

DEVELOPMENT CONTROL COMMITTEE

Monday, 2nd August, 2021
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

COUNCIL CHAMBER, BURNLEY TOWN HALL

Monday, 2nd August, 2021 at 6.30 pm

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

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

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

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 10

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

11 - 12

To consider reports on planning applications for development permission:

- a) **COU/2021/0175 - 65 Church Street, Burnley, Lancashire** 13 - 36
- b) **FUL/2021/0135- Land at former Bull & Butcher Pub,
Manchester Road, Habergham Eaves** 37 - 54

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)	Councillor John Harbour
Councillor Anne Kelly (Vice-Chair)	Councillor Alan Hosker
Councillor Gordon Birtwistle	Councillor Jacqueline Inckle
Councillor Frank Cant	Councillor Karen Ingham
Councillor Phil Chamberlain	Councillor Mohammed Ishtiaq
Councillor Scott Cunliffe	Councillor Neil Mottershead
Councillor Sue Graham	Councillor Mark Payne
Councillor Sarah Hall	Councillor Ann Royle

PUBLISHED

Friday, 23 July 2021

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 15th July, 2021 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

Alec Hickey	– Planning Team Manager
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer

9. Apologies

There were no apologies.

10. Minutes

The Minutes of the last meeting held on 10th June 2021 were approved.

11. Additional Items of Business

There were no additional items of business.

12. Declaration of Interest

Councillor Mark Payne declared an interest (other) in item COU/2021/008 Lowerhouse Cricket Club. He remained in the room, spoke but did not vote on the matter.

13. Exclusion of the Public

There were no items that required the public to be excluded from the meeting.

14. List of Deposited Plans and Applications

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

Mr Ian Swain – FUL/2020/0199 – Land to the north of Hurstwood Village

Mr Timothy Buckel – VAR/2021/0214 – 111 Thursby Road, Burnley

Mr Stan Heaton – COU/2021/008 – Lowerhouse Cricket Club

RESOLVED That the list of deposited plans be dealt with as follows.

15. FUL/2020/0199 - Land to the north of Hurstwood Village, Hurstwood Lane, Hurstwood
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Town and Country Planning Act 1990

Proposed Agricultural Building. Land to the North of Hurstwood Village, Hurstwood Lane, Hurstwood, Burnley

Applicant: Mr M Holmes

Agent: Mr Ian Swain

Decision: That planning permission be 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 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 The three swallow/bird nesting boxes and the owl box shall be in situ within 3 months of the building being erected.

Reason: In the interests of increasing biodiversity in the locality and in accordance with policy NE1 of Burnley`s Local Plan July 2018.

4 The landscaping scheme shall be implemented within 3 months of the building being erected, and the trees shall be maintained and replanted within 3 months if they die.

Reason: In the interests of visual amenity, to help screen the building from Hurstwood Lane and in accordance with policy NE3 of Burnley`s Local Plan July 2018.

16. HOU/2021/0065 - Musty Haulgh Barn, Granville Street, Briercliffe

Town and Country Planning Act 1990

**Retention/Construction of dry stone walls and diversion of Public Footpath No. 163.
Musty Haulgh Barn Granville Street Briercliffe**

Applicant: Mr Brent Frankland

Decision; That Planning Permission be granted subject to the following conditions

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

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

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

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

3. All materials and dimensions to be used for 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 and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

4. One heavy-standard, native tree shall be planted within the curtilage of the dwelling house for each tree that will be removed or lost as part of the approved development. The planting of the replacement trees shall be carried out within the next planting season following the felling of the tree/s and shall thereafter be maintained in accordance with good horticultural practice and replaced within 3 months if they die within three years of their planting. Reason: In order to maintain tree cover in the area having regard to Policy NE4 of Burnley's Local Plan (July 2018)

5. No works to the trees shall be carried out within the bird nesting season from March to August of any year.

Reason: To protect biodiversity having regard to Policy NE1 of Burnley's Local Plan (July 2018).

Approved Plans: Location Plan 1:1250; Site Plan 1:500; Site Plan with wall 1:500; Existing and Proposed Wall details 1:50 all received 22 February 2021.

Article 35 Statement Some negotiation was carried out to advise on the procedure for the diversion of the public footpath, the requirement for the submission of a planning application and a Tree Report. The application as submitted is in accordance with the local plan policies and the National Planning Policy Framework and there was no need for further negotiation with the applicant.

17. VAR/2021/0214- 111 Thursby Road, Burnley

Town and Country Planning Act 1990

**Variation of Condition No 2 pursuant to planning application HOU/2019/0531 to amend the roof design and proposed exterior materials to be used.
111 Thursby Road, Burnley**

Applicant:Mr Umair Khan

Agent: Mr Hamaad Anwar

Decision; That the application be refused.

Reasons;

The proposed alterations would have a detrimental impact on the amenity of the residents of the adjoining property as the changes would result in an overbearing impact contrary to Policy HS5 and SP5 of the Local Plan and the NPPF.

The proposed alteration of the external wall materials to incorporate K rend would undermine the inherent character of the host dwelling and be of detriment to the visual amenities and character of the area, contrary to Policy HS5 and SP5 of the Local Plan and NPPF.

As this decision was contrary to officer recommendation a named vote was taken as follows:

To refuse VAR/2021/0214 – 111 Thursby Road, Burnley

Councillor Gordon Birtwistle	For
Councillor Frank Cant	Against
Councillor Phil Chamberlain	For
Councillor Saeed Chaudhary	Against
Councillor Scott Cunliffe	For
Councillor Sue Graham	Against
Councillor Sarah Hall	Against
Councillor John Harbour	Against
Councillor Alan Hosker	For
Councillor Jackie Inckle	For
Councillor Karen Ingham	For
Councillor Mohammed Ishtiaq	Against
Councillor Anne Kelly	Against
Councillor Neil Mottershead	For
Councillor Mark Payne	For
Councillor Ann Royle	For
Carried	

18. COU/2021/008 - Lowerhouse Cricket Club, Lowerhouse Lane, Burnley

**Town and Country Planning Act 1990
Lowerhouse Cricket Club, Lowerhouse Lane, Burnley, Lancashire, BB12 6LP**

Change of use of detached function room to Hot Food Takeaway (Use Class Sui Generis)

Applicant: Mr Matthew Stansfield

Decision; That the application be delegated to the Head of Housing and Development Control to approve subject to the appropriate conditions.

As this decision was contrary to officer recommendation a named vote was taken as follows:

To approve COU/2021/008 – Lowerhouse Cricket Club

Councillor Gordon Birtwistle	For
Councillor Frank Cant	For
Councillor Phil Chamberlain	For
Councillor Saeed Chaudhary	Against
Councillor Scott Cunliffe	For
Councillor Sue Graham	For
Councillor Sarah Hall	For
Councillor John Harbour	Against
Councillor Alan Hosker	For
Councillor Jackie Inckle	For
Councillor Karen Ingham	For
Councillor Mohammed Ishtiaq	For
Councillor Anne Kelly	For
Councillor Neil Mottershead	For
Councillor Mark Payne	No vote
Councillor Ann Royle	For
Carried	

19. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 24th June to 2nd July 2021.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

2nd August 2021

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

COU/2021/0175

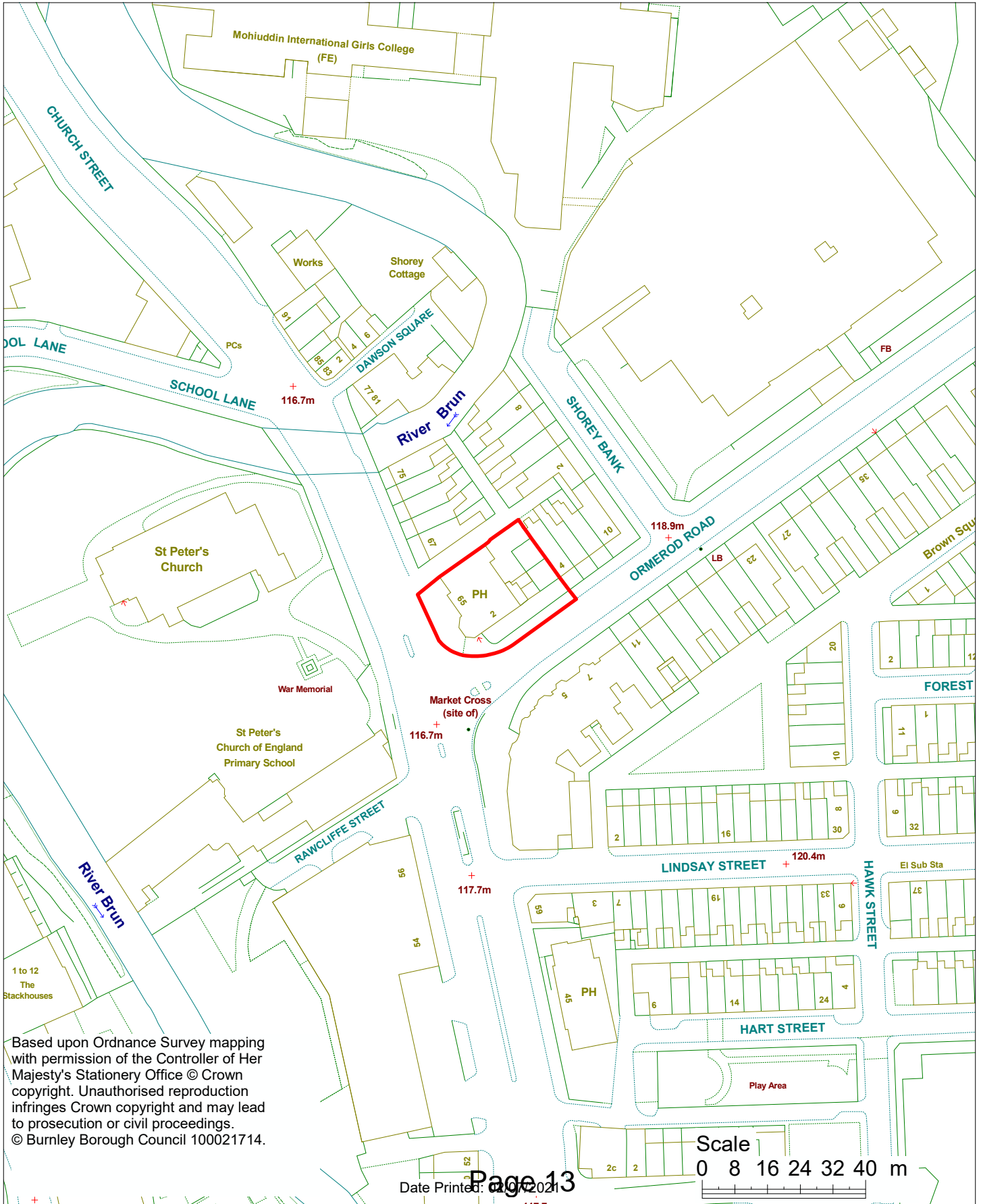
Paul Gatrell Head of Housing and Development

