

EXECUTIVE

Wednesday, 26th October, 2022
6.30 pm





EXECUTIVE

ROOMS 2 & 3, BURNLEY TOWN HALL

Wednesday, 26th October, 2022 at 6.30 pm

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

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

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

There is limited space to accommodate members of the public due to Public Health guidance around social distancing. You are advised to contact democracy@burnley.gov.uk in advance of the meeting.

AGENDA

1) *Apologies*

To receive any apologies for absence.

2) *Minutes*

5 - 8

To approve as a correct record the Minutes of the meeting held on 21st September 2022.

3) *Additional Items of Business*

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

4) *Declaration of Interest*

In accordance with the Regulations, Members are required to declare any

personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

5) Exclusion of the Public

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

6) Right To Speak

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

7) Urgent Executive Decisions

9 - 16

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

8) Organisational Development Strategy

17 - 34

To consider the council's revised Organisational Development Strategy.

9) Planning for Health Supplementary Planning Document

35 - 130

To seek approval to adopt the Planning for Health Supplementary Planning Document (SPD).

10) Residential Extensions Supplementary Planning Document

131 - 202

To seek approval to adopt the Residential Extensions Supplementary Planning Document (SPD).

11) Council Tax Support Scheme 2023/24

203 - 206

To seek approval to commence a public consultation.

12) Strategic Risk Register

207 - 228

To approve the Strategic Risk Register.

13) Rough Sleeping Initiative

229 - 232

To seek approval to accept the funding award for the rough sleeper initiative programme (RSI) in Burnley and implement a programme of services.

14) The Empty Homes Programme

233 - 236

To seek approval to make a number of compulsory purchase orders for the purpose of renovation and/or re-sale.

15)Market Rights Policy

237 - 252

To approve the Market Rights Policy and fees.

MEMBERSHIP OF COMMITTEE

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

Councillor Shah Hussain
Councillor Margaret Lishman
Councillor Mark Townsend

PUBLISHED

Tuesday, 18 October 2022



EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 21st September, 2022 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Howard Hamilton-Smith	– Head of Finance and Property
Joanne Swift	– Head of Streetscene
Amy Johnson	– Finance Manager
Alison McEwan	– Democracy Officer

35. Minutes

To approve the Minutes of the last meeting were approved as a correct record and signed by the Chair.

36. Town Centre Public Space Protection Order

PURPOSE

To seek approval to extend the Public Spaces Protection Order (PSPO) for the Town Centre in accordance with the current legislation (s60 Anti-Social Behaviour, Crime and Policing Act 2014).

REASON FOR DECISION

1. The existing Order has been in place since the 9th November 2019 and as outlined in the Act has a duration of 3 years, at which point it must be reviewed.
2. Key Stakeholder consultation has been undertaken during August 2022 with residents, town centre business and community partners. The Consultation has determined that there is support for the continuation of the Order and, to maintain the prohibitions as ascribed in the original Order. These Conditions have been deemed relevant by key stakeholders to be retained for the town centre.

3. It has also been established, through this process of review and consultation, that there was opportunity and need to extend the range of the current order to address issues relating to the night-time economy. This will provide officers with increased tools to deal with alcohol and substance fuelled anti-social behaviour in the town centre.

DECISION

That the Executive resolves to:

1. Renew the Public Space Protection Order (PSPO) for Burnley Town Centre (as outlined in Appendix 1 Map of PSPO area).
2. Implement the Order from 9th November 2022 for the defined 3-year period until 2025
3. In agreement with the Public Space Protection Order powers enable Officers to undertake any required enforcement in accordance with legislative powers.

37. Statement of Licensing Policy 2022-27

PURPOSE

To consider responses to the statutory consultation of the draft Statement of Licensing Policy and make a recommendation to Full Council.

REASON FOR DECISION

The Statement of Licensing Policy (SoLP) is part of the Council's policy framework and it must be approved at Full Council.

DECISION

That Executive recommend Full Council approve the draft Statement of Licensing Policy for implementation on 1st October 2022.

38. Q1 Revenue Budget Monitoring

PURPOSE

1. To report the forecast outturn position for the year as at 31 March 2023 based upon actual spending and income to 30 June 2022.
2. To note the financial impact of the Coronavirus pandemic and the cost-of-living crisis as can be seen in paragraph 5. In view of these exceptional times the revenue monitoring position is uncertain.

REASON FOR DECISION

To give consideration to the level of revenue spending and income in 2022/23 as part of the effective governance of the Council and to ensure that appropriate management action is taken to

ensure a balanced financial position. The Council expects to close the budget gap by the end of the financial year as it has done in previous years.

DECISION

The Executive resolved to:

1. Note the projected revenue budget forecast position of a net overspend of £149k, as summarised in the report and appendix.
2. Seek approval from Full Council for:
 - a. The latest revised net budget of **£15.322m**
 - b. The net transfers from earmarked reserves of **£3.175m**

39. Q1 Capital Budget Monitoring

PURPOSE

To provide Members with an update on capital expenditure and the resources position along with highlighting any variances.

REASON FOR DECISION

To effectively manage the 2022/23 Capital Programme.

DECISION

The Executive resolved to:

1. Recommend to Full Council:
 - a. Approval of net budget changes totalling an increase of £25,000 giving a revised capital budget for 2022/23 totalling £41,433,311.
 - b. Approval of the proposed financing of the revised capital budget totalling £41,433,311.
2. Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £1,783,763 at 31 March 2023.

40. Revenue Budget 2023-26 - Latest Position and Savings Proposals

PURPOSE

1. To update The Executive on the latest position regarding balancing the Council's 2023/26 revenue budgets.
2. To outline proposed savings for recommendation to Full Council.

REASON FOR DECISION

To progress the preparation of the Council's 2023/24 revenue budgets.

DECISION

The Executive resolved to:

1. Note savings approved at previous Full Council meetings totalling £23k to assist in balancing the 2024/25 revenue budget.
2. Recommend further proposed savings totalling £198k to assist in balancing the 2023/26 revenue budgets for approval by Full Council.

EXECUTIVE INDIVIDUAL DECISIONS

Tuesday, 27th September, 2022
2.19 pm





EXECUTIVE INDIVIDUAL DECISIONS

**Tuesday, 27th September, 2022 at 2.19
pm**

AGENDA

- 1) *Minute 1 - Executive Member for Housing & Development Control -
Affordable Warmth Grant* 3 - 4



INDIVIDUAL DECISION BY THE EXECUTIVE MEMBER FOR HOUSING AND DEVELOPMENT CONTROL

BURNLEY TOWN HALL

PRESENT

OFFICERS Alison McEwan - Democracy Officer

1. Affordable Warmth Grant

Purpose The purpose of this report is to seek approval to accept and spend the £88,000 Affordable Warmth Grant from Lancashire County Council .

Reason For Decision To reduce levels of fuel poverty and associated illnesses over the winter months especially during the "Energy Crisis".

To improve people's wellbeing, prevent hospital admissions and demand for health and social care services.

Decision That the Executive Portfolio Holder for Housing and Development Control approves the acceptance and spending of £88,000 to provide high impact affordable warmth interventions to individuals who are the most vulnerable to harm from cold homes as set out in this report.

Decision made by: Councillor John Harbour
Executive Member for Housing and Development Control

Date: 27/09/2022
Decision Published on: 27/09/2022

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Individual Member Decision



DATE	26/09/2022
PORTFOLIO	Housing and Development Control
REPORT AUTHOR	Clare Jackson
TEL NO	01282 477231
EMAIL	cjackson@burnley.gov.uk

Affordable Warmth Grant

PURPOSE

1. The purpose of this report is to seek approval to accept and spend the £88,000 Affordable Warmth Grant from Lancashire County Council as set out in appendix 1.

RECOMMENDATION

2. That the Executive Portfolio Holder for Housing and Development Control approves the acceptance and spending of £88,000 to provide high impact affordable warmth interventions to individuals who are the most vulnerable to harm from cold homes as set out in this report.

REASONS FOR RECOMMENDATION

3. To reduce levels of fuel poverty and associated illnesses over the winter months especially during the "Energy Crisis".
4. To improve people's wellbeing, prevent hospital admissions and demand for health and social care services.

SUMMARY OF KEY POINTS

5. This winter with the current energy crisis more residents will be in fuel poverty, which means more households falling into debt and cutting back on other essentials. People may be afraid to heat their homes leading to excess cold and associated poor health which can then lead to increased hospital admissions.
6. The funding will be used in Burnley to deliver interventions during the winter months. These interventions will be aimed at the most vulnerable on the lowest incomes and will

include: boiler servicing, draught proofing, floor coverings, replacement of defective windows and doors, the provision of carbon monoxide detectors, fuel top up payments and winter packs as set out in appendix 1 to this report.

7. Being on a low income, living in a thermal inefficient home, having higher heating needs, and high fuel costs can all increase the risks of living in a cold home. The funding is aimed at the most vulnerable to harm from cold or damp homes. This could include a wide range of individuals who either are, or are at serious risk of, experiencing poor health and wellbeing due to a cold home.
8. Households will be eligible for funding if they meet at least one of the following vulnerabilities and have a low income:

Vulnerabilities:

- people with a diagnosed cardiovascular conditions
- people with a diagnosed respiratory conditions (in particular, chronic obstructive pulmonary disease and childhood asthma)
- people with diagnosed mental health conditions
- people with diagnosed disabilities
- older people (65 and older)
- households with young children (up to the age of 5)
- pregnant women
- people who are terminally ill
- people with suppressed immune systems (e.g. from cancer treatment or HIV)
- people who have attended hospital due to a fall

Low income

Low income can be confirmed in one of the following three ways:

- Someone being in receipt of means tested benefits
- Have a total household income not in excess of £31,000
- A 'declaration' by the Local Authority or health / social care professional that affordability issues are present.

9. Whilst the funding will be first targeted at those that are vulnerable and on a low income Councils have the further option to support people that do not have a specific vulnerability as listed above, but do have a significant low income and energy efficiency issue.
10. The number of grant approvals are subject to available funding and will be distributed in date order from the date an application is received. When the funding is spent, Officers will look at other ways to support residents through the work of the home improvement agency and other partners such as Cosy Homes in Lancashire or Burnley Together.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
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11. None. The programme is grant funded from Lancashire County Council at £88,000 and will be delivered through the Council's existing Home Improvement Agency.

POLICY IMPLICATIONS

12. Objective 2 - of the Council's Climate Change Strategy 2022 details the need to achieve higher standards of energy efficiency in new and existing buildings. The Affordable Warmth Grant will help achieve this as well as supporting the commitment detailed in the Strategic Plan of working on the wider determinants of poor health.

DETAILS OF CONSULTATION

13. Not Applicable.

BACKGROUND PAPERS

FURTHER INFORMATION

PLEASE CONTACT: Clare Jackson

ALSO: Paul Walker

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REPORT TO EXECUTIVE



DATE	26 October 2022
PORTFOLIO	Resources and Performance
REPORT AUTHOR	Vicky White
TEL NO	01282 477124
EMAIL	vwhite@burnley.gov.uk

ORGANISATIONAL DEVELOPMENT STRATEGY 2022-2027

PURPOSE

1. To report on the revisions to the council's Organisational Development (OD) Strategy.

RECOMMENDATION

2. That the Executive approve the council's revised Organisational Development Strategy.

REASONS FOR RECOMMENDATION

3. The strategy sets out how the council as an organisation needs to develop, to help it achieve its ambition for the borough as set out in the Strategic Plan.

SUMMARY OF KEY POINTS

4. **Background**

In 2009, the Executive approved the Council's first Organisational Development Strategy to formally direct organisational change following the successful Team Burnley Change Programme. That programme was started in 2007 to change the council's performance culture. It resulted in a wide range of developments which were acknowledged in the 2008 staff survey and the Investor in People (IiP) external assessment in 2009.

