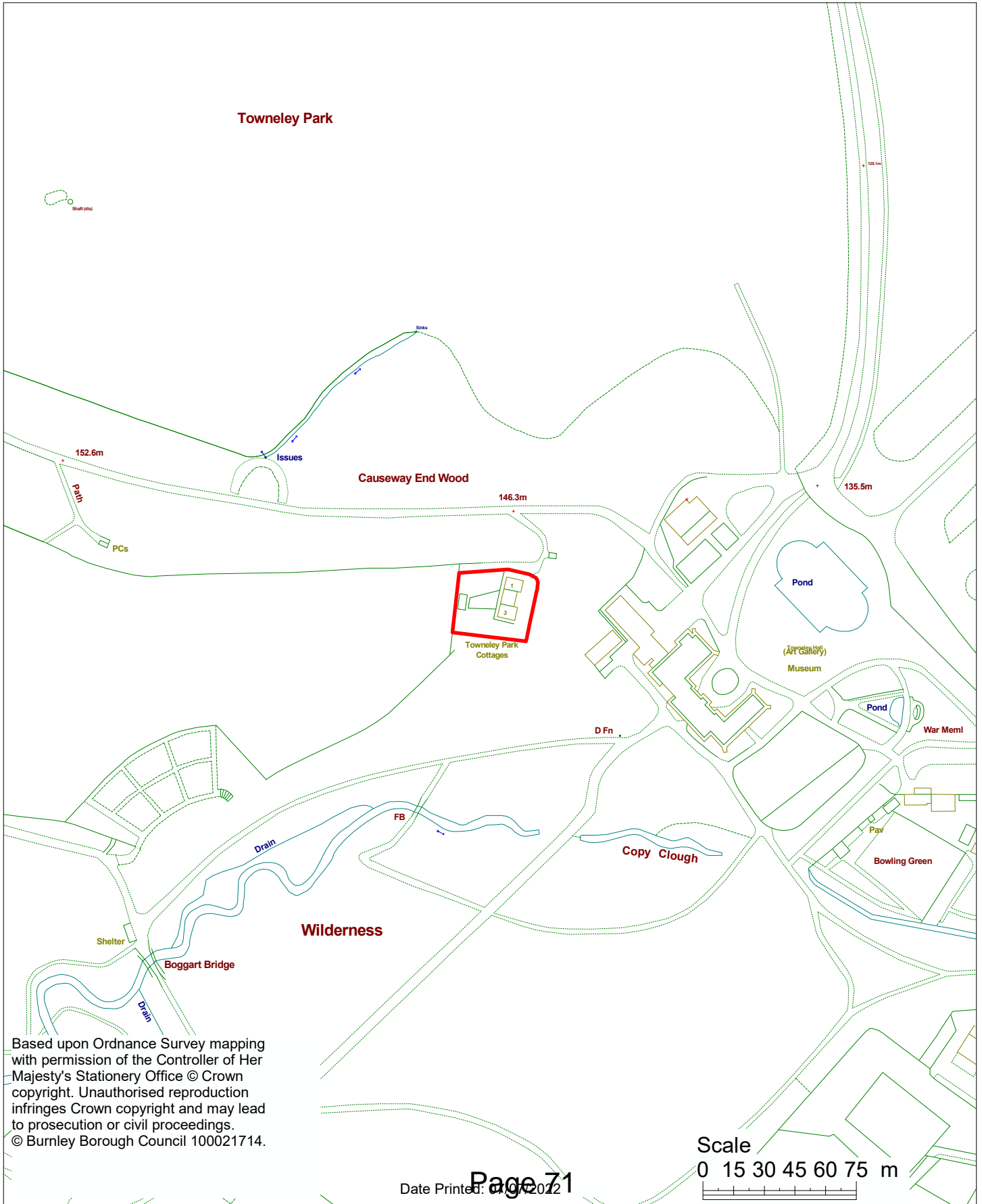
Paul Gatrell Head of Housing and Development Control

Location:

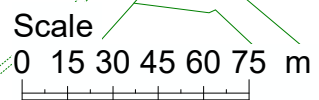


1, 2 & 3 Towneley Park Cottages, Towneley Park, Burnley

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Application for Listed Building Consent
Replacement of existing aluminium window frames and external timber doors.
1, 2 AND 3 TOWNELEY PARK COTTAGES TOWNELEY PARK BURNLEY BB11 3RQ

Applicant: Burnley Borough Council

The application property and summary of heritage significance:

This listed building consent application relates to Towneley Park Cottages which are located approximately 100m east of Towneley Hall, a Grade I Listed country house dating back to the fourteenth century as a substantial county residence for the Towneley family. The Hall is sited within extensive parkland formerly laid out in the late C18 by Charles Towneley and comprises a land holding of around 440 acres which included a collection of ancillary and service buildings some of which survive and are listed in their own right. The estate remained in the Towneley Family until it was acquired by Burnley Corporation in separate parcels over a 30 year period. The Corporation opened the landscaped parklands and woodlands as a municipal park in 1902 following the initial purchase of 62 acres. In 1927 the Corporation acquired the woods and plantations of Thanet Lee and this required the employment of a forester and woodsman in addition to the existing grounds staff. In 1929, the C19 servants wing at Towneley Hall was demolished and Townley Park cottages were built as staff accommodation using the reclaimed stone in the early C20 Arts and Crafts style.



The three cottages adjoin to form a terrace. They are constructed from coursed dressed sandstone with a stone slate roof and are noted for their vernacular architectural features

including stone mullioned windows and drip moulded Tudor-arched door surrounds. The existing window frames are modern replacements being aluminium with faux leaded double glazed units that hold no historic value. The external doors are constructed of timber and are of a traditional design.

Section 1(5) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building are to be treated as part of the listed building. The Courts have found that there are three factors to be taken into account with regard to curtilage listing. These are physical layout between the principal listed building and the ancillary building; their ownership both historically and at the date of listing; and their use and function historically and at the time of listing. As set out above the cottages are former ancillary service buildings that have a clearly documented physical and functional relationship to the Hall and its parkland and have been in the same ownership as the Hall since its listing (1951) and their construction (c1929). Accordingly, although the cottages are unsuitable for Listing in their own right they are considered to meet the tests for curtilage listing and are therefore considered part of the listing of Towneley Hall. Alterations affecting the character and appearance of the cottages are therefore controlled through the listed building consent regime.

Having regard to the above, the significance of Towneley Cottages is derived from its ancillary and functional relationship to Towneley Hall and to some degree its aesthetic interest (historic fabric, materials and architectural features) that is representative of local building traditions at the time of construction.

Proposal:

This application seeks listed building consent for the replacement of all the existing windows to improve energy efficiency and to enhance the visual appearance of the curtilage listed buildings. The existing frames are a combination of poor quality modern aluminium and uPVC replacements that have reached the end of their serviceable life. Despite a number of repairs to the component parts, the current condition is such that they are considered to be beyond reasonable and practical repair. It is proposed to replace the windows with high quality aluminium double glazed frames that respect traditional proportions and design. The frames will maintain traditional slender framing profiles, maximum sightline of 74mm, to allow the frame to sit flush within the mullion and with opening casements that align with the frames, so they appear flush. The finish will be white.

Listed building consent is also sought for the like-for-like replacement of the existing external doors which are beyond practical repair.

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

Relevant Policies:

Burnley's Local Plan (July 2018): Policy HE2 (Designated Heritage Assets) outlines the key requirement for proposals to have regard to the desirability of sustaining and enhancing the significance of listed buildings including their settings.