Location:



65 Church Street, Burnley

1:1250



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Application Recommended for APPROVAL
Bank Hall Ward

COU/2021/0175

The Town and Country Planning Act 1990
Full Planning Application

Applicant: The Talbot Hotel

Agent: Mr Michael Sproston – PWA Planning

Site Address: 65 Church Street Burnley Lancashire BB11 2RS

Proposed Development: Change of use of public house and hotel (Sui Generis) to form 10 no. apartments.

The application has been referred to committee as objections have been received.

Background:

The application site consists of a three-storey property currently operating as a public house 'The Talbot'. The property is sited on a corner plot adjacent the junction of Ormerod Road and Church Street. Church Street is main access road into and out of Burnley Town Centre and is classified as an A Road (A682).

The site itself is located within the Historic Core of Burnley within the designated Top O` Th` Town Conservation Area. The immediate area is a mix of commercial and residential uses. The site is also sited within Flood Zone 2 and is locally listed.





Proposal:

Planning permission is sought for the change of use of the ground, first and second floors and outbuilding to 10 no. apartments.

The mix includes 4no. one-bedroom studio apartments, 3 no. two-bedroom apartments, and 3 no. one-bedroom apartments. Each of the flats will have access to a bathroom, living area, and kitchen area. The outbuilding will contain 2 no. onebedroom studio flats, with one on each the ground floor and first floor. The ground floor of the building will contain 2 no. two-bedroom flats. The first floor will contain a one-bedroom studio flat, a one-bedroom flat, and a two-bedroom flat. The second floor will contain a one-bedroom studio flat, and 2no. one-bedroom flats.

The floor space proposed for all of the apartments is as follows:

Ground Floor

Apartment 1.1 – 2 bedroom 100m²
Apartment 1.2 – 2 bedroom 110m².

First Floor

Apartment 1.1 – Studio 34m²
Apartment 1.2 – 1 bedroom 58m²
Apartment 1.3 – 2 bedroom 77m²

Second Floor

Apartment 2.1 – Studio 40m²
Apartment 2.2 – 1 bedroom 63m²
Apartment 2.3 – 1 bedroom 47m²

Outbuilding Ground Floor

Apartment O.1 – Studio 51m²

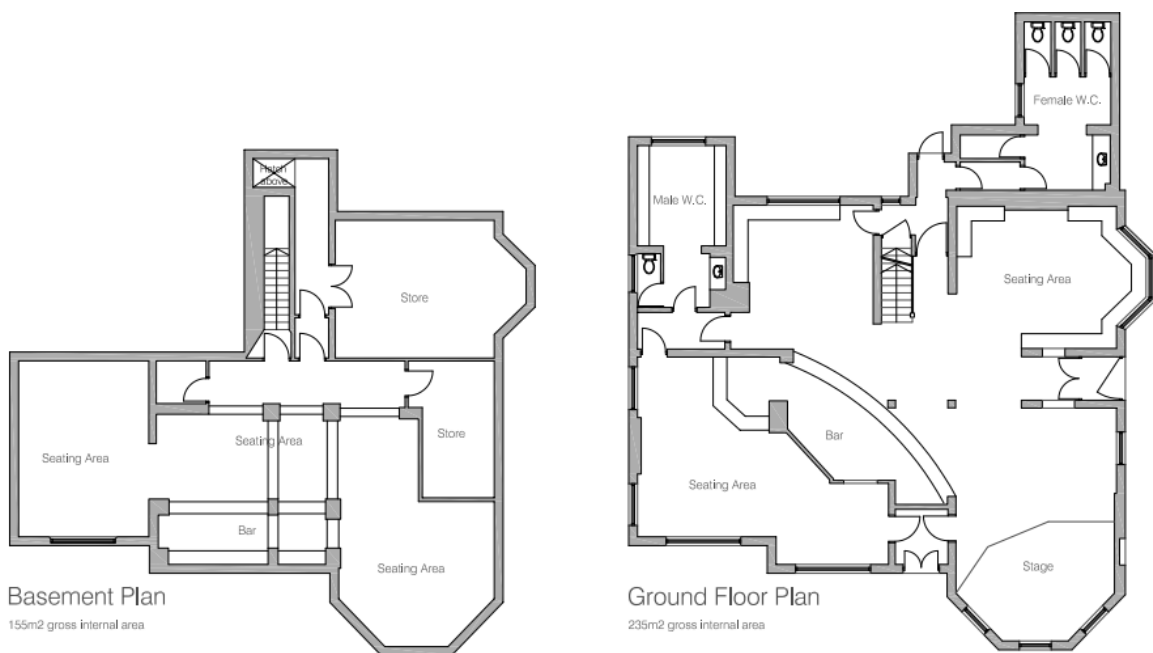
Outbuilding First Floor

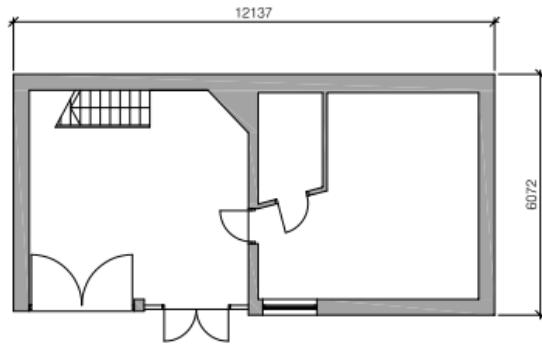
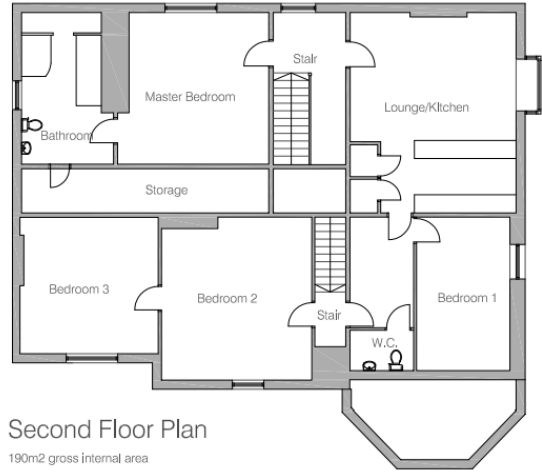
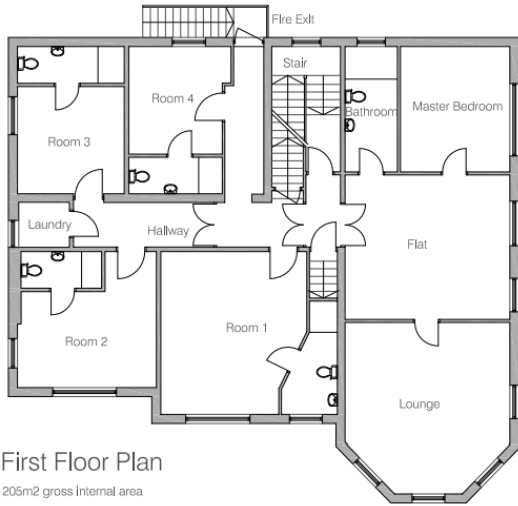
Apartment O.2 – Studio 51m²

As shown on the proposed plans, the proposals will include the insertion of new windows, including within the first floor living room area for Flat 1.1, as well as new windows on both the ground and first floors of the outbuilding, fronting Ormerod Road, while the existing exit for the outbuilding on the ground floor will be replaced by a window. The basement level will be used for the internal secure storage of bicycles and general storage for the residents.