Our subsequent employee surveys and IiP assessments in 2012, 2015 and 2018, have provided verification that the strategy and associated work programmes have created a more motivated, engaged, confident and resilient workforce.

5. The updated Organisational Development Strategy describes the organisational changes the council needs to make over the next 5-year period through the development of people, processes and technology.

The strategy highlights some key achievements from the previous action plan. These include:

- continued use of our apprenticeship levy funding to support professional, degree and level 2 & 3 apprenticeships.
- support of the Government's kickstart programme with 70% of those placed securing continued employment with the Council
- introduction of hybrid working
- arranging a building aspiration event with local secondary school
- promoting volunteering opportunities and a number of employees have assisted with Burnley Together, Covid-19 testing and working with the Community Grocery
- achieving the Carbon Literacy Bronze award
- improving technology to support efficient working and services to our communities
- a focus on mental health and wellbeing during the pandemic and continued to provide an employee assistance programme for all employees and elected members

The updated vision continues to describe the organisation as one that is smaller, versatile and pragmatic, that remains sustainable in order to deliver agreed strategic objectives and meet the resource challenges ahead. It is necessary to regularly review and refresh the focus and themes of the strategy to ensure that it continues to meet the demands and challenges of an effective organisation and this is done in full consultation with the Team Burnley Programme Board. Over the lifetime of this updated strategy our focus will be on:

- Visible and values led leadership
- Collaboration and Partnerships
- Organisational efficiency and connectivity

The strategy demands that our leaders be role models: inspiring, motivating and coaching for results beyond what is expected. They will also be committed to strong partnerships, service and personal improvement and will collaborate across traditional boundaries, and they will be confident, innovative and competent enablers on the council's behalf.

The council's structures, roles, policies and procedures will be aligned to encourage enterprise, ambition, autonomy and individual ownership, where people are empowered to challenge the status quo and those behaviours that are not in line with council's values. Our employees will feel appreciated and valued for their efforts and be encouraged to learn and develop.

The revised organisational objectives are detailed in the drafted Organisational Development Action Plan attached to the Strategy at Appendix 1. Key objectives include:

- the commitment to continue to develop our leaders, employees and elected members
- to continue to develop effective hybrid working arrangements, supporting flexibility and efficiency in parallel with excellent customer services and standards
- to continue to support the health and wellbeing of our employees
- to progress towards Platinum Carbon Literacy Accreditation through connection with partners and measurable action plan/climate change strategy

- to serve the needs of our communities and support residents during the cost-of-living difficulties including collaboration with our partners
- to deliver the technology that allows our customers to engage whilst supporting vulnerable residents who are unable to transact online

6. The OD Strategy is owned by the Management Team and implemented through the Team Burnley Programme Board. A cross section of employees will work on the agreed strands as set out in the strategy and action plan. Policies, procedures and guidelines will be reviewed and developed in a way that supports the strategy. Progress towards objectives will continue to be managed and monitored by the Team Burnley Programme Board and impact measured against resident surveys & feedback, employee surveys, agreed performance targets and feedback from stakeholders.
7. Whilst the Council have taken the decision not to seek IIP reaccreditation, the OD strategy continues to demonstrate the values and practices that this promotes and we are still fully committed to the principles of investing in our workforce and supporting their health and wellbeing, meeting the objectives of the OD and Health & Wellbeing Strategies. The Council continues to support our corporate groups such as the Internal Review team, Corporate Coaches and Health & Wellbeing Group to ensure that we continue to demonstrate that commitment internally.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. There are no new budget implications arising from this report. The Organisational Development Strategy will inform the use of service or other budget provisions, including, for example, the council's Corporate Training Programme.

POLICY IMPLICATIONS

9. The Organisation Development Strategy builds on existing work across the Council and provides a clear focus for how the council as an organisation needs to develop into the future. As such, the Strategy will inform the work and service plans of a wide number of Service Units over the next five years. The action plan will be reviewed regularly by the Team Burnley Programme Board.

DETAILS OF CONSULTATION

10. None.

BACKGROUND PAPERS

11. None.

FURTHER INFORMATION

PLEASE CONTACT:

**Vicky White
Strategic HR Manager**

ALSO:

Lukman Patel



PEOPLE AND DEVELOPMENT TEAM
People and Development

Organisational Development Strategy

2022 - 2027

CONTENTS

1. Introduction.....	2
2. Organisational Development Vision and Objectives	3
3. Organisational Values	4
4. OD Strands.....	4
5. Implementation.....	5
6. Monitoring and Evaluation.....	5
Appendix 1	6
Appendix 2- Results from the 2020-22 Strategy by Theme	10

Organisational Development Strategy

1. Introduction

The Council continues to face significant budget uncertainty but its determination to transform quality of life in Burnley and Padiham is undiminished. To deliver its ambitious strategy for the borough requires creativity, enterprise, with support from partners in the public, private and voluntary sectors.

Through our organisational development strategies and associated actions plans we have demonstrated a commitment to sustaining and improving our performance, developing and building capacity in our workforce, delivering quality services and enhancing our reputation and image resulting in a measurable cultural shift in the organisation and a positive impact on our local economy and communities.

Over the three years of the last strategy, we have fine-tuned our organisational structures, developed and enhanced our external partnerships and relationships, grown our commerciality discipline and expertise, further modernised and digitised our services, providing greater accessibility to our customers, continued to nurture and develop the talent in our workforce and proactively managed our resources and priorities to ensure we deliver the best outcomes for Burnley whilst also dealing with the impacts of the Covid-19 pandemic (see appendix 2 for more detail on the outcomes of the last OD strategy).

We have continued to engage in the peer challenge agenda and will continue to carry out peer reviews in service units as appropriate.

Whilst we have taken the decision not to seek IIP accreditation we are committed to the values and practices that this promotes.

Employee satisfaction and attendance levels remain high.

The Council's strategic objectives continue to fall under 4 key themes:

- **PEOPLE:** Creating flourishing, healthy and confident communities
- **PLACES:** Making the borough a place of choice to live
- **PROSPERITY:** Promoting transformational economic change for Burnley
- **PERFORMANCE:** Ensuring a continuous focus on improvement in all aspects of the Council's performance

This organisational development strategy aims to provide a pragmatic guide for maintaining our high performance, for developing great leadership that will foster and develop strategic partnerships and relationships and continue to develop the capacity and capability of our people, building growth in our borough. It directs our priorities in terms of leadership capability, organisation behaviours and business efficiency to ensure a sustainable future with significantly fewer resources. We will continue to apply our enterprise and ambition, together with our partners to meet the service needs of our community.

2. Organisational Development Vision and Objectives

Over the next five years Burnley Council will move forward with business efficiency plans, making appropriate investments in technology and associated processes. It will be an organisation that has an engaged and enthused workforce, with skill development focused on both organisational and individual needs to facilitate fluid pathways across service sectors and partners.

Our leaders will look to the future to plan the capabilities the organisation needs. They will be visionary and ambitious role models, inspiring motivating and coaching for results beyond what is expected. They will be committed to strong partnerships and relationship management, collaborating across traditional and non-traditional boundaries, together with service and personal improvement. They will be confident, innovative and competent enablers on the Council's behalf.

Our structures, roles, policies and procedures will be aligned to encourage enterprise, ambition, autonomy and individual ownership, where people are empowered to challenge the status quo and behaviours that are not in line with Council values. People will feel appreciated and valued for their efforts. They will be encouraged to learn and develop to effectively deliver the organisation's objectives.

Our objectives and actions linked to this vision are provided below. They detail the planned interventions for continuing, significant improvements in organisational effectiveness. They will include systematic assessment and diagnosis of methodologies, whole system changes and changes in culture; the unconscious side of the organisation.

3. Organisational Values

Our core values, developed with our employees, reflect both our current state and our ambition to be a team based organisation as defined in our behaviour framework.

- **T** -Together
- **E** -Enterprising
- **A** - Ambitious
- **M** -Meeting Customer Needs

4. OD Strands

Over the lifetime of the strategy our organisational focus will fall around three key strands of development:

- Visible and values led leadership
- Collaboration and Partnerships
- Organisational efficiency and connectivity

An action plan linked to the strands below is attached at Appendix 1.

We will:

- Provide **visible and values led leadership**, by developing or recruiting leaders that are ambitious for their service and the Borough. We will develop visionary, effective and enterprising leaders who are open to feedback, who engender a values driven culture where all employees are empowered to deliver high quality services, encouraged to bring forward new ideas or challenge existing ways of working. We will focus on the wellbeing and resilience of our diverse workforce, with reward and recognition systems that attract, retain and value our talent, having organisational and personal skill development that creates fluid career pathways across services, other sectors and partners. We will focus on the climate change emergency and work to ensure all staff and partners engage on this agenda.
- Strengthen and build our **collaboration and partnerships**, by developing interrelationships and shared working opportunities with the public, private, voluntary, and third sectors for the longer term, identifying new or softer relationships that work toward a common aim to create win-win solutions for our citizens.

- We will strengthen our **organisational efficiency and connectivity** through developing working practices that are smarter, flexible and joined up. We will restructure tasks, reshaping and remodelling structures, and make appropriate investments in technology where this will improve efficiency and effectiveness. We will ensure that we have strong diverse reach of communication channels and methods to ensure effective engagement with our residents, partners and employees. We will enhance our team-based organisation approach by holding in-person meetings as far as possible notwithstanding the benefits of a hybrid approach where this is appropriate. To effectively measure and demonstrate the impact over time of our projects and activities both within and external to the organisation

5. Implementation

We will take every opportunity to involve our employees directly and through trade unions and our partners in the organisational changes, understanding that we need to support our people and manage the risks and anxieties, whilst making the creative changes for a sustainable future.

The OD Strategy and the associated action plan will be owned by the Management Team and implemented through the Team Burnley Programme Board. Policies and procedures and guidelines will be developed in a way that supports the strategy.

6. Monitoring and Evaluation

The Strategy will be formally reviewed on an annual basis to ensure that the priorities it sets are the right ones and monitored through the TEAM Burnley Programme Board

Progress towards the aims and objectives will be measured by:

- Residents surveys & customer feedback
- Employee survey;
- Value for money analysis;
- Progress towards agreed performance targets;
- Feedback from stakeholders

Other assessment tools may be developed that include focus groups and one-off surveys.