The National Planning Policy Framework: It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF. In particular paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be).

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 as set out below.

Relevant Recent Site History: None

Consultation Responses: None

Assessment:

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

The NPPF and Local Plan Policy HE2 sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. In cases where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Having regard to the relevant policy and legislation, as set out above, the main issue is whether the proposal would preserve (not cause harm to) the special interest (significance) of Towneley Cottages as a curtilage listed building.

Impact on the significance of the Listed Building

The building's special interest, in so far as it relates to this application is primarily associated with its ancillary and functional relationship to Towneley Hall and to some degree its aesthetic interest that is representative of local building traditions at the time of construction

The application is supported by a Heritage Statement. This document has been assessed by the Council's Heritage Planner who raises no objections to the outcomes and conclusions of the assessment.

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

Proposed replacement windows: Though there is no evidence of the original window frames, it is likely that there were a slim profile metal frame with leaded lights, fixed directly into the stone mullions. The existing frames are a combination of aluminium and uPVC faux leaded double glazed windows, there is no indication of when these frames were installed but it is clear that they have reached the end of their lifetime.

In general, where original features of a listed building survive, it is desirable to replace them on a like-for-like basis in the same material so as to preserve the character of the building. However, in the case of the application property all the original/traditional windows have already been lost through earlier alterations. In particular, those on the front elevations which would have been the most significant in determining the appearance of the building. While this is regrettable, it would not be changed by the proposed alterations, which would be seen to preserve the special interest (significance) of the building in that they would have a neutral impact.

Having regard to the status of the cottages and their contribution to the significance of Townley Hall, the proposed high quality modern aluminium framed window with slim sightlines are, in the circumstances of this case, justified and acceptable.

Proposed replacement doors: It is recognised conservation best practice that the replacement of doors of historic or architectural interest will only be acceptable where they have clearly

deteriorated beyond practical repair and in the event that new doors can be justified, these should be designed to replicate the originals in all respects.

In this case, the doors and frame have significant decay, largely as a consequence of exposure to severe weather, and are beyond practical repair. The condition has been verified by a site visit. The replacement of the doors in their entirety is therefore justified and is accepted in this particular case subject to their accurate reproduction.

The proposed replacement doors will replicate the existing in all respects. As such the proposal is considered to be minor in scale in that it is simply seeking to replace something which currently exists. The resulting impact would therefore be neutral.

Whilst the proposal involves the loss of historic fabric rather than repair, having regard to the status of the cottages and their contribution to the significance of Townley Hall it is considered that in the circumstances of this case, the proposals are justified and acceptable.

Conclusion:

The heritage significance has been assessed and the impact of the proposal has been examined. On balance it is considered that the proposal would have a neutral impact on significance and would therefore preserve the special interest of the curtilage listed building insofar as it contributes to the significance of the principal listed building (Towneley Hall) in accordance with Policy HE2, the NPPF and relevant statutory duty.

Recommendation:

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

Conditions and Reasons:

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

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

2. The development hereby permitted shall not be carried out other than to the approved window specification: Optio 58BW Flush System submitted 18 February 2022.

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

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

Reason: To ensure that the development will be of a satisfactory appearance, having regard to the special historic interest and character of the listed building, in accordance with Policy HE2 and SP5 of Burnley's Local Plan (July 2018).

4. Prior to the removal of the external doors to the front (east) elevation, full and precise joinery details shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the works shall be carried out and

completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to ensure the replacement doors are an accurate reproduction and to comply with Policies SP5 and HE2 of Burnley's Local Plan (July 2018)

EEP (Principal Planner) 12 July 2022

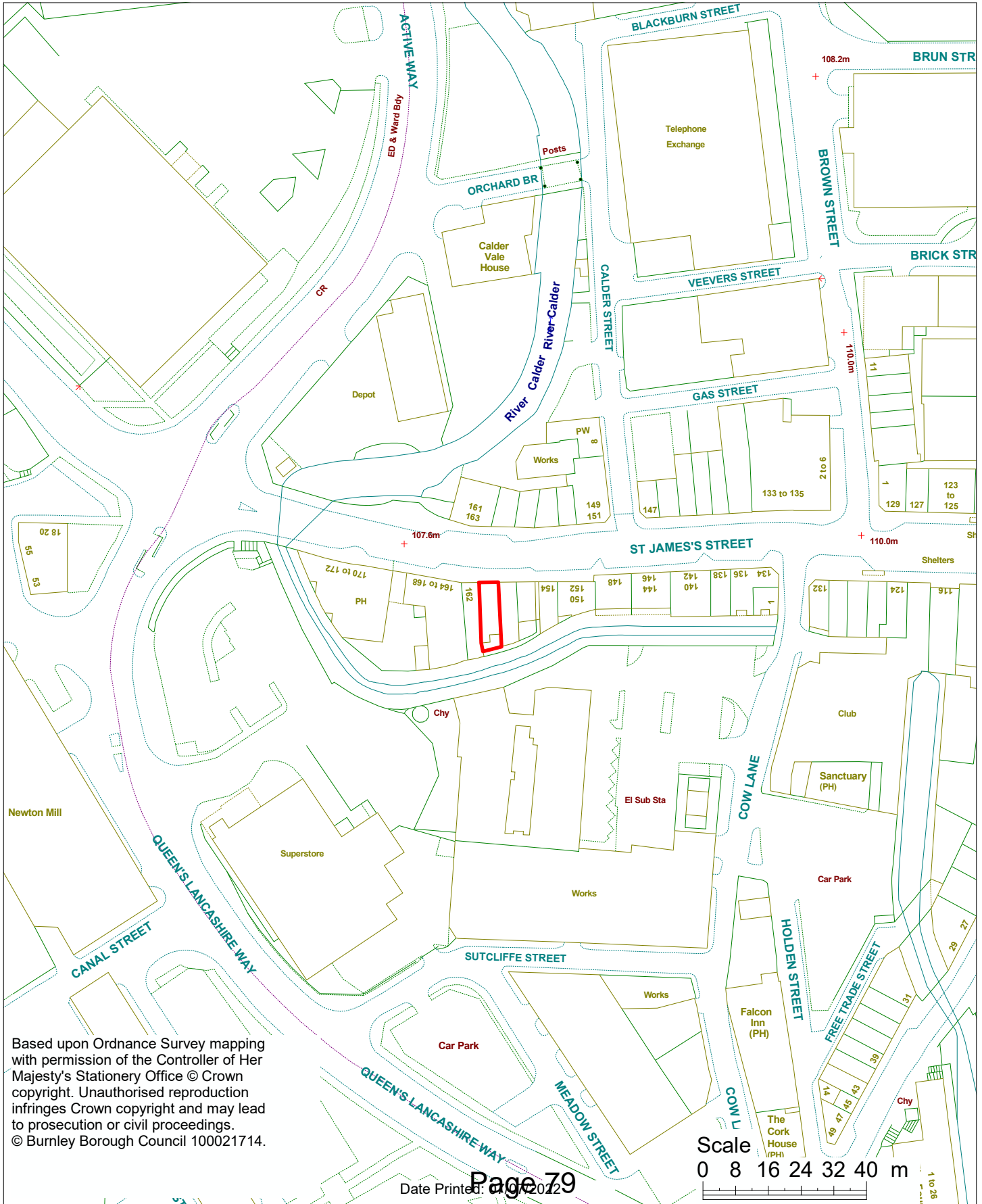
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Location:



160 St James's Street, Burnley

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Town and Country Planning Act 1990

Proposed conversion of ground floor from cafe to retail and offices; conversion of first and second floor to offices/studios; installation of new shop front and replacement windows to front and rear elevations; removal of a rear fire escape and erection of a single storey rear extension.