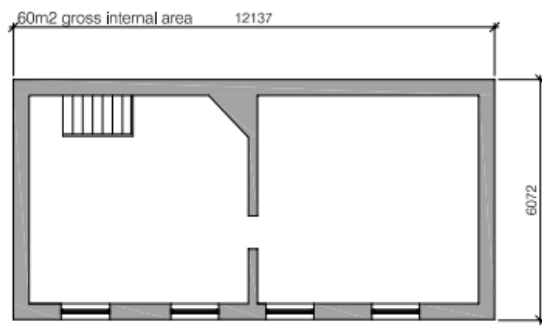
Access into the site will remain the same. The access has provided safe and convenient ingress and egress to the site for a sustained period. Parking arrangements will also remain as existing, provided to the west of the property as present.

Existing Plans:



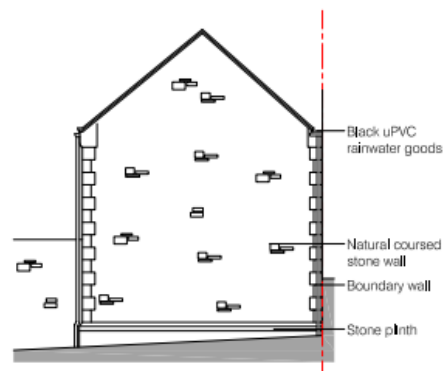


Outbuilding - Ground



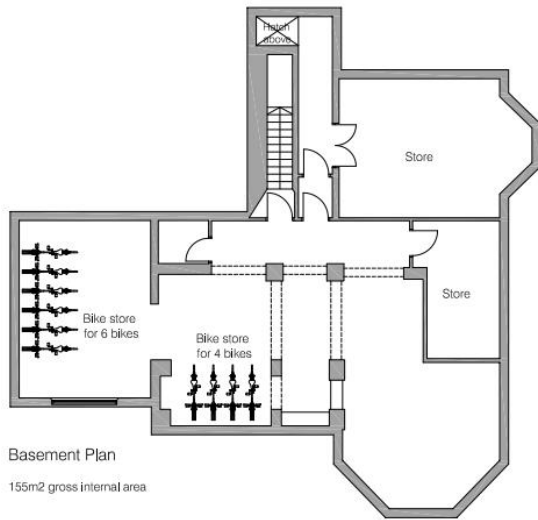
Outbuilding - First

60m² gross internal area

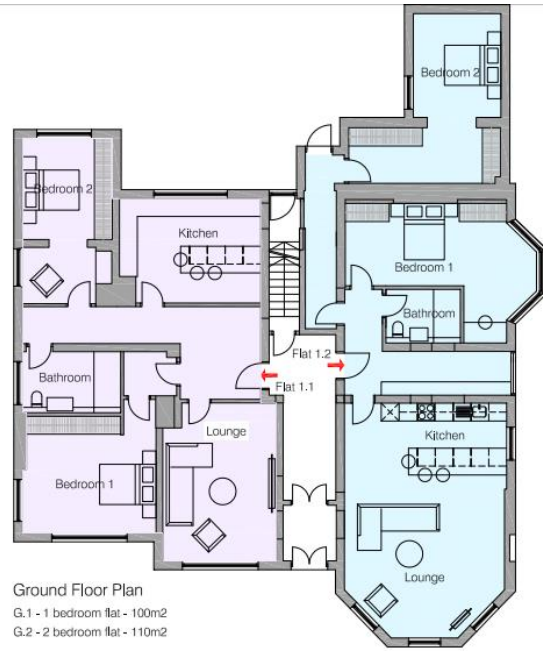


Outbuilding - Omerod Road elevation Existing

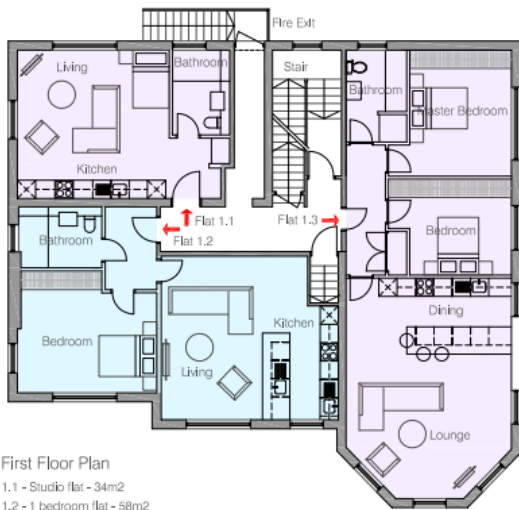
Proposed Plans:



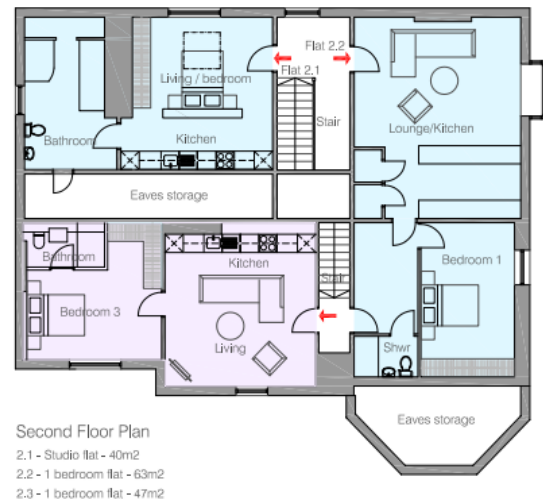
Basement Plan
155m² gross internal area



Ground Floor Plan
G.1 - 1 bedroom flat - 100m²
G.2 - 2 bedroom flat - 110m²



First Floor Plan
1.1 - Studio flat - 34m²
1.2 - 1 bedroom flat - 58m²
1.3 - 2 bedroom flat - 77m²



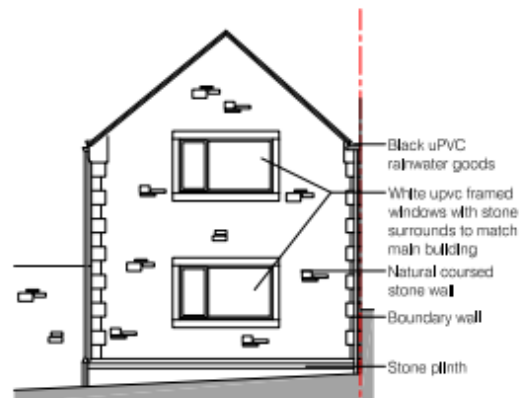
Second Floor Plan
2.1 - Studio flat - 40m²
2.2 - 1 bedroom flat - 63m²
2.3 - 1 bedroom flat - 47m²



Studio flat 0.1 - Ground
51m² gross internal area



Studio flat 0.2 - First
51m² gross internal area



Outbuilding - Omerod Road elevation
Proposed

Relevant Planning Policies:

Burnley's Local Plan (July 2018)

SP1: Achieving Sustainable Development

SP2: Housing Requirement 2012-2032

SP4: Development Strategy

SP5: Development Quality and Sustainability

HS4: Housing developments

TC2: Development within Burnley and Padiham Town Centres

HE1: Identifying and Protecting Burnley's Historic Environment

HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

HE3: Non-Designated Heritage Assets

CC4: Development and Flood Risk

IC1: Sustainable Travel

IC3: Car Parking Standards

IC5: Protection and Provision of Social and Community Infrastructure

Appendix 9: Car Parking Standards

National Planning Policy Framework (NPPF)

Nationally Described Space Standards (NDDS)

Relevant Planning History:

N/A

Consultation Responses:

Civic Trust:	This property is situated at a very busy and dangerous junction and we object to this application on the grounds that there is insufficient parking to be provided.
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<p>Lancashire Fire & Rescue Service:</p>	<p>The proposed planning application has been noted and the Fire Authority gives it advice in respect of access for fire appliances and water supplies for firefighting purposes to the site and recommend a number of detailed measures to ensure the proposal accords with conditions which will be satisfied on a subsequent Building Regulation application.</p>
<p>Highways:</p>	<p>With respect to this application we would not wish to raise any objections to the application.</p> <p>It is noted that there is no off-street parking proposed with this application. It is apparent that the area between building wall and the footway on Church Street has been used as a sub-standard parking for the former Public House.</p> <p>In order to prevent this sub-standard area being used as a parking facility by the residents or potentially non residents it is required that the footway is reinstated with a raised kerb. In order to comply with current standards this will require the provision of some tactile paving which will also need to be replicated across Ormerod Road. It is envisaged that these works are best achieved via a Section 278 agreement.</p> <p>Should you wish to support the application we would look for the following conditions and notes below to be added to the decision notice.</p> <p>1. Construction Management Plan (CMP). No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:</p> <ul style="list-style-type: none"> • 24 Hour emergency contact number. Details of the parking of vehicles of site operatives and visitors. • Details of loading and unloading of plant and materials. • Arrangements for turning of vehicles within the site. • Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures. • Measures to protect vulnerable road users (pedestrians and cyclists). • The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate. • Wheel washing facilities. • Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction. • Measures to control the emission of dust and dirt during construction. • Details of a scheme for recycling/disposing of waste resulting from demolition and construction works. • Construction vehicle routing. • Delivery, demolition and construction working hours.