Appendix 1

**Organisational Development Action Plan
2022 – 2027**

Visible and values-led Leadership	Objectives and Actions	Owned by	Updates
	Continue to develop leadership capabilities, fully embedding a culture of inspirational leadership through the Talent Management and Corporate Coaching programmes and Colleague Conferences and TEAM awards	CEO and COO, People and Development	
	Encompass the need for leaders and managers to be visible and engaged promoting connection, compassion and collaboration through face-to-face and hybrid working	CEO and COO	
	Develop and promote the development opportunities for councillors.	Legal and Democratic Services / Member Structures Working Group	
	Encourage empowered high performance, driven by: <ul style="list-style-type: none"> • Coaching and mentoring culture • Effective talent management and succession planning 	CEO, COO, Heads of Service, People & Development	
	Progress towards Platinum Carbon Literacy Accreditation through connection with partners and measurable action plan/climate change strategy.	COO, Climate Change Programme Manager	
	Provide data on progression/destination for apprentices and trainees	People and Development	
	Continue to support the wellbeing needs of our employees through effective Be Well initiatives	People and Development, H&WB Group	

	<p>Engaging and nurturing talent</p> <ul style="list-style-type: none"> • Facilitating career pathways over traditional boundaries • Make best use of the resources in the Apprenticeship Levy • Succession planning / knowledge management • Inclusive talent approach – everyone has the potential to make a special contribution • Promoting jobs and careers within the public sector • Addressing any diversity issues identified in the workforce plan • Facilitate career self-management • Talent Management programmes • Facilitate internal Leadership & Management programme in order to be time and cost efficient • Develop the needs of our diverse workforce to reflect the demographic of our population 	<p>People and Development, Middle leaders</p>	
	<p>Deliver an annual comprehensive corporate learning and development programme based on a training needs analysis that includes bespoke service requirements and continues to develop management capacity, talent management, employee safety and wellbeing</p>	<p>People and Development</p>	

Collaboration and Partnerships	Objectives and Actions	Owned by	Updates
	Revise the Council's employee volunteering policy and effectively measure the uptake and impact of the policy over time e.g. amount raised for charity, number of hours, number of people engaged year on year across the Council and the impact of the volunteering projects engaged in. Promote Place based volunteering opportunities.	People and Development, Policy and Engagement	
	Develop and recognise the impact of engaging and cultivating stronger partnerships such as with government agencies, education, housing agencies and voluntary sector.	Heads of Service, CEO and COO	
	To support local learning establishments through volunteering, career advice, coaching and mentoring and workshops plus professional advice and support.	People and Development	
	Engage with partners to serve community need and promote the Place so customers witness collective intent and purpose/vision	Heads of Service	
	Work in collaboration with partners to support residents during cost of living difficulties	CEO & COO Heads of Service	

Organisational Efficiency and Connectivity	Objectives and Actions	Owned by	Updates
	Further develop effective hybrid working arrangements driven through trust and supporting flexibility and efficiency in parallel with excellent customer services and standards	CEO People & Development	
	Empower middle leaders to increase involvement and participation, ownership and cross departmental working via the Middle Leader Group	Chief Operating Officer and Heads of Service	
	Deliver the agreed technological systems and associated improvements as detailed in the Council's Digital Strategy.		
	<ul style="list-style-type: none"> Office 365, TEAMS telephony and SharePoint online to improve cyber security and mobile working and to ensure that customers get a timely response on the telephone 	All services	
	<ul style="list-style-type: none"> Idox Uniform to enable end to end digital processes and mobile working 	DC team, land charges, housing, Streetscene	
	<ul style="list-style-type: none"> Promoting channel shift by nudging residents to go digital through improved web transaction services and promoting the digital as the primary way of contacting us while continuing to support vulnerable customers who cannot transact online. 	Policy and Engagement	
	<ul style="list-style-type: none"> Improve management and use of geographical information 	DC team, Streetscene, Economy and Growth	
	<ul style="list-style-type: none"> Developing the digital approach to delivering selective landlord licensing 	Private Sector Housing team	
	<ul style="list-style-type: none"> Business efficiency review of the Liberata contract 	COO	
	<ul style="list-style-type: none"> Ensuring we have the IT to support efficient hybrid working patterns 	Policy and Engagement	
Strengthen communication of positive achievements externally and internally through new communications and engagement strategy. Monitor and share positive feedback received through social media channels.	Policy and Engagement		

Appendix 2- Results from the 2020-22 Strategy by Theme

Provide great **leadership**, by developing or recruiting visionary, ambitious, effective and enterprising leaders who are open to feedback, who engender a values driven culture where all employees are empowered to deliver high quality services, encouraged to bring forward new ideas or challenge existing ways of working

- Continued to support capacity groups. Corporate coach supervision and allocation continues with a focus on new starters and managers
- Colleague Conferences held
- Used our Apprenticeship Levy to fund professional qualifications, degree apprenticeships and Level 2 & 3 apprenticeships in horticulture and business administration
- Updated a variety of HR, H&S or L&D strategies, policies and procedures to an agreed schedule to ensure the Council is operating efficiently and effectively
- Modified our PDR process to meet the changing needs of managers and employees during the pandemic
- Annual corporate training calendars delivered on budget and making use of digital/online interventions where appropriate
- Introduced hybrid working and achieved a staged process to minimum 3 days in the office
- Carbon Literacy Bronze award achieved. Carbon Champions identified with a place for train the trainer and organisation roll out.

Strengthen and build our **partnerships**, by developing interrelationships and shared working opportunities with the public, private, voluntary, and third sectors for the longer term, identifying new or softer relationships that work toward a common aim to create win-win solutions for our citizens

- Promoted volunteering opportunities when available. Employees have volunteered to assist with Burnley Together telephone lines, Covid-19 testing sites, delivery of food parcels and working with the Community Grocery.
- Attended career events and arranged building aspirations sessions with local schools.
- Continue to support work experience programmes
- Engaged 7 kickstart placements that completed the 6-month programme. 70% of these have secured continued employment with the Council.
- Joint working with Calico to establish Burnley Together
- Continued partnership with Urbaser, Burnley Leisure and Liberata
- UCLAN partnership

Be **business efficient** and improve productivity through technology that is literate, flexible and joined up, making appropriate investments, restructuring tasks, reshaping and remodelling structures. To effectively measure and demonstrate the impact over time of our projects and activities both within and external to the organisation

- Various in-service restructures and workforce planning activity
- Hybrid working in place and roll-out of necessary IT is almost complete
- Manager/employee self-serve project on HR21 has been completed
- Automated recruitment process via JobsGoPublic in partnership with Liberata
- Improved wi-fi in Council buildings

Empower and engage, with a focus on the wellbeing and resilience of our diverse workforce, with reward and recognition systems that attract, retain and value our talent, having organisational and personal skill development that create fluid career pathways across services, other sectors and partners. Communicating actively and positively our achievements to both employees and our residents

- Staff engagement survey took place in Summer 2022
- Apprentice levy fully spent
- Career fairs and other events attended to promote careers within local government
- Completed unconscious bias training
- Kickstart programme was a success with 70% of those engaged securing continued employment with the Council
- Mental Health First Aid refresher training took place in March 2022
- Bereavement support officers trained and in place
- Focus on mental wellbeing during the pandemic
- Covid-secure working practices have been in place throughout
- Continue to provide an Employee Assistance Programme for all employees and elected members
- Procured new supplier for Occupational Health provision – Healthwork
- Menopause Champions introduced
- Employee-led groups continue to be supported e.g. fitness classes, lunchtime walks, weigh-ins, knitting and crocheting

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PLANNING FOR HEALTH SUPPLEMENTARY PLANNING DOCUMENT (SPD)

REPORT TO THE EXECUTIVE



DATE	26 October 2022
PORTFOLIO	Economy and Growth
REPORT AUTHOR	Elizabeth Murphy
TEL NO	Ext 7286
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PURPOSE

1. The purpose of this report is to seek the adoption of Planning for Health Supplementary Planning Document (SPD).
2. The SPD has been prepared to support the implementation of Burnley's Local Plan. It has been the subject of formal statutory consultation. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

RECOMMENDATION

3.
 - (1) That Executive adopt the Planning for Health SPD (attached at Appendix A).
 - (2) That the Strategic Head of Economy and Growth be authorised by the Executive to make any minor typographical corrections to the SPD required prior to its publication.

REASONS FOR RECOMMENDATION

4. To meet the commitment to preparing a Planning for Health SPD as set out in the Council's Local Development Scheme (LDS) and through the Council's involvement in the Pennine Lancashire Childhood Obesity Trailblazer Programme.

SUMMARY OF KEY POINTS

Overview of the SPD

5. The draft SPD highlights the key links between the planning system and health and discusses how the policies of the Local Plan, in accordance with its objectives, seek to protect and/or improve people's physical and mental health and address health inequalities.

6. It identifies four health themes, and for each key policy/policy clause it identifies three levels of impact in relation to the issue and its relative importance (not the importance of the health issue itself but rather the importance of the planning tool in seeking to address it).
7. By explaining the health impact of policies in more detail than is set out in the Local Plan, and by categorising the impacts and their relative importance, the SPD aims to better inform planning decisions and the 'planning balance'.

Planning Reform

8. The SPD is written to support the current adopted local plan and current national policy. It does not take account of the proposed planning reforms set out in the Levelling Up and Regeneration Bill. Should the changes set out in the Bill be implemented, the SPD content would need to be reviewed or withdrawn. It would need to be kept under review in any event.

Consultation

9. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this period to six weeks to allow more time for interested parties to respond.
10. Consultation took place between 29 June and 10 August 2022
11. 12 duly made responses were received which included a number of detailed comments.
12. A schedule of the comments made and suggested responses is attached at Appendix B. There was general support for the SPD and its production, with some detailed suggestions for additional or amended wording.
13. The revised SPD taking into account the recommended responses is attached at Appendix A.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

14. £3,000.00 was received towards the work involved in preparing the SPD through the Pennine Lancashire Childhood Obesity Trailblazer Programme and the work will be completed within this and existing budgets. As such, there are no financial implications directly associated with this report.

POLICY IMPLICATIONS

15. The Planning for Health SPD will be a material consideration when considering relevant applications. Its production fulfils an existing commitment in the Council's LDS.

DETAILS OF CONSULTATION

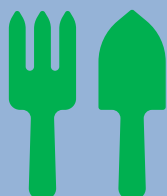
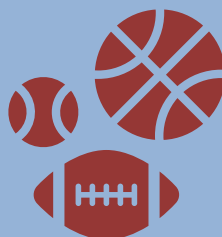
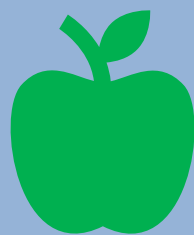
16. As set out in paragraphs 9-13 of the report.

BACKGROUND PAPERS

None

FURTHER INFORMATION**PLEASE CONTACT:****Elizabeth Murphy****ALSO:****Erika Eden-Porter**

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Planning for Health:

Supplementary Planning Document (SPD)

Adoption Draft for Executive - October 2022

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Contents

1. Introduction	5
1.1 The Purpose and Scope of the SPD	5
1.2 Planning-related Health Impacts	5
The Wider Determinants of Health	5
The Role of Planning	6
Physical Health	6
Mental Health	7
1.3 Key Health Issues in Burnley	8
2. Policy Context Overview	15
2.1 National Planning Policy	17
2.2 Local Policy	18
2.3 Other Health-related Strategies, Initiatives and Guidance	20
3. Local Plan Policies Overview	23
3.1 Introduction	25
3.2 Local Plan Health Impacts	25
3.3 Themes and Impacts	26
3.4 How to use this SPD	27
4. Environmental Protection Policies	29
4.1 Policy NE5: Environmental Protection	31
4.2 Policy SP5: Development Quality and Sustainability	33
5. Open Space and Infrastructure Policies	37
5.1 Policy SP6: Green Infrastructure	39
5.2 Policy NE2: Protected Open Space	41
5.3 Policy IC5: Protection and Provision of Social and Community Infrastructure	42
5.4 Policy HS1 – HS7: Housing Developments	46
6. Sustainable Travel and Transport Policies	49
6.1 Policies IC1 to IC3: Travel and Transport Policies	51
7. Food Environment Policies	53
7.1 Policy TC7: Hot Food Takeaways	55
8. Policy Health Impact Matrix	62
9. Monitoring and Review	63
Appendix A: Local Plan Objectives	66
Appendix B: Use Class Reforms	67
Appendix C: Fast Food and Hot Food Takeaway Statistics	69
Appendix D: Secondary Schools Map	71

Table/Figure 1:	The Dahlgren and Whitehead model of the Main Determinants of Health.....	6
Table/Figure 2:	Life Expectancy at Birth	8
Table/Figure 3:	Mortality Rates by Disease	9
Table/Figure 4:	Infant Mortality Rates	10
Table/Figure 5:	Obesity in Children (Year 6 ages 10-11)	10
Table/Figure 6:	Day-to-day activities limited by long term illness or disability 2011 Census ..	10
Table/Figure 7:	Physical Activity – Active Lives Survey	11
Table/Figure 8:	Households in fuel poverty in East Lancashire 2019	13
Table/Figure 9:	Changes Places Toilet Facilities installed.....	36
Table/Figure 10:	Diagram of Town and District Centre zones	58