160 ST JAMES'S STREET BURNLEY BB11 1NR

Applicant: J Redman and A Fewings

Site and Surrounding Area:

The application site, No 160 St James's Street, is a vacant three storey building with cellar positioned within a terrace of commercial premises to the south side of St James's Street. The property, thought to date from the late C19, is built of solid brickwork with projecting brick piers, dressed stone banding features and decorative parapet. The roof is hipped and finished in slate. To the rear is a lean-to outrigger and external metal staircase. The property has a modern shopfront of timber construction that is out of keeping with its traditional context. In particular, the excessively deep stallriser, horizontally proportioned windows and lack of modelling combine to render the shopfront incongruous. The oriel bay windows to first and second floors have been removed and replaced with modern uPVC casement windows. The site does not offer off-road parking. Parking restrictions are in place along the frontage. Immediately to the rear is the River Calder which forms an open watercourse.

The unit has been vacant for around 12 months, having been previously used as a café. Its accommodation is arranged over three floors. A kitchen and dining area extends over the ground floor with a further dining area and associated toilet facilities at first floor level. The second floor houses a general office area with storage rooms to the rear. The current lawful use of the property falls under Use Class E (Commercial, Business and Service).

Under the provisions of the Local Plan the site falls within Burnley town centre boundary and is identified as secondary frontage within the primary shopping area. The immediate area is predominantly commercial in character including retail, office and drinking establishments, and in some cases, residential on upper floors. It is considered a highly sustainable location being situated within walking distance of parks and open space; local shops and services; and convenient public transport.

The building is neither locally nor nationally listed but lies within the Burnley Town Centre Conservation Area which is a notable example of a Victorian/Edwardian civic and commercial centre comprising buildings of fine mid-late nineteenth century architecture, particularly later nineteenth century commercial buildings, and important surviving elements of architectural detailing and decoration. No 160 St James's Street is valued for its contribution to the local architectural and historic character of the conservation area as a nineteenth century 'high street'. Its structure and fabric are however showing signs of deterioration and the shop frontage detracts from the character and appearance of the building and that of its immediate setting.

The application site lies within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) on the Environment Agency Flood Map for Planning (Rivers and Sea).



Front Elevation



Rear Elevation

Proposal:

This application seeks planning permission to create independent office and studio uses for the first and second floors of the building which are currently ancillary to the café use at ground floor. The proposal also involves converting the ground floor from café use to retail and office use, this element of the proposal is not classed as development and does not require planning permission. There would be associated physical alterations to reconfigure the internal layout largely through the insertion of partition walls and provision of WC's. The application proposes a single point of pedestrian access from St James's Street.

Permission is also sought for external physical alterations summarised as follows:

Proposed shopfront: Replacement of the modern timber shopfront with a new hardwood traditionally styled shopfront with authentic architectural design and detailing that reflects patterns and profiles traditional to the period of the buildings. The proposed shopfront has been designed to complement the architecture and period of the building as a whole. Most notably the design proposes to reintroduce a shopfront that is appropriate to the character of the host building and the streetscene in terms of its rhythm, proportions, details and materials. The design of the shopfront incorporates a new hardwood fascia with projecting simple moulded cornice; new timber pilasters and corbel/console brackets and timber panelled stallriser. The shop windows will be divided vertically by slender profiled mullions. Glazing is to be single toughened panes, 12mm thick. A replacement timber door is proposed with upper glazing panel and openable fanlight above.

Proposed replacement windows: Reinstatement of the oriel bay windows to the front elevation at first and second floors. The bays will be constructed of timber to traditional designs and will feature decorative mounding. It is also proposed to replace the existing modern casement windows to the rear elevation with new double glazed timber vertical sliding sash windows.

Proposed single storey rear extension (including removal of rear escape stair): Removal of the existing external steel staircase and erection of a modestly sized single storey extension to provide disabled wc and shower facilities. The extension will project approximately 2.3m off the two storey wing at the rear and will have a width of approximately 2.2m. The height of the extension, which has a lean-to roof, will be approximately 2.3m to the eaves and 4.0m to the ridge. There will be a small window opening to the side (east) elevation facing into the yard. The extension has been designed and detailed to respect the wider context, using a palette of lime render, slate, and timber joinery to the external envelope.

The shopfront and bay window designs have been modified through negotiation. I am satisfied that the revised scheme has taken into consideration all the points that were raised during negotiation such that the issues have been satisfactorily overcome and can be suitably controlled through condition where necessary.

The application is brought before Development Control Committee as one of the joint applicants is a Member of the Council. An objection has also been received.



Existing Elevations: North (front); Shopfront; South (rear) and East



Proposed Elevations: North (front); Shopfront; South (rear) and East

Relevant Policies:

Burnley's Local Plan (July 2018):

- AP4: Development Strategy
- SP5: Development Quality and Sustainability
- EMP4: Office Development
- TC2: Development within Burnley and Padiham Town Centres
- TC3: Burnley Town Centre - Primary and Secondary Frontages
- TC8: Shopfront and Advertisement Design
- HE2: Designated Heritage Assets
- IC1: Sustainable travel
- IC3: Car parking standards

Shopfront and Advertisement Design Supplementary Planning Document (July 2019): Provides detailed guidance on the implementation of relevant local plan policies when considering proposals for new shopfronts and adverts.

Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confers upon the local planning authority a duty to “have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.” Preservation in this context means protecting the character and appearance (significance) from harm as opposed to keeping it utterly unchanged.

The National Planning Policy Framework and National Design Guide (2021): The NPPF recognises that town centres are becoming more diverse in their uses and flexibility is needed in decision making to enable a response to rapid changes taking place in the sector. The revised NPPF post-dates the adoption of the Local Plan, in respect of town centres it has a greater emphasis on responding to the changes in retail and leisure industries and in doing so no longer directs LPAs to identify and protect primary and secondary retail frontages. This is in recognition that the main footfall drivers are often dispersed in town centres.

Relevant Recent Planning History: None

Consultation Responses:

Highways Authority: Raise no objection and recommend the imposition of conditions to require the submission and approval of a Construction Management Plan (CMP) and to restrict construction deliveries to between the hours of 9.00am and 3.00pm Monday to Friday.

Environmental Health: Raise no objection to the proposal regarding noise, light, air, dust or odour nuisance. Recommend appropriately worded conditions to secure measures to reduce noise emanating from the building in order to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

Lead Local Flood Authority: Have no comments to make.

Environment Agency: Have reviewed the submitted Flood Risk Assessment (FRA), and insofar as it relates to their remit are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Publicity: One letter of objection on the grounds of flood risk. *[Officer Note: this matter is addressed in the assessment below].*

Planning and Environmental Considerations:

The main issues relevant to the consideration of the application are:

- Visual Amenity (design and appearance)
- Impact on the character and appearance of the Conservation Area
- Impact on neighbouring amenity
- Highway safety (including parking)
- Flood Risk

Principle of development

The application site lies within the development boundary where Policy SP4 supports the re-use of buildings and the efficient use of land and the development of sites that are well located in relation to services and accessible by public transport, walking and cycling provided they are compatible with other relevant policies of the Local Plan.

The site also falls within Burnley town centre boundary and is identified as secondary frontage within the primary shopping area as defined in Burnley's Local Plan. Policies EMP4 and TC2 support the use of upper floors for other retail and main town centre uses (including offices) in this location subject to meeting with other relevant plan policies. Accordingly, the proposed use of the upper floors for independent office and studio space and associated physical alterations are supported in this location and considered acceptable in principle, where the development meets with other relevant plan policies.