	<p>The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.</p> <p>Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.</p> <p>Note: Construction Management Plan.</p> <ul style="list-style-type: none"> • There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway. • There must be no storage of materials in the public highway at any time. • There must be no standing or waiting of machinery or vehicles in the public highway at any time. • Vehicles must only access the site using a designated vehicular access point. • There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site. • A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing: lhsstreetworks@lancashire.gov.uk • All references to public highway include footway, carriageway and verge <p>2. Construction deliveries outside peak traffic. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network. Reason: In the interest of highway safety.</p> <p>3. Reinstatement of redundant access. No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, 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: To maintain the proper construction of the highway and in the interest of pedestrian safety.</p> <p>4. Cycle parking. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times. Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.</p>
LLFA:	Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk

	<p>which refers to flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in this capacity this response is compiled.</p> <p>Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the application at the time of this response.</p> <p><u>Lead Local Flood Authority (LLFA) Position</u></p> <p>The LLFA has no objection to the proposed change of use of this address.</p> <p><u>What this response DOES NOT cover</u></p> <p>This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority.</p> <p>The applicant is also encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the local highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).</p>
<p>LCC Education:</p>	<p>This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.</p> <p>The education contribution is directly linked to the development and would be used in order to provide education places within a reasonable distance of the development for the children expected to live on the development.</p> <p>If the education contribution assessment identifies the need for a contribution to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places, to Lancashire County Council as the education authority, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).</p>

	<p>An education contribution is not required at this stage in regards to this development.</p> <p>This response is based on the latest information available at the time of writing.</p>
<p>Lancashire Constabulary:</p>	<p>The above Planning application falls below our Crime Impact Statement unit threshold; however, to reduce the risk of crime in the vicinity and ensure the prospective new occupants remain safe, we would encourage the Developer to incorporate Secured by Design security measures, as highlighted within the attached SBD Homes 2019 document.</p>
<p>Conservation Officer:</p>	<p>The application relates to the Talbot Hotel (65 Church Street) which is a late nineteenth century public house (c1888) identified as a locally listed building (non-designated heritage asset). The location is historically sensitive and prominently positioned being located within the Top O' Th' Town Conservation Area which marks the origins of the settlement of Burnley the special character and appearance of which is largely derived from the arrangement and hierarchy of spaces and the concentration of buildings of historic and architectural prominence. The area embraces some of the oldest parts of the town, including the medieval market-place, Stocks, Smithy, Church, sites of ancient hostelries, Burnley's first Day School and Grammar School, which contribute to the essential character of the Conservation Area.</p> <p>NPPF paragraph 197 states that in weighing applications that 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. This is supported by Local Plan Policy HE3. In order to make that judgement, NPPF 189 requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.</p> <p>Although the application is supported by a Planning and Heritage Statement (PWA Planning March 2021), the document is wholly inadequate in providing any assessment of the heritage significance of the building and its contribution to the character or appearance of the conservation area. It includes no information on its significance other than to state that it is a locally listed building within the Top' O'Th'Town Conservation Area with multiple listed buildings within close proximity (Paragraph 7.7). Paragraph 7.8 states that the development intends to preserve the locally listed building through its use as apartments, instead of a public house, which is no longer a viable option; and that the works will be respectful to the building and its context. Paragraph 7.8 justifies the proposal against NPPF 202 (enabling development) which is not appropriate to the determination of this application in that it is not a proposal for enabling development.</p> <p>I consider that further information on the significance of the building, with particular regard to the internal plan form and features and that of the outbuilding, should be provided before determination (unless refused) to assist the Local Planning Authority in assessing the significance of the building and the impact of the proposals on it. Notwithstanding, I make some comments on the basis of my brief assessment as follows:</p> <p>Heritage Significance</p>

The Talbot Hotel is a later rebuild of a seventeenth century inn, the Parker Arms, the datestone which reads 1626 is incorporated on the north gable of the existing building. It stands on the site of the former medieval marketplace which was redeveloped in the late C19.

The building is identified as a locally listed building (non-designated heritage asset) in the Council's Local List of Heritage Assets. It is an imposing building, constructed of coursed squared sandstone with dressed and moulded door and window surrounds under a slate roof with gabled dormers. Its principal elevations form a strong composition that includes a projecting hexagonal bay at the corner with Ormerod Road. The ground floor windows appear to be traditional timber sash windows, the upper sash of each being divided into three lights (2 leaded) with a curved astragal. The upper floor windows appear to be modern replacements. This building displays the architectural refinement and decoration that is associated with the late Victorian period of relative wealth and prosperity fuelled by the textile revolution, with a move away from the more functional and vernacular style buildings that had been common in Burnley up to the 1870's. The prominent chimney stacks, the pattern of fenestration and decoration including the string courses and moulded cornice and corbels add visual interest to coursed sandstone elevations. To the rear is a substantial two storey stone-built outbuilding. In terms of the physical form, use of materials and external detailing the building adds variety and visual interest to the townscape and contributes positively to the character and appearance of the Conservation Area. The building has group value with the Sparrowhawk and the buildings that line Ormerod Road which developed in the late C19 as a response to the shift in the marketplace to St James Street and the growth in the town's prosperity. The immediate surroundings have a formal and dignified appearance, created by the short terraces of higher status late C19 middle-class town houses with rich architectural detailing and an attractive roofscape formed from the sloped and stepped terraced rooflines, punctuated by the distinctive form and regular rhythm of their chimney stacks and dormers.

Having regard to the above, the building's significance as a non-designated heritage asset (locally listed building) appears to derive from its historic and architectural interest and its presence within the street-scene, but also for its communal value and sense of identity associated with its long established use as a public house. The contribution of the interior (ie plan form and features) and that of the outbuilding to the significance of the heritage asset should be provided by the applicant before determination (unless refused) to assist the Local Planning Authority in assessing the significance of the building and the impact of the proposals on it.

The submitted heritage statement at Paragraph 7.8 finds that the development would preserve (ie cause no harm to the significance of) the locally listed building. This view is not substantiated with an appropriate level of assessment.

The applicant has not demonstrated a full appreciation of the heritage significance of the building and the level of information submitted is consequently insufficient to underpin a full understanding of the impact of the proposals. However, from my brief assessment above it is clear that the proposed change of use would result in less than substantial harm to the significance of the Talbot Hotel as a non-designated heritage asset through the loss of its communal value as a public house. Moreover, the

	<p>proposed sub-division of the internal space to form the apartments and any loss of original/traditional features has the potential to add to the magnitude of harm to the significance of the heritage asset.</p> <p>Accordingly, I do not support the proposal as it stands and would recommend that a considerably enhanced Heritage Statement is provided as set out in the advice above and including an inventory of internal features of heritage significance.</p> <p>Proposed physical external alterations:</p> <p>Paragraph 4.4 of the supporting Planning and Heritage Statement describes the proposals as including the insertion of new windows at the first floor as well as new windows on both the ground and first floors of the outbuilding, fronting Ormerod Road, while the existing exit for the outbuilding on the ground floor will be replaced by a window.</p> <p>There are elevational drawings to show the proposed window openings on the gable of the outbuilding fronting Ormerod Road. The proposed window openings are disproportionately wide (horizontally emphasized) and the use of white uPVC side opening casement windows are not considered appropriate within the context of the site. This proposed alteration would not meet the requirements of Policy HE3(3) which requires proposals to relate appropriately in terms of style, scale, and materials.</p> <p>Accordingly, the proposal does not comply with Policy HE3 and I would recommend that the proposed new openings to the gable of the outbuilding (fronting Ormerod Street) are significantly reduced in width with an appropriately designed timber frame the full and precise details of which should be submitted for approval. Consideration will need to be given to resulting adequacy of natural light to the affected apartments, particularly at ground floor level.</p> <p>No other elevational drawings are provided (existing or proposed), and as such there is insufficient information on which to make an assessment of the acceptability or otherwise of the proposed new and/or altered openings to the main building or the outbuilding. The applicant should seek to address this through the submission of elevational drawings showing all new and altered openings alongside the existing arrangement. Full and precise details of the proposed new and replacement frames and doors should also be provided.</p> <p>Clarity is required on the intentions for the existing windows to the main building in terms of their retention or replacement.</p> <p>Conclusion</p> <p>The application as submitted is not supported for the reasons set out above. The applicant has not demonstrated a full appreciation of the heritage significance of the building and the level of information submitted is consequently insufficient to underpin a full understanding of the impact of the proposals. It is considered that further information should be provided to allow the Local Planning Authority to make a fully informed decision.</p>
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<p>Public Consultation:</p>	<p>9 letters of representation have been received objecting to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • Lack of parking provision – Church Street is residents only parking, Ormerod Road is general parking with residents already struggling to park, this will exacerbate the issue.
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	<ul style="list-style-type: none"> • Adequate rented apartments within the Borough already that are not be used. • A number of abandoned buildings within the Borough which would be better suited for conversion than this public house. • No need for anymore apartments. • Would result in the loss of a public house which is one of the main live band venues in Burnley. • Lack of parking could lead to danger to road users. • The roadway works required to make adequate safe parking would cause huge disruption to a very busy junction and main road in and out of the town centre. • Would result in a loss of a social hub which would affect a large number of people's social circle and mental health. • Job losses. • Loss of a viable pub which is a vital asset to local community.
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Assessment:

The main considerations in relation to this application are:

- Principle of Development
- Loss of Public House
- Design / Visual Impact
- Impact on Heritage Assets
- Amenity
- Highway / Parking
- Flooding / Drainage

Principle of Development:

Local Plan Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth within the development boundary through the efficient use of land and buildings; and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling.