1. Introduction

1.1 The Purpose and Scope of the SPD

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

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

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

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

1.2 Planning-related Health Impacts

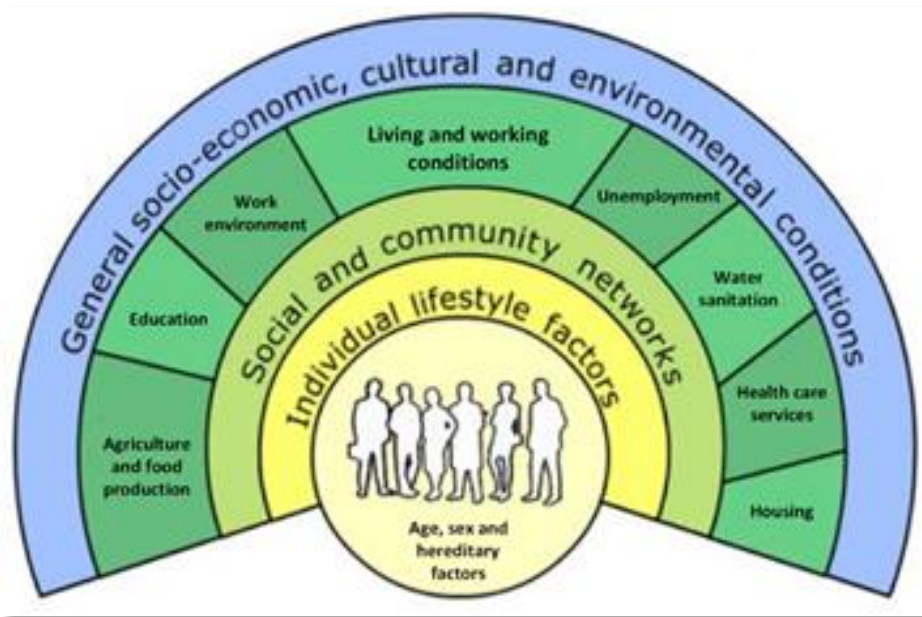
The Wider Determinants of Health

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

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

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

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



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

The Role of Planning

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

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

Physical Health

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

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

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

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

Mental Health

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

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

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

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

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

¹ [Physical health and mental health | Mental Health Foundation](#)

² [Loneliness Research | Campaign to End Loneliness](#)

1.3 Key Health Issues in Burnley

Population

1.3.1 The borough's population in 1991 was 92,000, by 2011 it had fallen to 87,000.³ The most recent ONS 2020 mid-year population estimate (MYE) indicates a seventh consecutive year of growth and that Burnley's population now stands at 89,344.

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

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

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

Health and Deprivation

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

1.3.6 The Indices of Deprivation⁵ 2019 ranked Burnley as the 8th most deprived area out of 326 local authority areas in England (based on rank of average scores). In 2015 it was ranked 9th. The most prevalent form of deprivation in Burnley relates to health and disability.

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

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

Table/Figure 2: Life Expectancy at Birth

	Year	Burnley	Lancashire (12)	England
Males	2010-2012	75.6	78.0	79.1
	2011-2013	75.6	78.2	79.3
	2012-2014	76.1	78.4	79.4
	2013-2015	76.3	78.5	79.5

³ ONS population mid year estimates (MYE)

⁴ Source ONS MYE

⁵ [English indices of deprivation 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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

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

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

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

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

Table/Figure 3: Mortality Rates by Disease

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

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

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

Table/Figure 4: Infant Mortality Rates

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

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

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

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

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

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

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

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

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

Source: ONS 2011 Census

Activity Levels

1.3.14 Since November 2015, Sport England has conducted a survey called the ‘Active Lives Survey’ which measures sport and physical activity level across England.⁷

1.3.15 The survey from May 2020/21⁸ found that in Burnley:

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

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

Table/Figure 7: Physical Activity – Active Lives Survey

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

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

Housing Stock

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

1.3.18 Much of the terraced housing stock comprises pre-1919 two bedroomed houses and this not only constrains choice in the housing market, but can have health impacts. A majority of the terraced stock has no off-street parking, a small rear yard and in most cases no front gardens. The limited private amenity space together with modern refuse and recycling arrangements means there is very

⁷ Source: Sport England [Active Lives data tables](#) | Sport England

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

little space for people to have any form of greenery or food growing at home and limited opportunities for sitting out in the fresh air or sunshine, in private, or away from refuse bins.

1.3.19 Furthermore, levels of excess cold and poor thermal comfort in Burnley's housing stock are higher than the England average and in 2009 13,100 homes failed the thermal comfort criterion of the decent homes definition.⁹

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



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

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

Fuel Poverty

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

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

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

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

⁹ According to the 2009 Pennine Lancashire House Condition Survey

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

1.3.26 The 2019 results indicated that in Lancashire, 71,822 households (13.7%) were in fuel poverty. Within Lancashire, Pendle (17.3%) had the 26th worst rate in the country, whilst Burnley at 16.4% had the 42nd worst rate. Whilst Burnley had improved in the England ranking from the 20th worst overall, this still represents a worse position than in 2018 when the number was 5,353 equating to 13.6% (BEIS/Lancashire Profile).

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

1.3.28 In February 2021 a new fuel poverty strategy was published¹⁰ and a new fuel poverty metric 'Low Income Low Energy Efficiency' (LILEE) was set out in the strategy. The LILEE indicator considers a household to be fuel poor if:

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

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

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

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

1.3.29 The issues of thermally inefficient stock and higher than average levels of fuel poverty overlap.

1.3.30 There have been dramatic rises in the wholesale energy prices since summer 2020 and more and more customers are facing large increases in bills as fixed rate deals end and standard tariff rates increase. From 1 April 2022, the Ofgem price cap for direct debit customers increased by £693, rising to £1,978 per year (increasing from £1277 in October 2021). Customers paying via other methods, such as prepayment meters, had higher tariff caps. In addition to some targeted and universal support

¹⁰ Sustainable warmth: protecting vulnerable households in England - GOV.UK (www.gov.uk)

for domestic customers in 2022/3, the Government has announced an Energy Price Guarantee which is to come into effect on 1 October 2022 and will limit (cap) the unit cost of electricity and gas so that a household with typical energy use in Great Britain pays, on average, around £2,500 a year on their energy bill until April 2023. This cap was originally intended to remain for “the next two years”, but the Government has subsequently announced a Treasury-led review into how it supports energy bills beyond April 2023.

1.3.31 These rising costs will no doubt increase the numbers of people in fuel poverty.

Fast Food and Takeaways

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

1.3.33 Public Health England (PHE) data published in 2018 showed the density of “fast food outlets” for each local authority in England, with the figures ranging from 26 to 232 outlets per 100,000 population, with the average across England being 96.1. It indicates that there were 147 fast food outlets in Burnley giving a density of 168, the 3rd highest in England. Figures for the number of outlets in each ward is also available.¹¹ This data does not just include hot food takeaways but also restaurants and other establishments selling certain types of fast food.

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

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



Further Information

1.3.36 Further information on health is set out on the Council's [Authority Monitoring Report \(AMR\)](#) and Public Health England’s local authority health profiles.¹² [Local Authority Health Profiles - OHID \(phe.org.uk\)](#)

¹¹ Fast food outlets: density by local authority in England - GOV.UK (www.gov.uk)

¹² [Local Authority Health Profiles - OHID \(phe.org.uk\)](#)

2. Policy Context Overview

2.1 National Planning Policy

2.1.1 National planning policy exists in the form of the National Planning Policy Framework (NPPF)¹³ and a small number of other policy documents and Written Ministerial Statements (WMS), supported by a regularly updated online practice guidance covering a series of themes (NPPG).¹⁴ It also exists in the provisions of relevant legislation. Local Plans are prepared to be consistent with national policy.

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

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

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling'.¹⁵ (Para 92c)

2.1.4 The NPPF also states that:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." (Para 119)¹⁶

2.1.5 The National Design Guide 2021¹⁷ also highlights key environmental elements that promote health, including the section 'Nature' (p26-29):

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

2.1.6 The National Model Design Code 2021¹⁸ sets a baseline standard for quality and practice which local planning authorities are expected to take into account when determining applications, including *"how the design of new development enhances the health and wellbeing of local communities and creates safe, accessible and active environments"* (Part One, Para 11)

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

¹³ Current version 2021 [National Planning Policy Framework](#)

¹⁴ [Planning practice guidance - GOV.UK \(www.gov.uk\)](#)

¹⁵ Mention of access to healthier food and allotments were specifically added to the 2018 version and the creation of community orchards in the 2021 version Para 131

¹⁶ Reference to 'healthy living conditions' was first mentioned in the 2018 NPPF. The 2012 NPPF use the phrase 'acceptable living standards'. This is a clarification rather than a change in policy and seeks to highlight the link between these matters and health

¹⁷ [National design guide - GOV.UK \(www.gov.uk\)](#)

¹⁸ [National Model Design Code National Model Design Code - GOV.UK \(www.gov.uk\)](#)

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

Planning Reform

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

2.2 Local Policy

Burnley's Local Plan

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

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

Strategic (Corporate) Plan

2.2.3 The Council's Strategic Plan (February 2021)¹⁹ sets out how the Council will address the key challenges facing the borough, grouped under four strategic policy themes: People, Places, Prosperity and Performance.

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

2.2.5 Whilst the Local Plan cannot introduce policies directly addressing the refurbishment of the existing housing stock, through the Plan's Vision, Objectives and suite of policies and allocations which support economic growth, it aims to facilitate and support wider improvement and investment in the existing housing stock. This is supported by a wide range of complementary actions such as the Council's Empty Home Programme, Selective Licencing, Good Landlord and Agent Scheme and various grant schemes.

Community Recovery Plan

2.2.6 The Council has also developed a Community Recovery Plan which sets out a co-ordinated multi-agency partner approach to assisting with the local recovery from the Covid-19 Pandemic which began in 2020. This includes a number of actions for the period up to March 2021, under the interlinked categories of impact including economy; health and wellbeing; community and inclusion.²⁰

¹⁹ Burnley Council Strategic Plan 2019 (modern.gov.co.uk)

²⁰ Community Recovery Plan November 2020 1.pdf (modern.gov.co.uk)

Climate Change Strategy

2.2.7 In July 2019 the Council declared a climate emergency to highlight the importance and urgency of the issue. To support this declaration the Council adopted a 5-year [Climate Change Strategy](#) in February 2022 that draws together all the work that the Council is doing, and intends to do, to tackle the issue and ensure that it does everything practically possible to limit Burnley's contribution to global climate change and adapt to its effects.

Facilities-related strategies

Green Spaces Strategy

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

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

Play Area Strategy

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

Playing Pitch Strategy

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

2.2.11 In accordance with the Local Plan, where Sport England raise an objection to the loss of any existing playing pitch or field and requires replacement provision, or requires new provision to support development and this is backed up by up to date evidence, in particular through the PPS; the Council may seek contributions from developers towards this, and such contributions will be prioritised as being 'necessary and critical' and thus 'priority 1'. In cases where suitable replacement cannot be achieved, planning permission would normally be refused.²¹

²¹ See [Developer Contributions SPD 2020](#)

Together an Active Burnley

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

2.3 Other Health-related Strategies, Initiatives and Guidance

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

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

Local Authority Healthy Weight Declaration

2.3.3 The Healthy Weight Declaration was designed by Food Active to support local government in developing and implementing policies which promote healthy weight. The Council signed up to this declaration in 2022.²²

Pennine Lancashire Childhood Obesity Trailblazer Programme

2.3.4 The 'Healthier Place Healthier Future' Programme (HPHF) is one of five Government funded childhood obesity trailblazers.²³ Referenced in the Childhood Obesity Plan: Chapter 2, the trailblazer programme supports local authorities to test existing levers to improve child health and increase the prevalence of healthy weight. The programme is commissioned by the Department for Health and Social Care (DHSC) and delivered by the Local Government Association (LGA).