Visual amenity (design and appearance)

Local Plan Policies SP5, and HE2, amongst other considerations, requires high standards of design that positively address local context and characteristics and relate appropriately in terms of siting, style, scale, massing, height and materials. With specific regards to shopfronts, Policy TC8 requires designs to be appropriate to the character of the existing building and streetscene in terms of scale, detailing and use of materials. The Shopfront and Advertisement Design SPD provides detailed guidance on the implementation of these policies when considering proposals for new shopfronts.

Proposed shopfront: The proposed shopfront responds to the principles of good design as set out in the Shopfront and Advertisement Design SPD in that it is appropriate to the character of the host buildings and the streetscene in terms of its rhythm, proportions, details and materials with authentic joinery detailing that reflect patterns and profiles traditional to the area. The architectural components (fascia, pilasters, stallriser, door and windows) are proportionately in relation to each other and provide an appropriate degree of vertical emphasis and rhythm that complements the architecture of the buildings as a whole; and a level of depth and detailing to add interest. The result is carefully proportioned and well resolved shopfront that is high quality in design and a clear enhancement to the character and appearance of the host buildings, street-scene and wider conservation area.

Proposed replacement windows: Where planning permission is required to carry out works in conservation areas, the desire is to preserve existing or install new architectural features which are of a traditional design and materials; thereby preserving and enhancing the character and appearance of the conservation area. The removal of inappropriate modern windows and replacement with traditional oriel bay windows to the front elevation and timber sliding sash windows to the rear elevation is consistent with this approach.

Proposed single storey rear extension (including removal of rear escape stair): The rear elevation can only be seen in limited views and does not contribute to any significant perception of the character and appearance of the conservation area. The proposed extension respects the architectural characteristics, scale, form, detailing and materials of the host building and is consistent with the character and appearance of the immediate setting and wider streetscene. It relates appropriately to the host building, presenting a satisfactory composition when considered as a whole, and is clearly subordinate and subservient in appearance.

As set out above it is considered that the proposal is a high quality in terms of its design and appearance such that no harmful visual impact is deemed to arise, therefore satisfying the requirements of Local Plan Policies SP5, HE2 and TC8 as supplemented by the Shopfront and Advertisement Design Guide SPD.

Impact on the character and appearance (significance) of the Conservation Area

Local Plan Policies SP5 and HE2, amongst other considerations, requires development to be of a high standard of design and to respect the character and appearance of their setting. The setting of the application site is historically sensitive being located within Burnley Town Centre Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon the local planning authority a duty to have "special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. "Preservation" in this context means protecting the character and appearance (significance) from harm as opposed to keeping it utterly unchanged.

As set out in detail above, having regard to the positive contribution that the building makes to the character and appearance of the Conservation Area, its attractive street scene and historic sense of place it is considered that the proposal will reinforce local distinctiveness and have a positive impact on the conservation area. This represents an overall enhancement of the character and appearance of the conservation area therefore satisfying the requirements of Local Plan Policy HE2, the NPPF and the relevant statutory duty.

Impact on neighbouring amenity

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users through overlooking, lack of privacy or reduction of outlook or daylight, noise and disturbance. Policy NE5 of the Local Plan seeks, amongst other things, to resist development that generates noise which is likely to create significant adverse impacts on health and quality of life when it cannot be mitigated and controlled through the use of conditions or through pre-existing effective legislative regimes.

Outlook, light and privacy

The nearest neighbouring properties are predominantly commercial. Having regard to the current levels of amenity, the proposal is not considered to introduce any adverse impact to neighbouring occupiers in terms of an increased sense of enclosure or a harmful reduction of outlook or daylight. The windows would remain as existing thereby preventing any material change to the privacy currently enjoyed by neighbouring occupiers. The proposal is therefore found to be acceptable and in accordance with Policy SP5.

Noise and disturbance

The nearest neighbouring properties are predominantly commercial and the site sits within the town centre where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day. When taking into consideration locational factors and the nature of the proposed use, it is not considered that the proposal would result in any further significant impacts in terms of noise and disturbance over and above that of the established use as a café. Moreover, the Council's Environmental Health officer has reviewed the proposal and considers the development to be acceptable subject to conditions to ensure acceptable levels of noise from external plant and internally generated sources. In order to prevent undue noise nuisance during the construction phase, it is also considered appropriate to include a condition restricting the hours of construction. Subject to the recommended conditions, it is considered the proposal would not give rise to an unacceptable detrimental impact on the amenities of neighbouring occupants and adjacent land users and would therefore comply with Policies SP5 and NE5.

Highway Safety (including parking)

Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking in developments as appropriate to their nature and scale and taking into account the merits of the proposal, such as the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision and on-street parking nearby.

The site is unable to offer any off-street parking for customers or staff, however given this is a highly accessible and sustainable town centre location with good public transportation links and a number of opportunities available to park either on-street or in nearby public car parks, it is accepted that no off-street parking can be provided.

The proposal is not considered to cause or exacerbate congestion, highway safety issues or on-street parking problems. It would therefore satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Flood Risk

The application site is located within Flood Zones 2 and 3 and therefore has a medium to high risk of fluvial flooding. The primary flood risk is from the River Calder which lies immediately to the rear. The NPPF advises that in development should only be allowed in areas at risk of flooding where it can be demonstrated that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This approach is adopted in Policy CC4 which seeks to ensure that development does not result in increased flooding either on the development site or elsewhere.

The application has been supported with a Site Specific Flood Risk Assessment which sets out the measures required to adequately mitigate the risk of flooding to future occupants. The assessment has been examined by the Environment Agency who have made comments and recommendations for conditions which are detailed in their responses as set out above. Subject to these conditions, it is considered that the development is appropriately flood resistant and resilient and would therefore meet the requirements of the NPPF and Policy CC4.

Conclusion:

The proposal will introduce an appropriate and beneficial use for this vacant town centre building which will ensure its continued positive impact within the Conservation Area. Moreover, the proposal does not raise any significant concerns in terms of visual and neighbouring amenity and is also considered acceptable in relation to flood risk and highway safety. Subject to conditions the development is considered to accord with the Local Plan and represents a sustainable form of development and there are no material considerations which would outweigh this finding.

Recommendation: Approve with conditions

Conditions

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

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

2. The development hereby permitted shall not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are: Drawing Nos 1457-7 (Site Plans at 1:500 scale) received 18 January 2022; 1457-3C (Scheme Drawing Floor Plans at 1:50 Scale) received 22 February 2022; and 1457-4E (Scheme Drawing Elevations at 1:50

scale) and 1457-6D (Proposed Section and Details at 1:50, 1:10 and 1:5 scale) received 02 July 2022.

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

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

Reason: To ensure that the development will be of a satisfactory appearance, having regard to the character and appearance of the building and the visual amenities of the area in accordance with Policy SP5 and HE2 of Burnley's Local Plan (July 2018).

4. Notwithstanding the approved drawings, prior to the removal of the shopfront full and precise joinery details for the shopfront console/corbel; fascia and pilaster (at a scale of no more than 1:20 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the shopfront shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

5. Notwithstanding the approved drawings, prior to the removal of the window frames to the front (north) elevation full and precise details of the oriel bay windows including the dimensions of all component parts including any glazing bars, opening mechanisms, decorative mouldings and proposed glazing to be used shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include appropriately scaled cross sectional drawings. Once approved by the Local Planning Authority, the oriel bay windows shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

6. The development shall be carried out in full accordance with the approved Flood Risk Assessment (prepared by Aegaea ref AEG0359_BB11_Burnley dated 13/04/2022) and the mitigation measures it details. The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/phasing arrangements and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC4 of Burnley's Local Plan (July 2018).