Policy SP4 provides the development strategy for the borough and supports the re-use of existing building within the development boundary provided they are compatible with other relevant policies of the Local Plan.

The application site is located within the development boundary for the urban area of Burnley, as defined in Burnley's Local Plan. It is within an existing residential / commercial area and is within a short walking distance of a number of local facilities including shops, bus services and schools. Henceforth, the proposed development is in accordance with Policy SP4, providing a residential development within a highly sustainable location, which makes an appropriate use of an existing building.

Paragraph 15 of the NPPF states that plans should address housing needs within distinctive areas, while Paragraph 20 states that policies should guide the pattern, scale, and quality of development. Section 5 of the NPPF builds on the above, expressing that one of Central Government's main objectives is to increase the delivery of high-quality housing, which meets local needs and demands. To facilitate the above, LPA's must provide and put forward enough land for housing development. Paragraph 59 explains that the land put forward should be varied to meet the differing needs across different areas. Policy SP2

states that Burnley Borough Council are expected to deliver 3,880 from 2012-2032, which equates to 194 no. net dwellings per annum until 2032, which signifies the end of the planning period. The proposed development, which is for the conversion of the public house and hotel into 10 no. apartments, represents a small-scale and deliverable scheme on a previously developed site, which has an existing building occupying it.

Section 11 of the NPPF, Paragraphs 117 and 118, state that planning policies and decisions should use land effectively, making as much use of available previously developed land and brownfield sites, with a portion of these sites expected to be brought forward for residential uses, to reduce the pressure of building upon greenfield land, which is of benefit to the LPA. The proposed development is also therefore in accordance with Paragraph 68 of the NPPF, which evidences that the development of sites 1ha or less in size should make up at least 10% of an LPA's housing requirement. Henceforth the scheme is in accordance with Policy SP2, as it will help the LPA meet a portion of their identified housing need, through the conversion of the existing public house and hotel.

Local Plan Policy TC2 states that the conversion or change of use of existing buildings within the Town Centres of Burnley and Padiham will be viewed favourably, whereby they meet the other policy requirements established within the Local Plan. Part (b) of Policy TC2 states that proposals for changes of use and conversions will be supported, if they do not undermine the overall mix of main Town Centre uses. The site lies outside of the Town Centre boundary according to the adopted Local Planning Policy Map. Nevertheless, the site is considered to have a functional relationship with the Town Centre, given its proximity to said boundary. It is evident that the conversion of the existing public house will not lead to an over concentration of residential uses within the area. Given that the site lies marginally outside of the Town Centre boundary, the surrounds of the site are already residential in their nature, with residential properties to the immediate north and east, as well as to the south, beyond Ormerod Road.

Part (c) of Policy TC2 states that developments should not prejudice the viability of adjacent land uses. Again, the immediate uses are all residential in their nature, while a church lies due west, beyond the A682. Therefore, it is considered that the proposal satisfies the conditions of Policy TC2.

It is, therefore, in principle, considered to be an appropriate location for new residential development.

Loss of Public House:

Consideration as to the loss of the public house should be afforded proportionate weight in the assessment. Social and Commercial facilities are considered to play an important role in stimulating a sense of community and improving quality of life. For the purposes of the Local Plan, social and community uses are defined as public, private or community facilities; this includes public houses.

To this end, Policy IC5 is of relevance. It seeks to protect social and community infrastructure, subject to a continued need or demand for the facility in question; and require alternative comparable or improved provision where a development scheme would result in the loss of important social and community infrastructure. It is noted that the premises this application relates to does not have a formal protection by way of an Asset of Community Value status.

The NPPF reinforces the need for LPA's to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (para. 92).

Local Plan Policy IC5 does not reference the need for marketing evidence, however, a Marketing Statement is provided in support of the planning application. The marketing information supplied in connection with this application clearly demonstrates that the property has been marketed for an extended period, without registering any substantial interest. Further to this, the ongoing Covid-19 pandemic has worsened the financial situation for the owners of the site, with it not generating any income over the course of the pandemic.

Further to the above, it is important to note that the Tablot Hotel is not listed as an 'Asset of Community Value'. Moreover, given the site's location adjacent to Burnley Town Centre, there are a number other public houses within the town centre which provide an alternative location for people to socialise; consequently, the site does not provide a significant community function overall.

Taking into consideration the above, along with the information supplied within the marketing statement, it is considered that the change of use of the public house would not result in the loss of a community facility due to the location of further public houses in such close proximity. The development, is therefore, considered to accord with Local Plan Policy IC5 and the NPPF.

Design / Visual Appearance:

Paragraph 124 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.

This is reiterated by Local Plan Policy SP5 which seeks high standards of design that positively address local context and characteristics. Should a future application be submitted involving alterations to the external façade of the property, scale, design, appearance and the material palette should reflect that of the surrounding area and application property.

As shown on the proposed plans, the proposals will include the insertion of new windows, including within the first floor living room area for Flat 1.1, as well as new windows on both the ground and first floors of the outbuilding, fronting Ormerod Road, while the existing exit for the outbuilding on the ground floor will be replaced by a window. It is therefore, considered that the change of use does not involve any major alterations to the external appearance of the property other than the insertion of additional openings to facilitate the change of use. As such, it is considered that there will be little impact on the visual appearance of the host property and existing streetscene.

The proposed works will be considerate and reflect that of the host property, using matching materials to maintain cohesion between the existing property and the proposed works.

The development is, therefore, considered to accord with Local Plan Policy SP5 and Paragraph 124 of the NPPF.

Impact on Heritage Assets:

The application site is located within the Top O` Th` Town Conservation Area and is locally listed. As outlined in the Planning (Listed Buildings and Conservation Areas) Act 1990, the local authority should have a desirability of preserving the Listed Building and any features of special interest which it possesses (s.16 and 66) and preserving or enhancing the character and appearance of the Conservation Area (s.72).

The NPPF outlines that, in determining applications, the local authority should take account of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (par.192). It highlights that any harm to the

significance of a designated heritage asset should require clear and convincing justification (par.194) and great weight should be given to the conservation of designated heritage asset (par.193).

Local Plan Policy HE2 reiterates the above, stating that proposal affecting designated heritage assets and/or their settings will be assessed having regard to desirability of sustaining and enhancing the significance of the asset and, where appropriate, secure a viable use most consistent with its conservation. All levels of harm should be avoided.

The proposed development seeks to preserve the locally listed building through its continued use as apartments, instead of as a public house, which is no longer a viable option as set out within the marketing evidence submitted in support of this application.

The proposed works are considered minimal and will not alter the visual appearance of the host property to a significant extent thereby respecting the buildings character and significance and other nearby heritage assets; therefore, conserving the building without compromising upon the host building which is locally listed and the conservation area.

The Conservation Officer has assessed the proposed development and has confirmed they are unable to support the application, as the applicant has not demonstrated a full appreciation of the heritage significance of the building and the level of information submitted is consequently insufficient to underpin a full understanding of the impact of the proposals. It is considered that further information should be provided to allow the Local Planning Authority to make a fully informed decision.

The agent provided a rebuttal to this stating that the site is a non-designated heritage asset, which lies within the Conservation Area. In line with the above, I refer to Paragraph 192 of the NPPF, which states that *“in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

Moreover, Paragraph 197 of the NPPF states that *“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 proposed change of use will ensure the long-term maintenance and usage of the site as a whole. The marketing information supplied in support of the planning application clearly evidences that the Tablot public house and hotel has been actively marketed since 2015, with the price of the property reduced by over £100,000. Despite the long-term marketing from an array of agents and a vast reduction in the property price, no purchasers have been found, who would potentially ensure the continued usage of the site as a public house and hotel. For the above reasons, the client has sought an alternative use of the site and has largely kept any external alterations to a minimum, with the exceptions being Flat 1.1 of the First Floor and the outbuilding.

Therefore, the overall planning balance must be carefully considered, with the building and outbuilding given a new and long-term lease of life through the change of use application.

The alternative is for the application to be refused and the building fall into a state of vacancy and dereliction, like many of the buildings within close proximity to the site, including the large building due east. I strongly feel that the changes made to the building and outbuilding are required to ensure that the apartments are suitable for their proposed use and meet the market demands.

On the final point, which requests a more substantial heritage statement, I question the need for this. The building is a non-designated heritage asset which lies within the Conservation Area, as noted within the Planning and Heritage Statement, which supports the change of use application. Paragraph 199 of the NPPF asserts that *“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*

Overall, the building’s heritage significance and contribution to the conservation area is limited, given that the building is a non-designated heritage asset. Moreover, there is no conservation area appraisal which discusses the importance of the site, or the area as a whole.

Therefore, Paragraph 202 of the NPPF states that ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’. Therefore, given that the proposed conversion of the public house will preserve the locally listed building it is considered to accord with Local Plan Policies HE1, HE2 and HE3 and the NPPF.

Amenity:

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policies SP5 and HS4 seek 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 and cycle storage.

The NDDS sets out within Table 1 the minimum gross internal floor areas for new C3 uses. The minimum floor spaces which are relevant to this application are:

1 bedroom – 37m²

2 bedroom – 61m²

As set out above, all but one of the proposed apartments meet the required floor space for new C3 uses. The first floor studio apartment will have a floor space of 34m², which is 3m² short of the required floor space. Whilst it is acknowledged that this is substandard, the proposed layout provides adequate space for the occupier and is therefore, not considered harmful enough to warrant the refusal of the application.