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

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

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

- **System leadership:** working with system leaders to engage and inspire action to support healthy weight and more broadly the health and wellbeing agenda.

²² Food Active | Local Authority Declaration on Healthy Weight

²³ Childhood Obesity Trailblazer Programme | Local Government Association

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

The Planning Lever

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

2.3.9 The agreed planning related actions, include:

- Development of a Planning for Health SPD (for Burnley to be adopted by June 2022)²⁴
- Conducting a ‘deep dive’ into the policies, planning decisions and appeals relating to food outlets in Pennine Lancashire.
- Developing a joint planner’s agreement on health.

Together an Active Future

2.3.10 The Pennine Lancashire Together an Active Future (TaAF) initiative is one of twelve Sport England Local Delivery Pilots (LDPs).²⁵ TaAF has small teams across Pennine Lancashire whose role is to bring together local people and partners and improve the opportunities for people to be more active.

2.3.11 Sport England has also published a new 10 year strategy [Uniting the Movement](#) which seeks to tackle the long-standing inequalities in sport and physical activity.

25 Year Environment Plan

2.3.12 The government’s [25 Year Environment Plan](#) published in 2018 sets out its goals for “*improving the environment, within a generation, and leaving it in a better state than we found it*”. It details how government will work with communities and businesses to do this. It sets out what the government will be doing over the next 25 years. It includes policies/goals to connect people with the environment to improve health and wellbeing (chapter 3), including through new development.

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

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

²⁴ SPD's were to be supported initially in Rossendale and Pendle and then in Burnley, Hyndburn and Ribbles Valley

²⁵ [Local delivery | Sport England](#)

2.3.14 Public Health England's 2020 publication 'Using the Planning System to Promote Healthy Weight Environments'²⁶ postdates the adoption of Burnley's Local Plan. It does not include anything that is incompatible with the Local Plan approach, and it provides a useful overview of the ways in which the planning system can improve health outcomes around diet, obesity and physical activity and create a healthy weight environment. A healthy weight environment is one that supports individuals and local communities in maintaining and achieving a healthy weight through facilitating access to healthier food and active environments.

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

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

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

National Obesity Strategy

2.3.18 The 2020 policy paper 'Tackling obesity: empowering adults and children to live healthier lives'²⁷ outlines actions the government will take to tackle obesity and help adults and children to live healthier lives.

Social Prescribing

2.3.19 Social Prescribing is a non-medical intervention to support people's health and wellbeing. Referral routes are typically GPs, other medical professionals and include self-referrals.

2.3.20 These interventions are often provided by the Voluntary, Community, Faith and Social Enterprise sector (VCFSE). Green Social Prescribing involves referrals to nature-based interventions and activities that link people to natural environments.

Lancashire Health and Well Being Board

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

2.3.22 It coordinates a Health and Wellbeing Board made up of key leaders from the health and care system in Lancashire to work together to improve the health and wellbeing of the local population and identify the priority health and wellbeing needs of the area (using the Joint Strategic Needs Assessment). It published an annual report on the state of our health and wellbeing across Lancashire: Report of the Director of Public Health 2020/21.

²⁶ Healthy weight environments: using the planning system - GOV.UK (www.gov.uk)

²⁷ Tackling obesity: empowering adults and children to live healthier lives - GOV.UK (www.gov.uk)

3. Local Plan Policies Overview

3.1 Introduction

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

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

Key Issues & Challenges:

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

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

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

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

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

3.1.6 These included Objective 7: *“To improve physical and mental health and reduce health inequality”*; with three sub-objectives/questions: 7a. *Will it promote healthier lifestyles?* 7b. *Will it reduce health inequalities among different groups in the community?* and 7c. *Will it reduce isolation for vulnerable people?*²⁸

3.2 Local Plan Health Impacts

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

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

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

²⁸ Sustainability Appraisal | Burnley Borough Council

3.2.4 Policies have been grouped as follows:

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

3.3 Themes and Impacts

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

Theme 1 - Policies that protect people from harm

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

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

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

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

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

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

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

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

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

3.4 How to use this SPD

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

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

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

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

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

Planning Application Submissions

Validation Checklist

3.4.6 The Council's validation checklist²⁹ sets out the requirements for planning submissions. It requires all 'major' applications to be accompanied by a number of assessments (and some non-major applications in specific circumstances). At present, a separate health impact assessment (HIA)³⁰ is not required. For major applications however, a 'planning statement' is required.

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

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

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

²⁹ [Planning Application Validation Checklist 1st November 2017.pdf \(burnley.gov.uk\)](#)

³⁰ [Health Impact Assessment in spatial planning - GOV.UK \(www.gov.uk\)](#)

4. Environmental Protection Policies

4.1 Policy NE5: Environmental Protection

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

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

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

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

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

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



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

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

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

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

Limitations

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

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

Summary

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

4.2 Policy SP5: Development Quality and Sustainability

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

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

Energy Efficiency and Water Consumption

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

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

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

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

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

Unneighbourly development

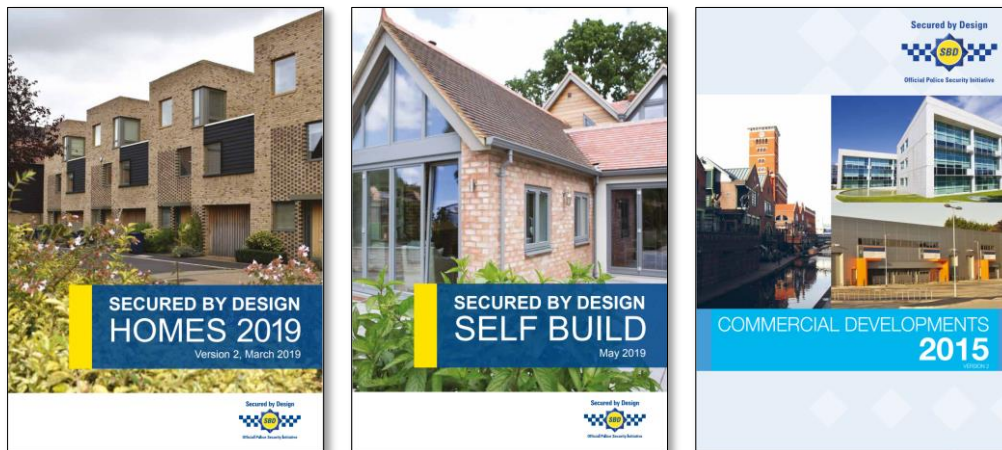
4.2.7 **Policy SP5 Clause 2) g) and h)** seek to protect people from unneighbourly development which could have an adverse impact on their mental health and to ensure adequate conditions for occupiers of new development. For new housing development and home extensions, Policy HS4 and HS5 have specific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

Crime

4.2.8 **Policy SP5 Clause 6)** seeks to reduce crime and the fear of crime through designing safer places. Crime and the fear of crime has a significant effect on people's mental and/or physical health both directly and indirectly through deterring healthy lifestyles.

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

4.2.10 Design solutions to reduce crime and the fear of crime need to be considered on a case by case basis - there is no single solution. Advice on the crime context (e.g., the type and level of crime experienced in the locality) and suitable prevention measures is provided by Lancashire Constabulary in response to certain major applications.³¹



Design, Layout and Appearance

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

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

4.2.13 Updated versions of the NPPF were issued in 2018, 2019 and 2021 and a new National Design Guide was issued by the government in 2021.³² The 2018 version of the NPPF added reference to

³¹ Secured by Design - Lancashire Constabulary - Designing Out Crime

³² National design guide - GOV.UK (www.gov.uk)

healthy living conditions (Para 119). The 2021 version significantly strengthened policies towards design. Together these changes are a material consideration which add weight to/strengthen aspects of SP5 clause 2).

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

4.2.15 In July 2020, Design for Homes, a social enterprise company, in partnership with Homes England, NHS England and NHS Improvement, announced that the Government endorsed industry standard for well-designed homes and neighbourhoods 'Building for Life 12' (to which the Local Plan refers at para 4.5.21), is to be replaced by 'Building for a Healthy Life'.³³ The new initiative puts a greater focus on healthier communities by encouraging healthier lifestyles to be considered as an important aspect of design in the development of new housing and neighbourhoods.

Accessibility

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

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

4.2.18 The Local Plan at Para 4.5.22 states that good design should contribute positively to making places better for people, to create environments that make the active choice the easy and attractive choice for people and communities, and this important aspiration is reflected in the requirements of Policy SP5 and other policies in the Local Plan (such as IC1 to IC3). Further information can be found in 'Active Design' prepared by Sport England, which is intended to promote the right conditions and environments for individuals and communities to lead active and healthy lifestyles.

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

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

4.2.21 In January 2021 the building regulations were amended to require changing place facilities to be included in a wide range of large facilities that provide public access including sport, recreation and entertainment venues, shopping centres and large retail stores.³⁴

³³ [Building For Life | Design for Homes](#)

³⁴ [The Merged Approved Documents \(publishing.service.gov.uk\)](#)

Table/Figure 9: Changes Places Toilet Facilities installed

Year	Location	Facilities
2018/19	St Peters Leisure Centre	1
2019/20	Charter Walk Shopping Centre, Burnley	1
	Tesco Extra, Burnley	1
	Towneley Park	1
	Burnley Football Club	1
2020/21	N/A	0

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

Limitations

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

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

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

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

Summary

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

5. Open Space and Infrastructure Policies

5.1 Policy SP6: Green Infrastructure

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

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

5.1.2 Access to GI can has a positive impact on people’s physical and mental health. GI reduces pollution, can reduce the risk of flooding and its effects, including as part of SuDS schemes, and provides opportunities for formal or informal physical activity, social interaction and the enjoyment of nature. This, importantly, includes opportunities that are free of charge to use for those on restricted incomes. GI also contributes to climate change mitigation and adaptation.

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



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

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

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

mental and physical health and also the ability of other organisation to deliver their services and initiatives e.g. social prescribing.

Limitations

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

Summary

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

5.2 Policy NE2: Protected Open Space

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

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

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

5.2.3 Whilst Policy NE2 therefore identifies in advance specific open spaces that must be retained in situ, Policy SP6 and Policy IC5 are used in relation to specific development proposals to assess whether it is necessary to protect or provide any other green infrastructure, the type necessary and/or whether this needs to be retained or re-provided elsewhere as compensation or mitigation.³⁵

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

Limitations

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

Summary

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

³⁵ In this context compensation would mean direct reprovision of the facility or opportunity that would be lost, whereas mitigation could include new opportunities or on or off site improvements to address other impacts of the development e.g. biodiversity net gain.

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

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

The Scope of the Policy

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

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

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

- That the existing social or community infrastructure that is on the development site is essential and cannot be relocated and the scheme should therefore be refused;
- That the existing social or community infrastructure that is on the development site is surplus to requirements and can be lost;
- That the demand for the existing social or community infrastructure still exists but that it can be relocated and provide the same local functionality or even be enhanced.³⁶

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

Outdoor sport and recreational facilities and open space

5.3.5 In assessing whether existing open spaces and outdoor sport or play facilities are required to remain in situ³⁷ or be relocated, and whether new facilities must be provided on or off-site, the standards set out in the Council’s Green Spaces Strategy, and proposals in the Burnley Play Area Strategy and Playing Pitch Strategy will be relevant. Policy HS4 specifically addresses the need for new open space and play space in association with new housing development (see next section).

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

³⁶ This could include direct re-provision of the facility or opportunity that would be lost or new similar opportunities.