7. The rating levels for any cumulative noise generated by external plant and equipment as part of the development shall not exceed the pre-existing background noise level (LA90) at the external façade of any noise sensitive premises, as determined by BS4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan

(July 2018).

8. No equipment for the reproduction of music or other sound, or any equipment creating internally generated noise, shall be installed or operated on the premises until a scheme to insulate the development in order to secure the reduction in the level of noise emanating from the building has been submitted to and approved in writing by the Local Planning Authority. The equipment shall not be installed or operated until the approved insulation measures have been implemented and thereafter permanently retained.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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

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

EEP (Principal Planner) 08 July 2022

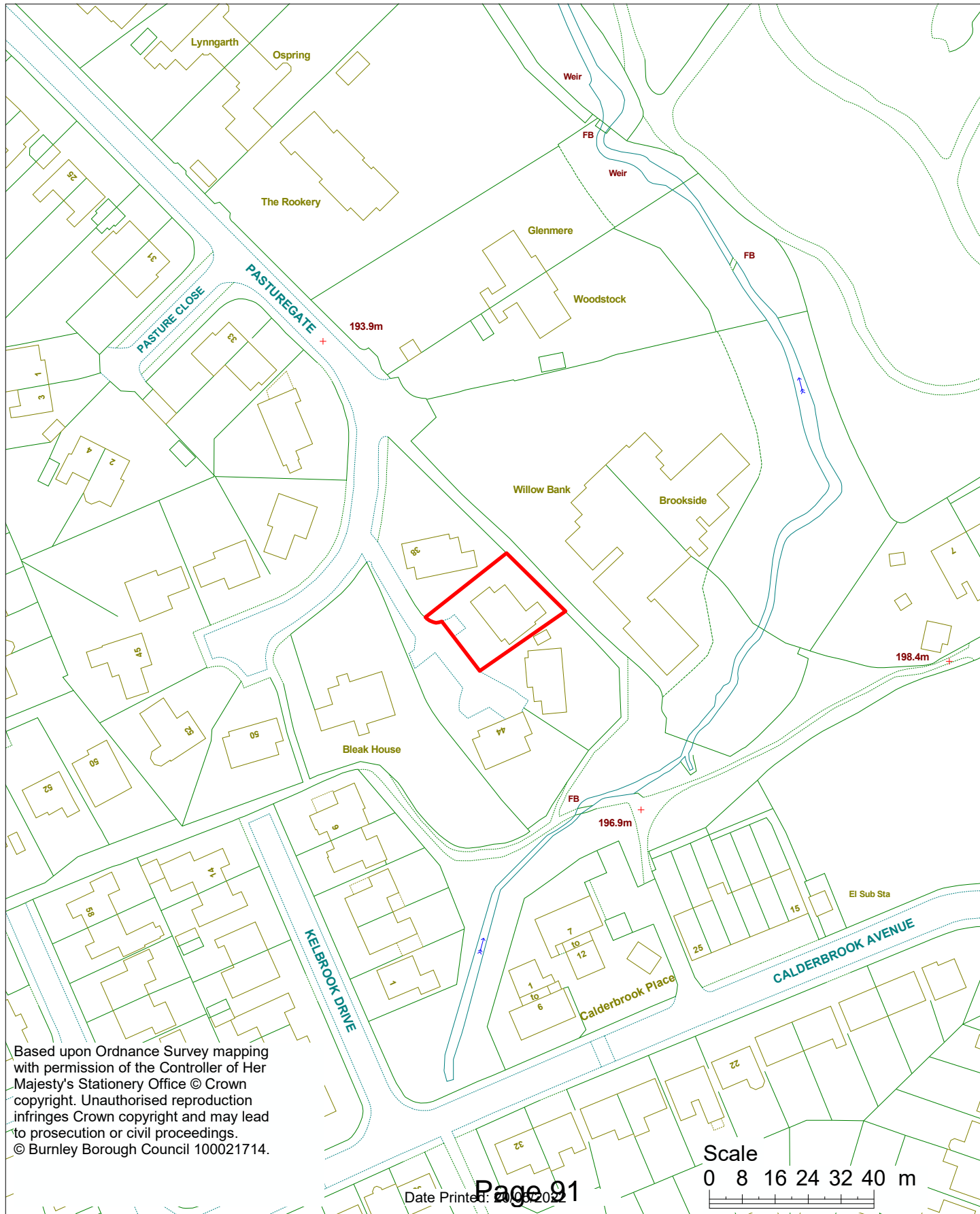
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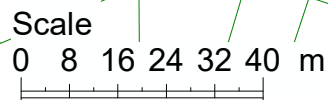


40 Pasturegate, Burnley

1:1250



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Application Recommended for
Coal Clough With Deerplay

HOU/2022/0187

Town and Country Planning Act 1990
Proposed single storey ground floor rear extension.
40 Pasturegate Burnley Lancashire BB11 4DE

Background:

The application relates to a detached property located in Burnley. The proposed benefits from an attached garage with a driveway to the front with a private garden to the rear.

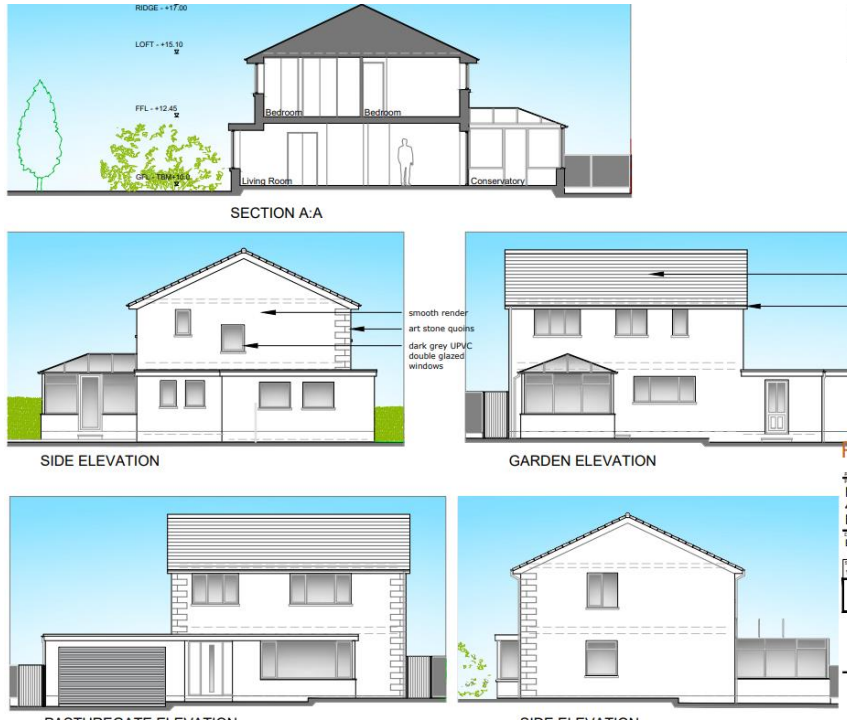
The application is presented to Development Control Committee as an objection has been received.