The existing windows along with the proposed new openings will ensure that future and existing residents benefit from a good standard of amenity, with each room containing a window providing natural light. It is, therefore, considered that the individual units are laid out and positioned such that an acceptable standard of outlook, daylight and privacy would be achieved.

The newly inserted windows do not allow for any level of overlooking, therefore preserving existing residential amenity. It is acknowledged that the north facing side elevation of the existing property contains windows which face towards the gable elevation of No. 67 Church Street which contains a window opening at first floor and ground floor at an off-set distance of 9m. Consideration has been given on how the two properties interact and has acknowledged that the separation distance is substandard. However, the window openings are existing and are currently used as a bedroom, it is therefore, considered that the proposed conversion would have no greater an impact than the existing relationship present between the two properties.

Policy HS4 requires new housing development to provide private and functional outdoor space for occupants, and in the case of apartments allows for communal provision. The National Design Guide reinforces the importance of external amenity spaces in supporting health and wellbeing and acknowledges that appropriate solutions will vary by their context. All external amenity space should be well designed, fit for purpose and incorporate planting where possible.

Outdoor amenity space is proposed to the rear of the application property. Further to this, given the application sites location in close proximity to the town centre, it allows easy access to a range of public recreation facilities being located within 400m of the site, which are considered reasonable alternatives to offset any shortfall of on-site provision. Accordingly, it is considered that future occupants will be able to enjoy amenity space in public recreational space locally as well as within the rear yard area, such that the proposal would comply with the relevant policy criteria in HS4.

Adequate refuse and recycling facilities are proposed in the rear yard area.

Overall, it is considered that the proposed development would provide an adequate provision of living conditions for future occupants, complying with Local Plan Policies, SP5 and HS4, the NPPF and the standards set out within the NDDS.

Highways / 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 for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards Appendix 9 allows for local circumstances to be taken into account which includes the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision or on-street parking nearby; and whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highways safety or the local road network. The proposals intend to utilise the existing access arrangements and it is unlikely that the change of use will lead to a significant impact upon the local highway network, given the sustainability of the site's location, which reduces the reliance upon personal vehicle.

Policy IC3 establishes that residential developments are expected to provide a specific number of parking spaces per unit, which is dependent upon the type of unit provided, and the overall location. Burnley's adopted car parking standards state that a 1 bedroom property should provide 1 space per dwelling and for 2 bedroom properties 2 spaces should be provided.

The application property currently benefits from 5 parking spaces to the front of the property. It is proposed to retain all 5 of these parking spaces for use of the proposed apartments. Further to this, 10 bike store spaces are proposed within the basement of the application property.

The proposal has been assessed by the LCC Highways Officer who notes that there is no off-street parking proposed with this application. They further go on to state that it is apparent that the area between building wall and the footway on Church Street has been used as a sub-standard parking for the former Public House. In order to prevent this sub-standard area being used as a parking facility by the residents or potentially non residents it is required that the footway is reinstated with a raised kerb. In order to comply with current standards this will require the provision of some tactile paving which will also need to be replicated across Ormerod Road. It is envisaged that these works are best achieved via a Section 278 agreement. Therefore, should consent be granted a condition will be attached ensuring that the works are carried out prior to the occupation of the apartments which are under consideration as part of this application.

Further to this, it is considered that 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. The development is therefore, considered to accords with Policies IC1 and IC3 of the Local Plan and the NPPF.

Flooding/Drainage:

Local Plan Policy CC2 of the local plan details that new developments should not increase flood risk, nor should they negatively impact drainage capabilities. The proposed development lies predominately within Flood Zone 1, with portion within Flood Zone 2 and as part of this submission, a Flood Risk Assessment has been provided as part of this application.

The Flood Risk Assessment concludes that most of the site lies within Flood Zone 1, with the edges of the building located closest to the River Brun classified as Flood Zone 2, with the residential use of the property deemed an appropriate usage of the site. Moreover, the basement lies within Flood Zone 3, but this room is to function a bike store/general storage/communal area, which is a less vulnerable use and is too deemed appropriate.

The drainage is to remain the same as existing. This report also provides guidance and recommendations on the proposed development, including potential flood warning signage and SuDS. Therefore, should consent be granted a condition will be attached ensuring that the development is carried out in accordance with the recommendations of the flood risk assessment.

Conclusion:

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

Recommendation:

That the application is APPROVED subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from 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. Prior to the commencement of the work hereby approved, material samples and details of all external finishes shall be submitted to the Local Planning Authority for approval. The development shall then be carried out in accordance with the details so approved prior to the extension first being brought into use and retained as such thereafter.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan.

3. The refuse collection and storage for the units hereby approved shall be implemented prior to the occupation of the proposed apartments. Thereafter the approved facilities together with the means of access thereto shall be maintained and carried out as approved, and be retained for the benefit of the lifetime of the development hereby permitted.

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

4. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number. Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition and construction working hours.

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

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

5. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety.

6. No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle

crossover(s) are redundant, 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: To maintain the proper construction of the highway and in the interest of pedestrian safety.

7. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

8. Parking area to be used ancillary to building. The parking/cycle storage areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site

9. The development hereby approved shall be carried out in complete accordance with the submitted Flood Risk Assessment carried out by Maplebrook Environmental Consultants, received 22nd March 2021, unless agreed in writing by the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Local Plan Policy CC2 and the NPPF.

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

REASON: To clarify the terms of this consent

Approved Plans:

Site Plan and proposed block plan – Drawing number: 2013-SP01

Proposed basement and ground floor plans – Drawing number: 2013-PL10

Proposed outbuilding plans and gable end wall elevation – Drawing number: 2013-PL12

Proposed first and second floor plans – Drawing number: 2013-PL11

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0135

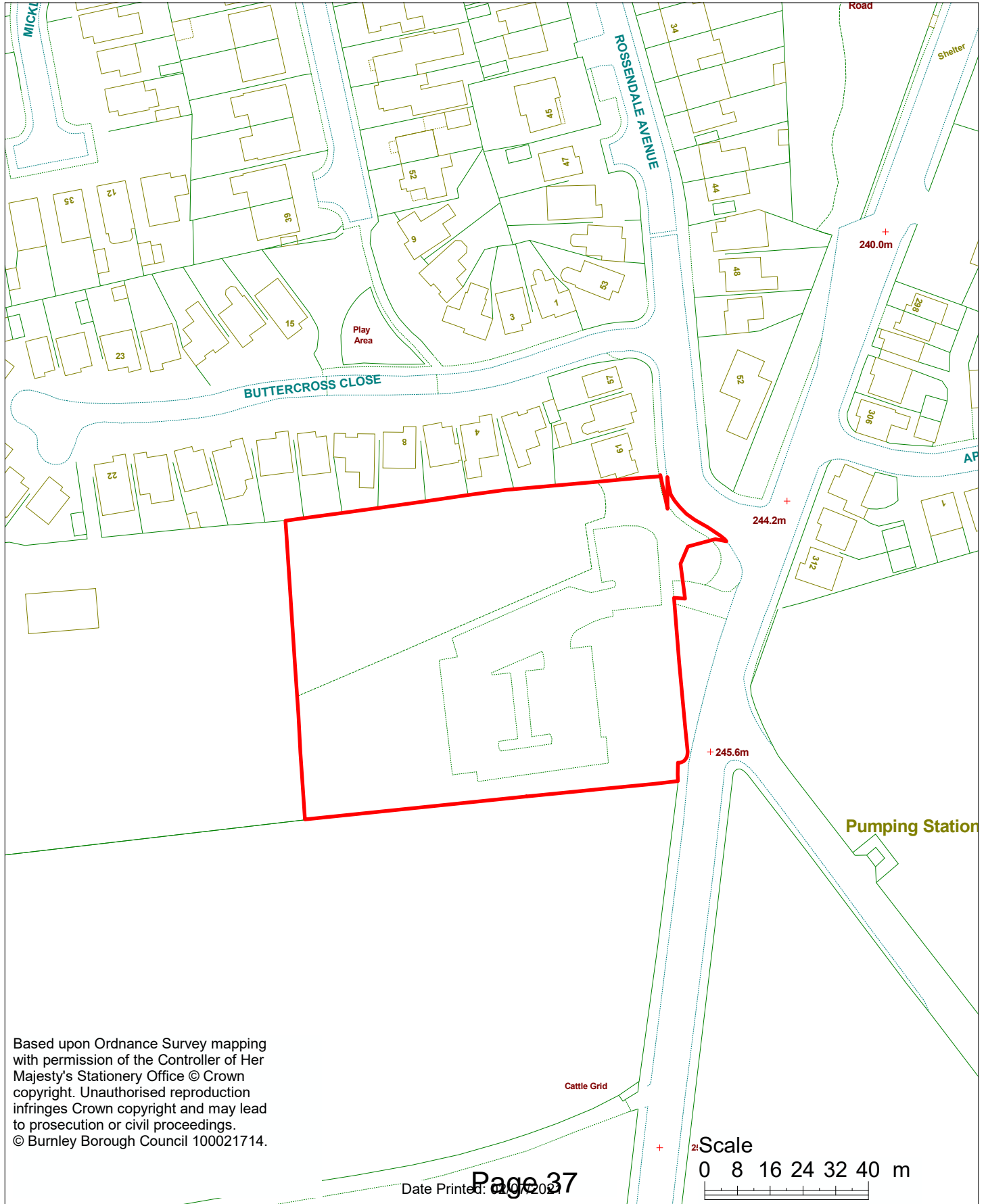
Paul Gatrell Head of Housing and Development

Location:

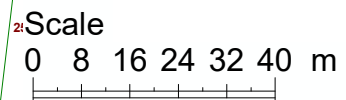


Land At Former Bull And Butcher Pub, Manchester Road, Burnley

1:1250



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Application Recommended for Approval
Coal Clough With Deerplay Ward

FUL/2021/0135

Town and Country Planning Act 1990

Erection of two storey care home (66 bedrooms) for older people with associated parking, access and landscaping (Class C2).