³⁷ Those protected by Policy NE2 must remain in situ

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

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

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



Community Facilities

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

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

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

Allotments and Community Food Growing Spaces

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

5.3.13 It is recognised that allotments can and do improve community wellbeing, providing a source of fresh food and opportunities for healthy outdoor exercise and social interaction, as well as being a positive resource for people with physical and mental health disabilities.³⁸ This is particularly

³⁸ [growing-community-second--8f5.pdf \(local.gov.uk\)](#)

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

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



Health Infrastructure

5.3.15 Whilst the Local Plan cannot control decisions made by health providers to introduce new, close or relocate facilities, be it the NHS or private companies (e.g. pharmacies); it can inform these decisions. Burnley is fortunate in having a full local plan that identifies many of the sites for development to 2032 and this gives the best opportunity possible for infrastructure providers such as the East Lancashire Hospitals Trust³⁹ (who run Burnley General Hospital) and the NHS Lancashire and South Cumbria Integrated Care Board⁴⁰ (who Commission GP services) to plan their services in the knowledge of where development is likely to happen.

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

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

5.3.18 Policy IC4 sets out that where additional health infrastructure is required directly as a result of new development, this can be something that a developer is asked to provide or to contribute towards. The Developer Contributions SPD sets out how this policy is applied and that any requests for contributions must be supported by a robust evidence of the need for the contribution and how it will be spent. Viability can be taken into account where development, which is otherwise acceptable, cannot afford to make such a contribution, but only where occupants of the development will still

³⁹ The East Lancashire Hospitals NHS Trust (ELHT) was established in 2003 and provides acute secondary healthcare for the people of East Lancashire and Blackburn with Darwen across five hospital sites and various community sites; including Burnley General Teaching Hospital.

⁴⁰ The former Clinical Commissioning Group (CCG’s) were replaced on 1st of July 2022 by new integrated care boards.

have access to appropriate facilities. These types of contributions are 'Priority 2 - necessary and important.'

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

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

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

5.3.22 It was proposed to review the situation periodically with the CCG (now the NHS Lancashire and South Cumbria Integrated Care Board) and wider NHS, to identify where pressures may exist and whether these require support through developer contributions.

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

Limitations

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

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

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

Summary

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

5.4 Policy HS1 – HS7: Housing Developments

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

Privacy and Daylight

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

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

Gardens and Open Space

5.4.3 **Policy HS4 clause 3 a)** sets out the requirement FOR private and functional outdoor space for occupants. This is an important aspect of improving quality and choice in the housing stock. In considering building layout and open space provision, consideration should be given to using buildings and/or landscaping to provide adequate shading.

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

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

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

5.4.7 **Policy HS3** aims to make the most efficient use of land by maximising the density of housing developments whilst meeting other important policy objectives. The policy requires housing developments, unless justified by individual site constraints or development needs, to be at a gross density of at least 25 dwellings per hectare (dph) and at least 40 dph within or close to Town and

District Centres. Allocated sites have their own individual density expectations based on the considerations set out in Policy HS3.

Housing Mix

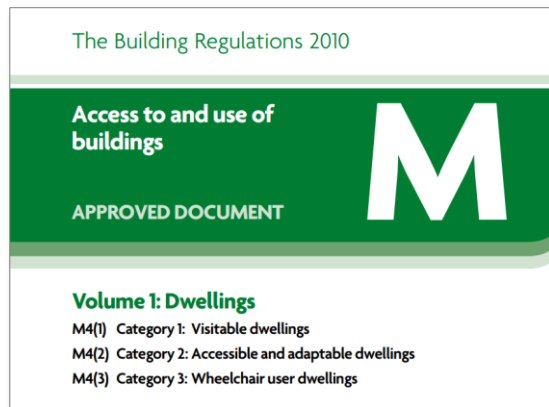
5.4.8 Policy SP1 of the Local Plan sets a requirement for at least 3,880 additional homes. This includes C3 housing of all types and tenures, including C3 Extra Care. It does not include C2 nursing homes or other institutional accommodation. The provision of such accommodation is supported on suitable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

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

5.4.10 **Policy HS2** seeks to ensure there is a sufficient supply of good quality affordable housing and **Policy HS7** that the specific needs of Gypsies and Travellers who practice a travelling lifestyle are met.⁴¹

5.4.11 At least one of the Plan’s housing allocations is identified as being suitable for C3 extra care or sheltered housing. An application for 93 units of affordable rent extra care housing has been approved subject to the signing of a Section 106 Agreement.⁴²

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



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

5.4.13 **Policy HS4 clause 4)** requires a proportion of new homes to be built to the enhanced adaptable standards of the building regulations (Part M4(2)) allowing people with disabilities and/or age-related challenges to remain in their home wherever possible. This policy has a direct role in

⁴¹ Including those who have ceased temporarily - as explained in the Local Plan.

⁴² Site HS1/10 - application 2021/0659. The scheme is not formally approved until the section 106 agreement is signed

preventing harm because these standards ensure occupants and any carers are less prone to accidents and injury, and by helping people to remain in their own homes can also help protect their mental health and reduce healthcare costs with benefits for other users.

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

Limitations

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

Summary

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

6. Sustainable Travel and Transport Policies

6.1 Policies IC1 to IC3: Travel and Transport Policies

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

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

Policy IC1 and IC2 Sustainable Travel and Transport Impacts

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

6.1.3 Policy IC1, supported by Policy IC2 compliment Policy SP4: Development Strategy which focusses development, including employment and new housing, close to local services including sporting facilities and health infrastructure in order to reduce the need to travel. Policies IC1 and IC2 seek to ensure sustainable travel choices are available. These choices include walking and cycling (active travel), which, if undertaken safely, can improve health.^{43 44} They also include public transport for those who do not have access to a private car.

Policy IC3 Car Parking Standards

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

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

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

⁴³ Active Travel in Lancashire - Lancashire County Council

⁴⁴ Lancashire Cycling and Walking Infrastructure Plans - Lancashire County Council

certain exposure levels. They also contribute to climate change, the effects of which can impact on people's health.

6.1.7 Burnley's Local Plan does not take the approach of under-providing parking to encourage or force people to use alternative means of travel to the private car. Rather, Policies IC1-2 adopt a user hierarchy of i) pedestrians ii) cyclists iii) public transport and iv) private vehicles. Together with Policy IC3 the aim of this prioritisation is to allow people to make sustainable and healthy travel choices whilst ensuring people who do not have access to private cars are not socially excluded. Providing inadequate parking can cause accidents and nuisance. The vision and objectives of the Local plan identify the need to improve housing quality and choice including by diversifying away from smaller terraced properties to provide larger aspirational detached and semi-detached homes with gardens and off-street parking.

Limitations

6.1.8 Road safety and traffic management relies also on investment by other public sector agencies, notably National Highways and Lancashire County Council, and on the enforcement of speed limits through legislation via the police.

6.1.9 The availability of public transport is highly dependent on government funding decisions.

Summary

6.1.10 Policies IC1, IC2 and IC3 help protect people's physical and mental health. Aspects of the Policies are identified in this SPD as Theme 1, Impact level 1 (road safety and reducing pollution) and others as Theme 2, Impact level 2 (the role of foot and cycle paths in providing opportunities for physical activity and all modes of sustainable transport in preventing social exclusion) and Theme 3, Impact level 3 (providing access to health infrastructure through public transport and accessible parking).

7. Food Environment Policies

7.1 Policy TC7: Hot Food Takeaways

Relevant Themes:	Impact Level:
Theme 1 - Policies that protect people from harm	1
Theme 2 - Policies that seek to enable people to live healthier lifestyles	3
Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.	2

7.1.1 **Policy TC7: Hot Food Takeaways** seeks to control the location and environmental impacts of new hot food takeaways. The main focus of the policy is controlling the location of new outlets to protect town centres and (mainly residential) amenity. The policy does not refer specifically to health impacts, but these are acknowledged in the supporting text (para 5.3.50).

Links to Obesity

7.1.2 The link between the regular consumption of food from hot food takeaways and obesity has long been established. The food environment plays an important role in promoting a healthy diet, but this is a complex system influenced and determined by a series of factors, including a person’s awareness, ability to access specific food outlets, and affordability.

7.1.3 Takeaway food outlets provide a popular service and contribute to the local economy, particularly the night-time economy. Whilst there is demand for these facilities, it is recognised that takeaway outlets tend to sell food that although tasty, is high in fat, salt or sugar, and low in levels of beneficial nutrients. Regular consumption of these types of foods over time can increase a person’s risk of being overweight or obese as well as increasing the risk of chronic diseases. Some takeaway food can represent a low-cost option to the consumer which may enhance its appeal to children and those with low incomes.

7.1.4 Whilst the 2021 NPPF does not contain specific reference to hot food takeaways, it advises that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, including access to healthier food.⁴⁵

7.1.5 This is supported by the NPPG which indicates that local plans and SPDs can, where justified and evidenced, seek to limit the proliferation of less healthy uses such as hot food takeaways, including on health grounds.^{46 47}

Limitations of Planning

7.1.6 Whilst planning (policy and decisions) can in some circumstances control the location of new hot food takeaways on health grounds, the lack of control over existing outlets and the ability to travel

⁴⁵ Para 92 c). Access to healthier food was not specifically mentioned in the 2012 NPPF to which the Local Plan was written. It was first mentioned in the 2018 version and this change can therefore be a material consideration in planning decisions.

⁴⁶ NPPG Healthy and Safe Communities Para 004. This para (then para 06) was first introduced in July 2017 prior to the adoption of the Local Plan and remains largely unchanged

⁴⁷ SPDs cannot introduce entirely new policies

and/or order online for home delivery means planning's role is severely limited. Control of and demand for existing takeaways is beyond the remit of planning.

7.1.7 More and more people order takeaways by telephone or online for home delivery rather than by visiting outlets. Whilst most online ordering should be restricted to adults who have the ability to pay online; telephone orders where there is the option for cash payment at the point of delivery may be available to children.

7.1.8 Unhealthy food may also be obtainable from cafes and restaurants which offer a takeaway service; and unhealthy food, confectionery, alcohol and sweetened drinks are widely available in other shops and supermarkets, at leisure facilities or at mobile food outlets.

7.1.9 Recent reforms to the Use Classes Order and Permitted Development rights mean that cafes and restaurants can now more easily be created without planning permission. These may serve unhealthy food to eat in or offer an ancillary takeaway service. Many well-known providers of hot food takeaways are classed as restaurants.⁴⁸

7.1.10 Hot Food Takeaways still require planning permission as do pubs, wine bars and other drinking establishments. The latter many also serve food that may or may not be healthy.⁴⁹

7.1.11 Tackling the health implications of excessive takeaway consumption and wider poor-quality food consumption is reliant on a whole system approach to diet and obesity, including societal changes, education, tax regimes, food quality standards (licencing), calorie and allergen labelling, advertising etc.

7.1.12 Many of these wider actions are set out in the government's 2020 policy paper "Tackling obesity: empowering adults and children to live healthier lives" which outlines actions the government will take to tackle obesity and help adults and children to live healthier lives.⁵⁰



High quality takeaway shopfront at St. James's Street, Burnley – Google Street View 2022

⁴⁸ The Use Class is E if the premises is for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises

⁴⁹ See Appendix B for further explanation

⁵⁰ Tackling obesity: government strategy - GOV.UK (www.gov.uk)

Popular Planning Approaches

7.1.13 Despite the clear limitations, a number of local authorities are trying out different approaches to limiting new hot food takeaways through their Local Plans. There is as yet no evidence of the effectiveness of these policies in actually reducing obesity levels, or in most cases, in reducing the overall number of takeaway outlets; but clearly as part of a concerted effort to tackle the issue, these efforts can play a part; particularly in protecting children.