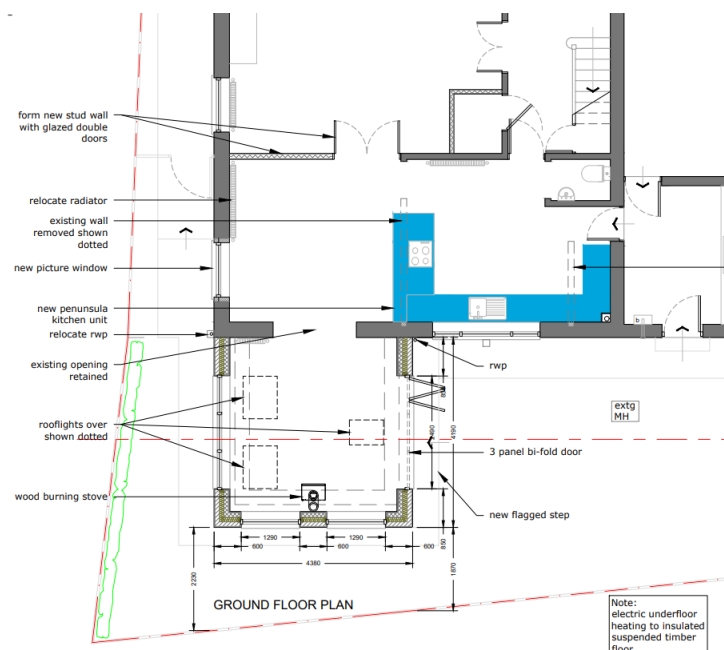
Proposed Development:

Consent is sought for the demolition of the existing conservatory and the erection of a single storey extension to the rear of the property. The extension will have a rearward projection of 4.1m and will measure 4.3m in width. The extension will have a pitch roof measuring 3.8m in max height.

Existing Plans



Proposed Plans:





All heights, levels, as well as plot no. shown.



SIDE ELEVATION
new dark grey aluminium bi-fold doors



GARDEN ELEVATION



SIDE ELEVATION

- dark grey UPVC velux rooflights
- new wood burning stove flue installed in accordance with HETAS regulations
- interlocking concrete roof tiles to match existing
- new rainwater goods to match existing
- new windows to match existing
- render finish to match existing

PLAN1
 Ms Heath
 40 Pastur
 BB11 4DE
 Scale: B A3
 1:100
LINKS

0 SCALE B

Relevant Policies:

Burnley Local Plan

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS5: House Extensions and Alterations

Site History:

N/A

Consultation Responses:

N/A

Interested Party Comments:

One letter of representation has been received objecting to the development with the following concerns.

- Loss of privacy
- Air quality and odour

Planning and Environmental Considerations:

The key issues in relation to this application are:

- Principle of Development
- Visual Amenity / Design
- Residential Amenity

Principle of Development:

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

Visual Amenity/Design.

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out a requirement for the extension to remain subordinate to the existing building with appropriate building materials and that the extension should not have an adverse impact upon the character of the street scene. Also, the proposal should not lead to an unacceptable loss of useable private amenity space.

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

The extension is proposed to be sited to the rear of the property with a slightly larger footprint than the existing conservatory. As the extension is to the rear the development would not be visible from the nearest highway and therefore have limited impact on the visual amenity of the area. The extension is considered to remain subservient to the main dwelling in terms of its size and building materials.

Residential Amenity:

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

The proposed extension will have a rearward projection of 4.1m with a maximum height of 3.8m. Due to the property being a detached dwelling it is considered that there is sufficient distance between the property and its neighbours to ensure the development does not result in an unacceptable loss of light or privacy to any neighbouring dwellings.

A letter of objection has been received from a neighbour with concerns regarding the flue and the roof lights. Although the roof lights provide an outlook from within the extension due to the height of the ceiling the roof lights would not provide a direct view into the windows of the neighbouring dwellings and therefore could not be refused for this reason.

In terms of the concerns regarding the flue the flue would need to comply with Building Regulations and therefore air quality and odour would be controlled by these regulations.

Recommendation:

That planning consent be granted.

Conditions

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

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

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

Site Location Plan Dwg no 21164.01
Proposed Site Layout/Roof Plan Dwg no 21164.06
Proposed Ground Floor Plan: 21164.07
Proposed Elevations: Dwg 21164.08

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

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

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

Rebecca Bowers
6th July 2022

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Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2022/0123

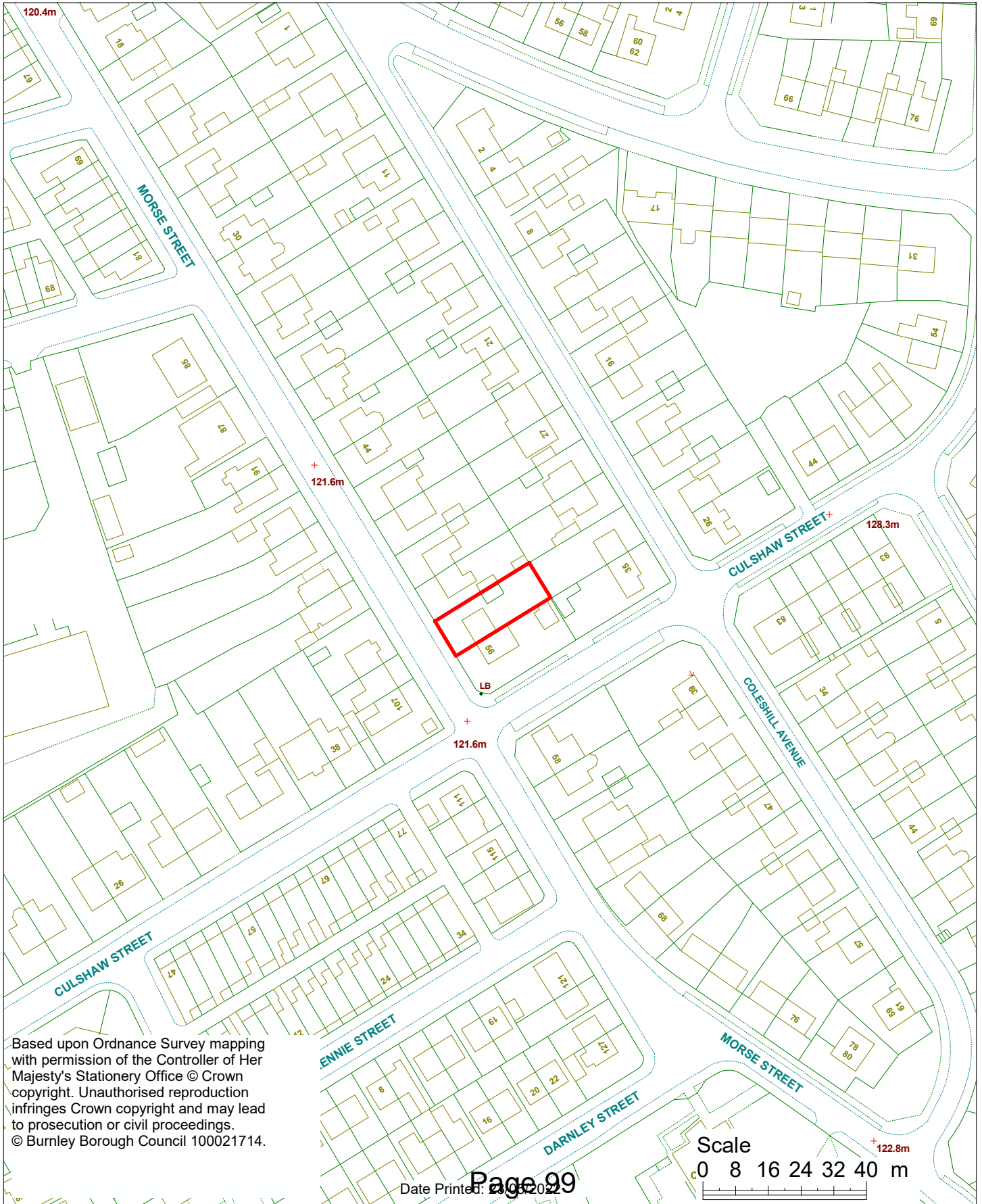
Paul Gatrell Head of Housing and Development Control

Location:

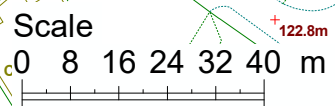


54 Morse Street, Burnley

1:1250



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**Application Recommended for Approve with
Conditions**
Brunshaw

HOU/2022/0123

Town and Country Planning Act 1990

Erection of single storey rear extension, rendering and new doors and windows
54 Morse Street Burnley Lancashire BB10 4LS

Background:

The application property is a semi-detached property located in Burnley. The property benefits from a garden to the front with a driveway to the side. To the rear the property has a private garden.