Land At Former Bull And Butcher Pub Manchester Road Habergham Eaves Burnley

Applicant: LNT Care Developments

Background:

The proposal is to erect a two storey care home on approximately 0.68ha of land at the cleared site of the former Bull and Butcher Public House at the southerly edge of the built-up area at Manchester Road. The site consists of the former public house site and approximately half of the housing allocation (Policy HS1/23) at Manchester Road.



The a 66 bed residential care home (Class C2) has been designed in a `H` shape centrally within the site, with car parking to the east side and surrounded by gardens to all sides. The site would be served by a new access off Rossendale Avenue and the existing access on Manchester Road would be permanently closed. A total of 24 car parking spaces would be provided.

Proposed Site Layout



The triangular shaped piece of land that is currently hard surfaced to the east of the site is part of highway land and outside the red edge of the application site but would be grassed and a new 2.0m footway constructed. The Habergham Eaves Parish Council seating area which also contains a blue plaque to mark the nearby site (within the fields to the west of the site) of the historic Buttercross would not be affected by the proposal. A footpath link has been provided on the southern boundary which would enable a link to be made with the remaining part of the HS1/23 housing allocation at a future date.



The proposed building would be approximately 5.2m to eaves level, 8.6m high to the perimeter roof and 9.5m high to the ridge of the highest part of the roof within the central core of the building. The elevation treatment has been improved since the original submission with the use of reconstituted stone and some render to all elevations. A flat grey tile is proposed to the roof.

The proposed scheme has been designed internally to provide two types of care – general residential and residential dementia in secure. The main entrance would on the east elevation facing Manchester Road.

Proposed Ground Floor Layout



The central area of the layout would be used lounge and dining rooms and a number of additional smaller garden rooms/lounge/quiet rooms on both the ground and first floors. The reception area on the ground floor would also contain a small café for use by residents. Bedrooms are 14.4sqm (excluding en-suite) and there would also be five larger bedrooms.

The applicant anticipates that the proposed care home would lead to 60 jobs working on a rotational shift (86% full time) with up to 24 staff members present on site at any one time.

Relevant Policies:

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
HS1 (HS1/23) – Housing allocations (Land to the rear of Bull and Butcher)
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
IC5 – Protection and provision of social and community infrastructure

Material Considerations

The National Planning Policy Framework (2019)

Relevant Site History:

APP/2013/0390 – Residential development of 10no. dwellings with associated parking (Outline application with all matters reserved) on land to the rear of the Bull and Butcher. Refused October 2013.

APP/2015/0110 - Proposed refurbishment of existing Bull & Butcher building including single storey extension to rear to accommodate an Italian Restaurant with associated remodelling of external works and car parking layout. Approved September 2015.

NOT/2016/0377 – Proposed demolition of former Intack barn. Prior approval granted October 2016.

NOT/2016/0376 – Proposed demolition of buildings. Prior approval granted September 2016.

OUT/2019/0340 – Outline application for up to 20no. dwellings with access from Rossendale Avenue (all other matters reserved). Approved subject to s106 Agreement October 2020.

Consultation Responses:

LCC Highways

No objections. The development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposed access location, swept paths and internal parking arrangements and number of spaces are acceptable. The estimated traffic generation for a development of this size and nature at this location is acceptable. Requests to replace the existing access with a 2m footway and to grass the remaining area of adopted highway and to detail drop kerbs and tactile paving at the crossing point of the proposed site access have been taken into account on the amended site plan. Conditions are recommended to require a Construction Management Plan; to ensure the parking spaces and manoeuvring areas are constructed and surfaced; and, to secure a scheme for the off-site works (new

vehicle access, closure of existing access, reinstatement of footway to Manchester Road and Rossendale Avenue frontages).

Lead Local Flood Authority (LCC)

No objection subject to conditions to require a detailed sustainable drainage strategy for the site, details of how surface water and pollution prevention will be managed , and an associated maintenance plan and verification report.

United Utilities

The proposals are acceptable in principle subject to conditions to require a detailed surface water drainage scheme and to ensure that foul and surface water are drained on separate systems.

Greater Manchester Ecology Unit (GMEU)

Potential ecological issues include nesting birds and landscaping.

Protected Species

The site was assessed for all likely statutory protected species, bats, badgers, great crested newts, reptiles, otter and water vole. No evidence or suitable habitat was found for any such species and all reasonably discounted. Given the previous use of the site, I have no reason to doubt that protected species are absent. The only species that could theoretically utilise the site would be badger, which would be relatively easy to detect on a site of this scale and nature. No further information or measures are required.

Nesting Birds

The development will result in the loss of young trees and shrubs, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development appears to result in the loss of some trees and scrub but given the nature of the development there is adequate potential to mitigate on site and notably more potential than the previous housing development. As long as some native planting is included around the boundaries and bird nesting opportunities provided in line with the recommendations of the ecological report, I am satisfied that mitigation and enhancement can be achieved. I recommend the details are conditioned.

Burnley Wildlife Conservation Forum

States that a new up to date Arboricultural Impact Assessment is required given that the submitted report is dated April 2019. [The assessment is adequate in this case and provides a useable assessment of trees on the site].

Contaminated Land Officer

The submitted reports have satisfactorily assessed the risks to future users of the site from contamination. The remediation strategy should be implemented and followed up with a verification/validation report.

Habergham Eaves Parish Council

Support the application and state that they have worked with the applicant to ensure the parish garden which is adjacent to the site is kept and maintained for use by the community.

Publicity

Three neighbour letters have been received expressing the following comments:

- Gateway position into Burnley where would prefer to see a natural landscaped recreational area
- Oppose the location of the bike/garden/bin store which is close to the gardens of adjacent properties and would lead to smells, attract rodents.
- Would like as much of the trees/landscaping to be retained to the rear of Buttercross Close
- The embankment and vegetation should be preserved and landscaped and maintained to protect privacy of Buttercross Close residents
- Regularly see various species of birds, butterflies and wild deer which should be protected
- Question the impact from the height of the proposed building on the sunlight and privacy of adjacent dwellings
- Concerns over the road layout at Rosendale Avenue where cars/vans park on both sides of the road which would affect visibility from the new access. Suggest that Lancashire County Council put yellow lines on either side of the road from the access up to Manchester Road, to improve safety for traffic and allow pedestrians to use footways.
- Request that there is a tarmac area to the front of the care home for neighbours/current residents to use, similar to when the site had been a public house.

Planning and Environmental Considerations:

Principle of proposal

The site is located at the southern edge of the built-up area of Burnley where the Development Boundary identified on the Policies Map crosses the site. The portion of the site that falls within the defined Development Boundary is part of a housing allocation at Policy HS1/23 (Land to rear of Bull and Butcher), whilst the remaining part is outside the Development Boundary and is a brownfield site following the demolition of the Bull and Butcher public house in 2016.

Policy HS1/23 states that the site (the full allocation) is suitable for around 24 dwellings. An extant outline permission (OUT/2019/0340) has been granted for up to 20no. dwellings on same site as the current application which includes the brownfield site of the former public house premises. The brownfield element of the site is outside the Development Boundary where development would normally be strictly controlled. The National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value. This cleared site adjacent to the main urban area is an unattractive scene at a defined gateway into Burnley. An appropriate development on

this site would therefore represent an effective use of a brownfield site. Notably, this view has already been accepted (OUT/2019/0340).

Extract from the Policies Map (West) of Burnley's Local Plan



The site is accessible from the urban area and on a route served by public transport. The site therefore represents a reasonably sustainable location for development.

The loss of housing numbers and its ability to provide a range of housing with 3+ bedrooms on the relevant part of the housing allocation (HS1/23) has the potential to affect the delivery of the overall housing requirement set out in Policy SP2. Class C2 accommodation does not contribute to the housing requirement. There are no sites in Burnley's Local Plan that are identified for this type of development and as such schemes would be considered against other plan policies, including Policy IC5 (Protection and provision of social and community infrastructure) which supports new larger facilities serving a wider population, in locations with good accessibility by walking, cycling and public transport. In this case, the relatively small loss of the partial housing allocation would be sufficiently outweighed by the significant benefits of developing the site, including a brownfield site (outside but immediately adjoining the Development Boundary) as a new purpose-built residential care home for up to 66 elderly residents.

The development of part of the housing allocation at HS1/23 would, as proposed, prevent vehicular access to the remainder of the site from Rossendale Avenue/Manchester Road. The Site Specific Policy requirements in Policy HS1/23 state that vehicular access should be from a single point onto Manchester Road. It also states in the Supporting Information that there is potential to explore a combined access strategy in conjunction with Site HS1/4 (Land at Rossendale Road). Given the the two sites share a boundary, the remaining part of the allocation HS1/23 could be afforded vehicular access from this wider allocated site. The current proposal would not therefore prevent the remaining part of the HS1/23 from coming forward for development in the future.