7.1.14 Lancashire County Council has recently updated its non-statutory 'Hot Food Takeaways and Spatial Planning' Advisory Note,⁵¹ and this also sets out some of the research undertaken into the setting and applying of policies limiting the number of new takeaway outlets; although again it does not set out any evidence of a corresponding decrease in obesity levels.

7.1.15 Popular approaches used in local plans elsewhere include:

- **Exclusion zones:** Banning or limiting the number of new outlets within certain distances of secondary schools or places where young people congregate; or limiting their opening hours to avoid times when schoolchildren are likely to be passing.
- **Density limits:** Setting a maximum number or density of units within a certain area above which no new outlets will be supported. These can be based on simple numbers which are easy to administer, or relate to specific obesity or deprivation levels within certain areas e.g. Wards – this is more difficult as these will fluctuate (and hopefully decrease) over time.

Burnley's Local Plan Approach

7.1.16 Whilst Burnley's Local Plan Hot Food Takeaways Policy TC7 does not specifically refer to applications being refused on health grounds, by restricting takeaways in the main to Town and District Centres,⁵² the Plan's approach has a similar effect to the other approaches that seek to restrict new outlets near schools because the borough's secondary schools are away from the Town and District Centres.⁵³ The exception is Coal Clough Academy which is within 400m of Coal Clough Lane and Accrington Road District Centres. The portion of Accrington Road District Centre that falls within 400m of the school contains two hot food takeaways.

7.1.17 The map in Appendix D shows the location of the Town and District Centres, secondary schools and 400 metre radius distances from their site entrances.

7.1.18 Whilst wider design issues are dealt with in other policies, principally Policy SP5; Policy TC7 identifies some of the common issues associated with hot food takeaways which require particular attention, such as waste provision, odours, hours of opening, ensuring adequate parking is available to retain the free flow of traffic, and protecting residential amenity. These clauses protect people from direct harm, and indirect harm through seeking to protect the wider environment.

⁵¹ [LCC hot-food-takeaways-and-spatial-planning. undated](#)

⁵² The policy Clause 1) directs hot food takeaways to the Secondary Frontages of Burnley Town Centre's Primary Shopping Area, to Padiham Town Centre and to the eight District Centres.

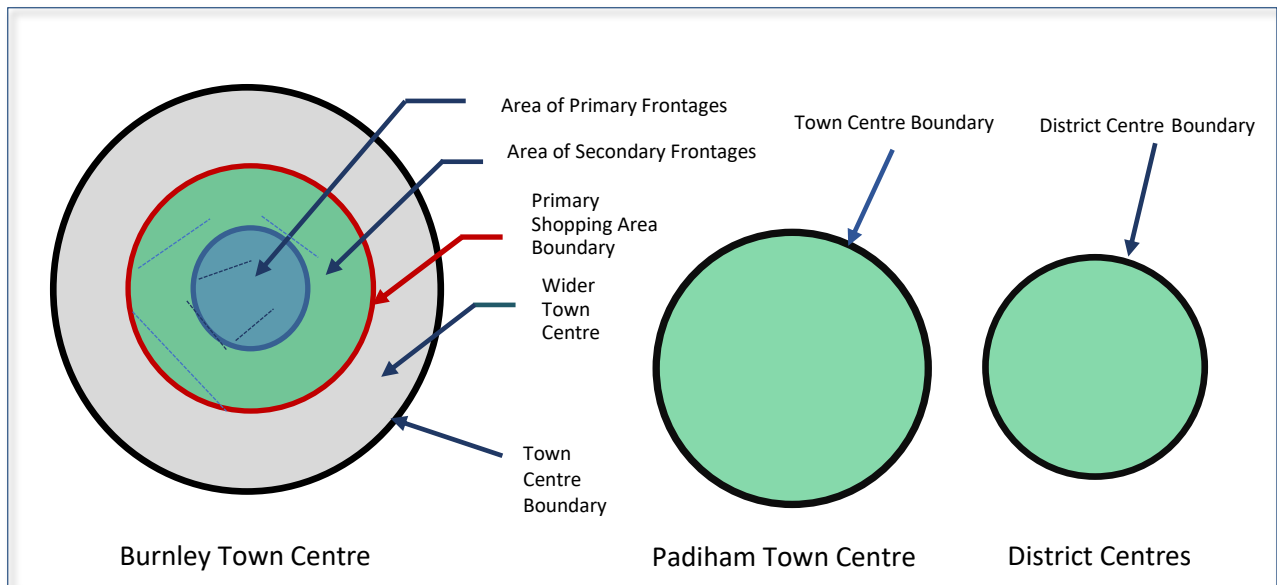
⁵³ In Burnley most of the secondary schools (whose pupils would be most vulnerable to the temptation of takeaways) were rebuilt on new sites in that late noughties.

Town and District Centres

7.1.19 **Policy TC7 1)** identifies three areas where hot food takeaways will “be permitted” providing they satisfy the other clauses set out in Clause 3 of the Policy and any wider plan policies (including Policy TC3). These areas are shown in light green below.

- a) Burnley Secondary Frontage area
- b) Padiham Town Centre
- c) District Centres

Table/Figure 10: Diagram of Town and District Centre zones



Town Centre Clustering:

7.1.20 Concentrating takeaways in Town and District Centres (to protect the vibrancy of the centres and residential amenity) can drive out other retail uses and cause clustering.

7.1.21 Clustering can have negative weight-related health impacts, not only by providing increased temptation and choice, but increased competition can lead to price undercutting and reductions in quality and/or increases in portion size.

7.1.22 It is also sad to say that areas with concentrations of hot food takeaways often display the poorest visual environmental qualities, often (but not always) with poorly designed, inferior quality and inadequately maintained shopfronts, signage and security measures. Close competition can encourage signage which attempts to outbid neighbours. This can have a negative effect on local residents and other businesses and can create a negative image of an area, reducing its attractiveness to visitors and investment which can contribute to a spiral of economic decline that has many health implications.

7.1.23 **Policy TC7 clause 3) a)** ‘Clustering’ allows for the refusal of proposals that would create an unacceptable concentration of hot food takeaways in Burnley’s Secondary Frontages or in Padiham Town Centre.

7.1.24 This clause supports Policy TC3 (Burnley Town Centre Primary and Secondary Frontages) which limits the levels of non-A1 Use Classes in Burnley's Primary and Secondary Frontages (which

together make up the Primary Shopping Area - edged red above) to protect the retail offer.⁵⁴ This clustering restriction only applies in Burnley's Secondary Frontages or Padiham Town Centre because clustering is not likely in Burnley's Primary Frontages (because of the restrictions on non-A1 retail uses in Policy TC3), or elsewhere because of TC7 clause 2).⁵⁵

7.1.25 Changes to the Use Classes Order introduced by the government since the Local Plan was adopted has impacted on the interpretation of the Local Plan's Town Centre policies and in particular on the effectiveness of Policy TC3 in controlling uses and protecting the retail offer. However, some level of control is still possible and national policy on the approach to town centres set out in the NPPF remains largely unchanged and consistent with the approach of the Local Plan. (See Appendix B).

Elsewhere:

7.1.26 **Policy TC7 2)** does allow takeaways outside of the Secondary Frontages of Burnley's Primary Shopping Area, Padiham Town Centre and the District Centres, where the property does not physically adjoin a residential property or other sensitive use outside of the applicant's control.

7.1.27 The wording of the Policy TC7 clauses 1 and 2 and 3 b) is a little confusing, but read as a whole the intention is clear:

- The three areas identified in Clause 1 are the areas where hot food takeaways will "be permitted" (rather than "only be permitted" as stated), providing they satisfy the other clauses set out in Clause 3 of the Policy and any wider plan policies that are applicable (including Policy TC3). New Hot Food Takeaways could therefore adjoin residential properties outside of the applicant's control in these three areas.
- Outwith the three areas identified in Clause 1, Clause 2 applies, which would not normally allow a new takeaway to open adjoining a terraced house, under a flat or in a semi-detached house where any of these are in someone else's ownership. Policy TC7 Clause 3 (especially b) seeks to protect residential amenity generally but clause 2) is much stricter so as to make it clear these are unacceptable locations in principle.
- As worded, this Clause 2 restriction would also apply in Burnley's Primary Frontages and the wider Town Centre of Burnley. This is explained below:
 - The Clause 2 restriction does not refer to the Primary Shopping Frontages area of Burnley (marked blue on diagram) because hot food takeaways are non-A1 uses and are therefore limited in this area by Policy TC3, and TC7 Clause 2 restrictions are also not relevant in this area due to its commercial nature. Clause 2 could have usefully made this clearer.
 - The Clause 2 restriction does not refer to the wider Burnley Town Centre area (marked grey on diagram). National policy supports hot food takeaways in town centres (as set out in TC2 Clause 3), but given the greater mix of commercial and residential uses in this wider town centre area (i.e. beyond the Primary Shopping Area), residential amenity will be an issue. Policy TC7 Clause 3 provides a level of protection for residential and other amenity but the strict restrictions of Clause 2 are not considered relevant in this wider Town Centre area.

⁵⁴ Class A1 is now within a wider Class E along with classes A2 A3 B1a B1c B1b and D2 – see Appendix B

⁵⁵ current statistics for the takeaways in the various retail locations are set out in Appendix C

7.1.28 The suite of Local Plan Town Centre policies TC1-TC8 seek to ensure the Town Centres remain vibrant and can support a range of civic, retail and leisure facilities which has a positive health impact.

Proposed Refined Approach

7.1.29 As discussed above, Policy TC7 does not refer specifically to health impacts but its overall effect, and particularly clause 2), is to limit the amount of new takeaways that could be opened in the more deprived areas of the borough outwith the Town and District Centre boundaries (as the building stock in these areas tends to be predominantly flats, terraced houses or semis) and effectively restricts new outlets near secondary schools. It does allow, in some circumstances, new outlets in Town and District Centres and these are areas where young people may congregate in their leisure time and away from parental oversight.

7.1.30 As acknowledged above, using planning policies to control the location of hot food takeaways on health grounds, particularly for adults, is of limited value and in Burnley's case, the proximity of hot food takeaways to secondary schools is not a major issue. However, an approach to the application of Policy TC7 which formalises the link to obesity and ill-health impacts that is acknowledged in the supporting text and builds on the existing clustering restrictions set out in the policy is considered justified. Whilst this approach goes a little beyond the Local Plan policy, it is fully consistent with its overall approach and is supported by new national policy that post-dates the adoption of the Local Plan (see footnote 45).

7.1.31 This refinement to the application of Policy is set out below. It is not possible or appropriate to introduce an entirely new policy approach through an SPD e.g. one based on restricting the proportion of takeaways based on obesity or deprivation levels in particular Wards.

Policy TC7 Additional Interpretation:

Where new takeaways are allowed under **Policy TC7**, be they in a location set out in **Clause 1)** i.e. Burnley Secondary Frontages area, Padiham Town Centre, or a District Centre, or elsewhere if they satisfy **clause 2) and 3)**; the Council will consider:

i) Imposing conditions on opening hours under **Clause 4)** where a new takeaway is close to a secondary school requiring the outlet to shut at school letting out times. The hours of closure may need to reflect the possibility of after school clubs running past the school closing time. This would allow sales to adults at lunchtimes and evenings or anytime at weekends. Children can be prevented from leaving school premises at lunchtimes by appropriate school policies.

ii) Interpreting **Clause 3 a)** to include the District Centres and the 'unacceptable concentration' referred to will be measured as follows: ⁵⁶

Burnley Secondary Frontage:

No more than two consecutive hot food takeaway uses in any length of secondary frontage will be allowed and there should be a gap of at least two non-takeaway uses between premises.

Padiham Town Centre:

No more than two consecutive hot food takeaway uses will be allowed and there should be a gap of at least three non-takeaway uses between premises.