The application is presented to Development Control Committee as the applicant is Burnley Borough Council.

Applicant Details:

Mr John Killion
Burnley Borough Council.



Proposed Development:

Consent is sought for the erection of a single storey extension to the rear of the property. The extension will have a rearward projection of 4m and will measure 6.2m in width. The extension will have a flat roof measuring 2.9m

Consent is also sought to render the bay window, the side elevation and the rear elevation as well as some minor alterations to the fenestration on the side elevation.



Relevant Policies:

Burnley Local Plan

SP1: Achieving Sustainable Development
SP4: Development Strategy
SP5: Development Quality and Sustainability
HS5: House Extensions and Alterations

Site History:

None

Consultation Responses:

N/A

Planning and Environmental Considerations:

The key issues in relation to this application are:

- Principle of Development
- Visual Amenity / Design
- Residential Amenity

Principle of Development:

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

Visual Amenity/Design.

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out a requirement for the extension to remain subordinate to the existing building with appropriate building materials and that the extension should not have an adverse impact upon the character of the street scene. Also, the proposal should not lead to an unacceptable loss of useable private amenity space.

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

The application proposes an extension to the rear of the property and as a result the extension will not be visible from the adjacent highway. The proposed extension will measure 4m by 6m and will have a maximum height of 2.9m. Taking account of these dimensions it is considered that the extension will remain subservient to the main dwelling.

Some minor alterations to the window arrangement on the side elevation are proposed which will have a negligible visual impact.

The originally proposal was to render all elevations however it was considered that this would have an unacceptable impact on visual amenity due to the property, its attached and surrounding neighbours being constructed in red brick. The retention of the red brick to the

front elevation is considered necessary to ensure that the property remains in keeping with the wider area.

Residential Amenity:

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

The only neighbour with potential to be affected by the development is the attached neighbour at no. 56 Morse Street. This property benefits from an extension to the rear. The proposed extension of this application would project beyond the rear wall of the extension on the neighbouring property but when assessed against the 45 degree rule the development would not result in an unacceptable loss of light to the rear elevation of this property. It is also considered that the extension would not result in an unacceptable loss of privacy or have an overbearing impact as the only windows proposed will face the garden area of the applicant site.

The alterations to the external elevations proposed in this application would have a negligible impact on neighbours.

Recommendation:

That planning consent be granted subject to conditions

Conditions

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

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

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

Location Plan: Dwg no 1 RLB

Proposed Plans: Dwg no 599/03

Proposed Elevations: Dwg no 599/04A amended plan received 23.06.2022

Site Layout: Dwg no 599/05

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

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

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

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

21st July 2022

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0737	Mr Mohammed Ishtiaq	154 Casterton Avenue Burnley Lancashire BB10 2PE	Removal of existing garage to provide court yard garden and off-road parking with sliding gate and rear single storey extension	Approve with Conditions	23rd June 2022
HOU/2021/0774	Mr Daniel Gizon	9 Old Hall Square Worsthorne-with-hurstwood Lancashire BB10 3NS	Two storey side extension to dwelling	Approve with Conditions	5th July 2022
VAR/2022/0002	Mr Christopher Howell	Healey Wood Mill Healey Wood Road Burnley Lancashire BB11 2HJ	Variation of Conditions 2 (Approved Drawings), 4 (Materials for cycle and refuse store); 5 (Window details); 6 (Door details); 12 (construction management statement); 15 (Protection of Leeds and Liverpool Canal method statement) and 16 (Swift management strategy) of planning application VAR/2019/0444	Approve with Conditions	7th July 2022
COU/2021/0681	Mr Imran Nazir	139 - 141 St Jamess Street Burnley Lancashire BB11 1PD	Change of use of first and second floors from Class E (Retail) to HMO accommodating 7 persons, with shop front to ground floor and external alterations.	Approve with Conditions	24th June 2022
HOU/2022/0044	Mr Fanshawe	11 Howorth Close Burnley Lancashire BB11 2RA	Side roof extension and side basement/ground floor extension with terrace over.	Approve with Conditions	22nd June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2022/0066	Mr Wayne Fallows	140 - 142 St Jamess Street Burnley Lancashire BB11 1NR	Change of use of first floor to 2x self contained flats including conversion of existing loft space and associated changes to ground floor access	Approve with Conditions	24th June 2022
TNOT/2022/0106	Dinesh Anbarasan	Rear Of 12 Victoria Road Padiham Lancashire BB12 8QY	Install fixed line broadband electronic communications apparatus	Observations	4th July 2022
TPO/2022/0162	Mr Phill Ashley	2 Lennox Street Worsthorne-with-hurstwood Burnley Lancashire BB10 3LY	Felling of Ash tree (T2) of The Burnley (Land at Lennox Street Worsthorne) Tree Preservation Order 2006	Approve with Conditions	20th June 2022
FUL/2022/0067	Mr A Kerr	13 Carlton Road Burnley Lancashire BB11 4JE	Change of use from an existing 4 bedroom dwellinghouse to a 7 bedroom HMO, with cellar conversion	Refuse	15th June 2022
HOU/2022/0112	MR & MRS S DICKINSON	Lodge House Brunshaw Road Burnley Lancashire BB10 4HS	Demolition of Conservatory and erection of 2 storey side extension	Approve with Conditions	6th July 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2022/0206	Rebecca Mitchell	Stockbridge Lodge Burnley Road Padiham Lancashire BB12 8SD	Application to discharge condition no. 5 (specification of works), condition no. 6 (specification of works GF slab), condition no. 7 (windows specification), condition no. 8 (guttering specification), condition no. 9 (cleaning/re-pointing method statement) and condition no. 11 (building recording) of planning consent LBC/2021/0367.	Conditions part discharged	16th June 2022
HOU/2022/0219	Dr Abdul Hafegee	82 Lindsay Park Worsthorne-with-hurstwood Lancashire BB10 3SQ	Proposed extensions to rear and side elevations.	Approve with Conditions	17th June 2022
ADY/2022/0213	Dotkova	Chorley Nissan Jubilee Garage Westgate Burnley Lancashire BB11 1RY	Display of 6 internally illuminated fascia signs, display of 1 non illuminated fascia sign, display of 1 internally illuminated pylon sign and display of 2 non illuminated freestanding moveable totems.	Approve with Conditions	24th June 2022
HOU/2022/0217	Ms Simon	7 Deer Park Road Burnley Lancashire BB10 4SD	Construction of garden room in the rear garden	Approve with Conditions	22nd June 2022
HOU/2022/0223	Ms Charlotte Ormerod	8 Lingmoor Drive Burnley Lancashire BB12 8UY	First floor side extension and single storey rear extension	Approve with Conditions	17th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2022/0229	United Furniture Ltd	Unit A Richard Street Burnley Lancashire BB11 3AJ	Change of use of land to form extended car park and service yard	Approve with Conditions	16th June 2022
COU/2022/0201	Z Liepina and H Watson	7 Bull Street Burnley Lancashire BB11 1DW	Proposed change of use of ground floor from hairdressers (Class E) and Beauty and nail Bar (Sui Generis) to Tattoo Studio (Sui Generis)	Approve with Conditions	16th June 2022
HOU/2022/0236	Mr and Mrs Saggars	High Ridehalgh Farm Ridehalgh Lane Briercliffe Lancashire BB10 3RA	Proposed Two Storey Rear Extension	Approve with Conditions	22nd June 2022
TNOT/2022/0267	Mr Lee Walker	Flat Over 47 Lyndhurst Road Burnley Lancashire BB10 4DE	Proposed installation of fixed line broadband electronic communications apparatus - 10m wooden pole.	Permitted Development	20th June 2022
TNOT/2022/0268	Mr Lee Walker	Back 77 Lyndhurst Road Burnley Lancashire BB10 4DE	Proposed installation of fixed line broadband electronic communications apparatus - 10m wooden pole	Permitted Development	20th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2022/0237	ACI Construction Ltd ACI Construction Ltd	Flat 1 9 - 11 Brown Street Burnley Lancashire BB11 1PJ	Discharge of conditions 3 (refuse storage facilities) and 5 (Construction Method Statement) on planning permission APP/2017/0341 (Section 73A application)	Conditions discharged	16th June 2022
FUL/2022/0099	Mr G Medhurst	3 East Street Hapton Burnley Lancashire BB12 7LH	Single storey extension to the side and front of the existing dwelling, plus change of use of land to side, to garden.	Approve with Conditions	27th June 2022
FUL/2022/0222	C/O Agent	63 Queensberry Road Burnley Lancashire BB11 4LA	Conversion of existing dwelling house to create 2no. self-contained apartments	Approve with Conditions	27th June 2022
TNGT/2022/0253		Burnley General Hospital Casterton Avenue Burnley Lancashire BB10 2PQ	Installation of 2 new 9m Light poles	Permitted Development	20th June 2022
TNOT/2022/0276		Hargrove The Shortlands Padiham Lancashire BB12 8NQ	Proposed installation of 5G electronic communications apparatus to existing telecommunications installation - 1no. 0.6m transmission dish onto existing mast at 16m together with ancillary development thereto.	Permitted Development	20th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
VAR/2022/0256	Mr & Mrs Angie and Kevin Moore	65 Burnley Road Hapton Lancashire BB11 5QR	Application to vary condition no. 11 of planning consent FUL/2021/0384 - substitution of approved drawings for revised drawings incorporating minor changes.	Approve with Conditions	5th July 2022
FUL/2022/0265	Mr D Vallender	29 Brennand Street Burnley Lancashire BB10 1SU	Retrospective application for change of use from garage/workshop to 1 bed studio flat.	Approve with Conditions	5th July 2022
HOU/2022/0182	Ms Paula Markham	22 Northwood Close Burnley Lancashire BB12 0JR	Proposed domestic first storey side extension over an existing garage (Resubmission of application HOU/2021/0355).	Application Withdrawn	22nd June 2022
FUL/2022/0258	Mr Laurie Bradley	Kgb Properties Ltd Unit 20 Bridgewater Close Hapton Lancashire BB11 5TE	Proposed warehouse extension	Approve with Conditions	27th June 2022
HOU/2022/0261	Mr Andrew Mackrell	Former Water Treatment Works Hurstwood Village Worsthorne-with-hurstwood Lancashire BB10 3LH	Construction of timber garden shed	Approve with Conditions	22nd June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
ESR/2022/0289	Emma Ridley	Land At Todmorden Road Cockden Burnley BB10 3QQ	Request for a Screening Opinion in relation to a proposed solar farm and associated infrastructure.	Not EIA development	6th July 2022
HOU/2022/0275	Miss Lucy Masanjika	26 Tabor Street Burnley Lancashire BB12 0HF	Proposed kitchen extension.	Approve with Conditions	27th June 2022
HOU/2022/0285	Mrs Lyndsey Kardasz	5 Valley Drive Padiham Lancashire BB12 8SF	Proposed first floor side extension above garage	Refuse	7th July 2022
HOU/2022/0291	Mr C Ingham	88 Blackburn Road Padiham Lancashire BB12 8JZ	Erection of a rear pitched roof extension and outbuilding with modifications to the landscaping to front and rear gardens	Approve with Conditions	6th July 2022
TNOT/2022/0325	WHP Telecoms Ltd	New Hall Works Elm Street Burnley Lancashire BB10 1PB	The proposed upgrade of an existing base station consisting of the removal and replacement of 6 no antennas for proposed 6 no antennas, removal and replacement of 6 2 no cabinets for proposed 2 no cabinets with ancillary development thereto.	Observations	4th July 2022
VAR/2022/0228	N I Construction	Flats 1 -6, No.1; Flats 1 -6, No 1A Cleaver Street Burnley BB10 3BE	Variation of conditions 5, 6, 10, 11, 12 and 13 of APP/2017/0591.	Approve with Conditions	6th July 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
NMA/2022/0349	Ms K Sinclair	Land Between 5 & 7 Olde Back Lane, Off Rossendale Road Burnley BB11 5BH	Alter the internal arrangement of the proposed property to more open plan arrangement and alter the size and shape of some of the external openings and dormer	Application Withdrawn	5th July 2022
NMA/2022/0350	Mr Martin Large	52 Simpson Street Hapton Lancashire BB12 7LJ	To change from facing brickwork to K Render on the new gable of the two storey extension facing no 50 Simpson Street, Hapton	Refuse	5th July 2022
TNOT/2022/0355	Open Reach	57 Heckenhurst Avenue Worsthorne-with-hurstwood Lancashire BB10 3JN	Intention to install 9 meter wooden pole near 57 Heckenhurst Avenue Worsthorne-with-hurstwood Lancashire BB10 3JN	Permitted Development	20th June 2022
TNOT/2022/0356	Openreach	N/R 24 Heckenhurst Avenue Worsthorne-with-hurstwood Lancashire BB10 3JN	intention to install 9 meter wooden pole near 24 Heckenhurst Avenue Worsthorne-with-hurstwood Lancashire BB10 3JN	Permitted Development	20th June 2022
TNOT/2022/0378	Mr Lee Walker	1 Red Lees Avenue Cliviger Lancashire BB10 4JE	Notification of intention to install 10 metre wooden pole at the above locations.	Observations	30th June 2022
TNOT/2022/0379	Mr L Walker	14 Ribchester Avenue Burnley Lancashire BB10 4PD	Notification of intention to install 9 metre wooden pole at the above locations.	Observations	28th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
TNOT/2022/0380	Mr L Walker	12 Richmond Avenue Cliviger Lancashire BB10 4JL	Notification of intention to install 9m wooden pole at the above location	Observations	30th June 2022
TNOT/2022/0403		Near Dexter Paints Gannow Lane Industrial Estate Gannow Lane Burnley Lancashire BB12 6QP	Installation of electronic communications apparatus to an existing telecommunications installation - proposed 0.6 dish at a maximum height of 26m.	Observations	4th July 2022

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