The proposal is therefore acceptable in principle subject to issues relating to design and visual impact; access, traffic and parking; impact on residential amenities; ecology, drainage and ground conditions.

Design, appearance and visual impact

The NPPF states that good design is a key aspect of sustainable development and that plans should set out a clear vision and expectations. Policy SP5 states, amongst

other things, that the Council will seek high standards of design, construction and sustainability in all types of development. Proposals should have respect to their townscape setting, contribute to the public realm and use a palette of high quality materials. The Policies Map (West) identifies the location of the development as a Key Gateway which should be addressed in the design, orientation and layout of the proposal and include, where appropriate, a landmark building, landmark tree planting, public art, or a carefully designed gentle transition from countryside to town.

The proposed two storey building which is designed in a convenient H shape would be prominent on the approach from countryside to town along Manchester Road. Tree planting to the southern boundary would filter views and soften the approach. Amended elevational treatment has recognised the need to use external materials to respect the distinctive character of the local area. Reconstituted stone would be used with some vertical sections of render, together with quoins, heads and cills and detailing at the entrance.

Illustration of proposed frontage



The drystone wall on the southern boundary would be re-built where necessary and improved and a new drystone wall built along the site's frontage on Manchester Road. These details would help to make a suitable transition from the rural into the urban area. The use of hipped roofs is not a characteristic of the local area but in this case it reduces the overall massing of the building. The applicant would use a suitable flat grey tile. A condition is recommended to require details of all external materials to be agreed. A further condition is required to ensure a suitable landscaping scheme. With these provisions, the proposal would have an acceptable visual impact and would comply with Policy SP5.

A Sustainability and Energy Statement has been submitted with the application. This states that the energy efficiency measures to be used in the development will be in line with a BREEAM very good rating. The technology to be used would include a Ground Source Heat Pump, using renewable energy to deliver over 30% of the care home energy requirements. Measures for water efficiency would also be employed. The development would therefore satisfy the requirements of Policy SP5 by creating an energy efficient development.

Access, traffic and parking

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

The site is reasonably accessible from the main urban area by cycle, foot or public transport. The proposal would generate regular traffic movements by care home workers and visitors. There would be up to 24 staff at the site at any one time. The traffic levels generated are likely to be less than from that of a development for housing on the site allocation and LCC Highways confirm that the impact would not be significant and raises no objections to the proposal subject to various conditions.

The proposed site plan has been amended to introduce a footpath link across the site's southern boundary that would link to the adjoining part of the housing allocation. This would ensure future accessibility and connectivity for pedestrians. A condition is recommended to require further details of the construction of the path and to ensure its implementation.

Adequate levels of on-site car parking would be provided to cater for the needs of the development in order to avoid the need for on-street parking. Some comments have been made by neighbours about the provision of hardstanding for the parking by existing local residents. The applicant is however not required to provide for this and the properties in the surrounding streets have the benefit of off-street parking.

Two parking spaces within the development would also be fitted with Electric Vehicle Charging points. These provisions comply with Policy IC3.

Residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. Policy HS4 sets out the minimum interface distances between properties, requiring 20m between habitable rooms or 15m between a blank gable and habitable room windows.

The nearest part of the proposed building to the principal rear elevations of the existing houses on Buttercross Close would be 20m at the two small projecting elements to the two north wings with the main building mass further away than this. The splay of the end hipped roofs would reduce the roof height. The north wings have a ridge height of 8.6m which is reached approximately 28m from the rear elevations and the highest part of the roof which is the cross section is considerably further than this. The height, design and siting of the proposed building would therefore satisfactorily protect the sunlight, daylight and privacy of the occupiers of neighbouring properties. The proposed building would be surrounded by landscaped gardens. The currently raised levels to the northern boundary would be levelled to enable the gardens to be properly utilised and landscaped. Existing boundary treatment on the northern boundary would be retained. The restful nature of a care home is unlikely to generate noise levels that would adversely affect the amenities of neighbouring occupiers. The proposed bin store would be appropriately enclosed and well away from the boundary with neighbours.

The proposed scheme is therefore suitably designed to take account of the residential amenities of neighbours and the amenities of future occupiers of the care home. The proposal therefore complies with Policy SP5.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The Site Specific Requirements at Policy HS1/23 refer to the protected species at the site and the need for an ecological survey. The application is accompanied by an ecological assessment which found that the site is of low ecological value with no evidence of protected species. GMEU accept the findings of the report and advise on conditions to avoid works to trees or shrubs within the bird nesting season and to enhance biodiversity with native planting on site boundaries and introduction of bird nesting opportunities. These measures should be incorporated into an ecological enhancement mitigation plan. Notably, there would be some removal of vegetation and trees to accommodate the development but most are of low amenity value and can be adequately compensated by replacement planting. With the provision of appropriate conditions, the proposal would have an acceptable impact on the ecology of the site and would comply with Policy NE1.

Other issues

The site is within Flood Zone 1 where there is the lowest risk to flooding. A satisfactory Flood Risk Assessment has been received which is accepted by the LLFA and United Utilities subject to conditions to require a detailed drainage scheme.

A condition is required to ensure the implementation of the remediation scheme that has been accepted by the Council's Contaminated Land consultant as well as a validation and verification plan to demonstrate that it has been satisfactorily completed.

Conclusion

The site forms part of a housing allocation with an extant outline permission for 20 dwellings and includes the brownfield site of the cleared former Bull and Butcher public house. The loss of a relatively small housing site has been considered. In this case, the loss of the partial housing allocation would not seriously prejudice the Council's supply of housing or a future five year supply of housing when considered against the benefits of developing the site for a purpose-built Class C2 residential care home for the elderly which is also likely to cater for the housing needs of elderly residents. The proposed plans display a high quality development that takes account of the sensitive location at a gateway to Burnley urban area. The proposed scheme satisfactorily addresses issues relating to the site's ecology, landscaping, drainage and need for a suitable access and parking as well as the need to safeguard the residential amenities of neighbouring occupiers and conditions can be imposed where appropriate to secure further details. The proposed development therefore, whilst not in full accordance of Policy HS1/23, would not conflict with the spatial strategy for locating development and would give rise to significant benefits in providing good quality accommodation for the elderly. As such, the proposal would not conflict with the development plan.

Recommendation: Approve

Conditions

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

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

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

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

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

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

4. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Impact Assessment (Reference 1177.19, dated April 2019). There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

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

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

Reason: In order to ensure a satisfactory scheme of landscaping that satisfactorily mitigates the loss of some trees on the site, provides a satisfactory setting for the development at a gateway location from the rural area and provides suitable species for biodiversity, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to

the commencement of development to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 5) shall be carried out in the first planting and seeding seasons following the first occupation of the approved development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

7. Prior to the commencement of development , a scheme of off-site works of highway improvement to include the new vehicular access, reinstatement of footway and landscaping works on the site`s frontage with Manchester Road and Rossendale Avenue, drop kerbs and tactile paving at the crossing point of the site access and at the junction of Rossendale Avenue with Manchester Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to the approved development being first occupied.

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

8. Prior to the commencement of built development above ground level, a scheme of biodiversity enhancement measures, in accordance with the recommendations of the submitted Preliminary Ecological Appraisal (Report ref BEK-19549-3, dated February 2021), shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be carried out and completed prior to the approved development being first occupied.

Reason: To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and the local area, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

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

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

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

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

11. 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).

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

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

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

13. 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).

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

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

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

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

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

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

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

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

18. Prior to the approved development being first occupied , the enclosed refuse store shall be constructed and available for use in accordance with the approved plans. The refuse store shall thereafter be retained at all times.

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

19. The details of materials, height and specification of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to any built development above ground level. The approved boundary treatments shall thereafter be constructed and completed prior to the approved development being first occupied and shall be retained at all times thereafter.

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

20. The development shall be constructed and completed in accordance with the recommendations contained within the Geoenvironmental Appraisal (report 7099/1, dated January 2020) and Remediation Strategy (report 7099/2, dated January 2021). In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the approved residential care home is first occupied.

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

21. The development shall not be carried out otherwise than in accordance with the measures for energy and water efficiency contained within the submitted Sustainability & Energy Statement (dated March 2021) and shall be completed in their entirety prior to the completion of the development.

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

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

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

23. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the approved development shall operate as a residential care home for the elderly (Class C2) only and shall not be used for any other purpose within Class C2 or for any other purpose.

Reason: To ensure the satisfactory implementation of the proposal which has been assessed on the details of the proposed use only, a deviation from which would need to be re-assessed in the interests of safeguarding residential amenity and highway safety amongst other material considerations, in accordance with Policies SP5, IC1 and IC3 of Burnley's Local Plan (July 2018).

24. The approved development shall not be first occupied unless a pedestrian path to link to the adjoining site to the west has been constructed, surfaced and made available for use as indicated on the approved plans and in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The path shall thereafter be retained and remain available for use in perpetuity.

Reason: To provide for accessibility and connectivity to the remaining part of the housing allocation at Policy HS1/23 of Burnley's Local Plan (July 2018).

Janet Filbin
1st July 2021