⁵⁶ The existing pattern of takeaways is generally in line with these standards

District Centres:

No more than two consecutive hot food takeaway uses will be allowed and there should be a gap of at least three non-takeaway uses between premises.

Elsewhere:

No consecutive hot takeaway uses will be allowed.

Summary

7.1.32 Policy TC7 helps protect people's physical and mental health. Aspects of the Policy are identified in this SPD as Theme 1, Impact level 1 (e.g. location, odours, hours of opening) and others as Theme 4, Impact level 1 (visual amenity, clustering, waste). The proposal to restrict the opening hours of new takeaways within 400 metres of secondary school boundaries and extending the remit of the clustering policy to protect health would also fall under Theme 2, Impact level 3.

8. Policy Health Impact Matrix

8.1.1 This table provides a summary matrix of themes and relative health impacts of key policies and clauses as set out and discussed in Section 4 to 7.

Local Plan Policy:	Theme 1 - policies that protect people from harm		Theme 2 - policies that seek to enable people to live healthier lifestyles	Theme 3 - policies that seek to provide access to health infrastructure	Theme 4 - Policies that involve the general protection or enhancement of the environment that can improve quality of life.
NE5	Clause 2) Clause 4) Clause 5) Clause 6)	Clause 7) Clause 8) Clause 9)	-	-	-
SP5	Clause 1) Clause 2 g) and h) Clause 6)		Clause 5	-	Clauses 2) 3) and 4)
SP6	Clause 1 Clause 2		Clause 1 Clause 2	-	Clause 1 Clause 2
NE2	-		Clause 1 Clause 2	-	Clause 1 Clause 2
IC5	-		Clause 1	Clause 1	-
HS1-HS4 and HS7	HS4 Clause 2 and 3 HS5 Clause 1 C		HS4 Clause 4 HS4 Clause 5 HS2 HS7 Clause 1 (Part)	-	HS1 – Various HS4 Clause 1 HS5 Clause 1 HS7 Clauses 1 (part) and 2
IC1-3	IC1 Clause 1 c IC2 Clause 1 a IC3 Clause 8		IC1 Clause 1 IC2 Clause 1) to 3) IC3 Clause 5	IC1 Clause 1 IC3 Clause 5	
TC7	Clause 2 Clause 3 e) and h)		Clause 1 Clause 2 Clause 3 a) and c) Clause 4	-	Clause 3, all sub-clauses

Impact level 1	Impact level 2	Impact level 3
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9. Monitoring and Review

9.1.1 A monitoring framework has been established to assess the performance of the policies in the Local Plan to see if they are performing as intended towards delivering the Vision and Objectives set out and to identify the need for a local plan review, new or updated SPDs, or other interventions. The monitoring framework is reported on in the Council's Annual Monitoring Report (AMR).

9.1.2 A number of these monitoring indicators are relevant to this SPD including those (core output type) indicators which directly measure the performance of policies e.g. the delivery of adaptable homes or loss of protected open space. Other indicators are more 'contextual' showing matters such as life expectancy, levels of disease and obesity and where these show an improvement or deterioration it is often difficult to link this directly to the performance of planning policies as they are influenced by many other wider factors. However, where performance against such contextual health indicators show a prolonged deterioration, this would need to be looked at to see whether the policies are having any effects or whether an alternative approach is justified.

Appendices

Appendix A: Local Plan Objectives

Delivering Sustainable Growth	
1.	To minimise the adverse impacts of climate change and support growth to meet the need for jobs, homes and services in the context of moving towards a low carbon economy and stemming population decline. Growth will be managed so that it takes place in the most appropriate locations, promotes the re-use of previously-developed land and buildings, energy efficiency and sustainable design; and encourages the use of decentralised and renewable or low carbon energy sources.
Population and Housing	
2.	To revitalise the housing market by encouraging a well-integrated mix of high quality, aspirational and affordable homes of different types and tenures to meet the needs of a wide range of households and support economic growth.
Economy and Employment	
3.	To create an environment that supports economic prosperity, growth, entrepreneurship and a diverse business base.
4.	To enhance and develop Burnley town centre’s role as a sub-regional commercial centre and Padiham’s as a market town, supported by a network of other smaller centres that supply accessible services to local neighbourhoods; encouraging development that supports these service centres to ensure they are vibrant and prosperous.
The Natural Environment	
5.	To protect and enhance the borough’s distinctive landscape character and high quality network of habitats and open spaces necessary for people and wildlife to thrive.
6.	To improve mental and physical health and wellbeing by improving environmental quality and increasing opportunities for exercise and for sport and recreation, including improved access to nature and the wider countryside.
The Built and Historic Environment	
7.	To create a safe, healthy, attractive, locally distinctive and accessible public realm for all.
8.	To ensure that the intrinsic qualities and distinctive character of the historic environment is protected and, where possible, enhanced; and that heritage assets are used positively to promote and support regeneration and recreation and stimulate ‘pride of place’.
Accessibility, Transport and Other Infrastructure	
9.	To improve connectivity to major cities, including Manchester and Leeds, and provide infrastructure that supports sustainable economic growth and travel patterns.
10.	To establish Burnley as a centre of educational excellence with high levels of educational attainment and a skilled, highly qualified workforce that meets the needs of the borough's economy.
Community Involvement	
11.	To promote a diverse, vibrant and creative local culture encouraging pride and community cohesion and to seek community involvement in planning the future of the borough.

Appendix B: Use Class Reforms

Use Classes

B1. The Use Classes Order divides different types of development into 'Use Classes'. A change of use within an identified Class is not 'development' and therefore can be carried out without planning permission or any form of notification to a local planning authority.

B2. Any external alterations to buildings to facilitate the change of use will still require planning permission in most cases.

B3. Internal and external alterations to buildings to facilitate the change of use may also require building regulations approval.

B4. Certain types of new uses may also require licencing.

Permitted Development

B5. Permitted Development is development that has been granted planning permission through national legislation. This can be limited, for example by size of building or its location, or can be subject to conditions for example it must be carried out in similar materials, and, increasingly, through a 'prior approval' process which is akin to a light touch planning application where people have to apply to the Council in a particular form, but the Council can consider only certain planning matters and not others.

Reforms

B6. Significant changes to the Use Classes Order and to Permitted Development rights have been made by the government over the last few years.

B7. These include establishing a new Use Class - Class E which includes a variety of different commercial and leisure uses covering most of what was Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure). Certain shops and facilities which are deemed as being important to the local community have been placed into Use Class F2.

B8. Cafes and restaurants, which were Class A3, are now included in Class E and so can be widely created without planning permission. These may serve unhealthy food to eat in or offer an ancillary hot food takeaway service.

B9. Hot Food Takeaways, which were Class A5, are now classed as a '*Sui Generis*' use, which means they are in a class of their own. There are no permitted development rights to change the use of any premises to a hot food takeaway and so planning permission is always required.

B10. Permitted Development rights allow existing takeaways to be changed to a Class E use subject to the local planning authority being notified of the intention in writing; or the conversion up to 150sqm of floorspace to residential use falling within Class C3 (dwellinghouses) subject to a prior approval process.

B11. Pubs, wine bars and other drinking establishments which were Class A4 are also now a *sui generis* use which means planning permission is required for their creation. These may serve unhealthy food to eat in or offer an ancillary hot food takeaway service.

B12. The reforms to permitted development rights include allow the conversion of Class E buildings to residential use without planning permission. These rights are subject to a prior approval process, but, as with many of the other changes, they are clearly intended to limit the local planning authority's ability to restrict the change which makes it much harder for them to protect their town centres and ensure satisfactory living conditions for residents.

B13. The changes impact on the interpretation of the Local Plan policies as these were adopted prior to them being introduced and therefore refer to the former Use Classes. However, whilst the changes have limited the effectiveness of certain policies e.g. those in controlling uses in the Primary Shopping Area and therefore in protecting the retail offer, some level of control is still possible and national policy on the approach to town centre's set out in the NPPF remains largely unchanged and consistent with the approach of the Local Plan.

B14. Use Class and permitted development rights are extremely complicated and it is always advisable to check what form of permission you may need before you plan or start work.

Guidance

[Use Classes - Change of use - Planning Portal](#)

[Is permission needed? | Burnley Borough Council](#)

[Legislation.gov.uk](#)

[guide-to-the-use-classes-order-in-england.pdf \(lichfields.uk\)](#)

Appendix C: Fast Food and Hot Food Takeaway Statistics

Burnley Council Statistics 2021:

C1. As part of its Local Plan monitoring, the Council conducts a biennial survey of Use Classes and vacancies within the two Town Centres of Burnley and Padiham and the eight District Centres. The most recent survey was completed in May 2021. The survey data can be used for many purposes, including to identify the location of hot food takeaways (A5/Sui Generis Use Class). The survey is based on an external inspection of the premises and is not necessarily legally definitive.

C2. The 2021 statistics for hot food takeaways below do not include vacant premises (the last use of which may have been a hot food takeaway).

Burnley Town Centre:

22/538 = 4.09%

Burnley Secondary Frontages:

13/180 = 7.22%

Padiham Town Centre:

8/197 = 4.10%

District Centres:

Accrington Road	2/28	=	7.14%
Briercliffe Road	5/69	=	7.25%
Coal Clough Lane	0	=	0%
Colne Road	21/120	=	17.50%
Harle Syke	2 /15	=	13.33%
Lyndhurst Road	0	=	0%
Pike Hill	0	=	0%
Rose Grove lane	2/31	=	6.45%

(OHID) Public Health England Statistics

C3. This data set (including maps and charts) shows the variation in density of fast food outlets in local authorities across England per 100,000 population. The data was produced using the Food Standards Agency (FSA) Food Hygiene Rating Scheme (FHRS) dataset. It is not a measure of the number of A5/Sui Generis hot food takeaways.

C4. According to this data published in 2018, the density of fast food outlets for each local authority in England ranged from 26 to 232 outlets per 100,000 population, with the average across England being 96.1. It indicated that there were 147 fast food outlets in Burnley giving at density of 168, the 3rd highest in England. Figures for the number of outlets in each Ward is also available.⁵⁷

C5. The notes accompanying the data set say that '*fast food*' refers to food that is energy dense and available quickly, therefore it covers a range of outlets that include, but are not limited to, burger bars, kebab and chicken shops, chip shops and pizza outlets and that it is likely that the data here does not show the complete picture for fast food outlets. Many of the outlets that could be considered 'fast

⁵⁷ Fast food outlets: density by local authority in England - GOV.UK (www.gov.uk)

food' are likely to be multi-functional; sit-down and eat in, takeaway and home delivery. As a result businesses may have been recorded under the category of restaurant or café which would mean they may not have been included here despite selling similar types of food to those included in this analysis."

C6. However, despite these notes, it does appear that a number of A3 restaurants and some A1 food retailers have been included in the statistics?

C7. The data is a specific snapshot at a point in time (31/12/2017).

Lancashire County Council Statistics

C8. Lancashire County Council has gathered data on the number of "takeaways" and rate per 100,000 of the population for Districts in Lancashire from Feat (Food environment assessment tool).^{58 59} It would appear that this isn't actually data on hot food takeaways but data on fast food outlets. At the time of drafting this SPD the web data is not actually available so we are unable to check what is included.

C9. As the figures for Burnley are similar to the Public Health England figures it is assumed that they are not figures just for hot food takeaways but also include restaurants and other outlets selling fast food. For other areas in East Lancashire however the figures are considerably higher than the Public Health England statistics.

C10. The figures reported by LCC show that the rate of "takeaways" in 2018 is high in Burnley at 168.3 per 100,000 people but the number is fairly static (3% rise) in comparison to the significantly greater increases in Pendle (15%) and Hyndburn (24%) and also nearby Blackburn with Darwen (38%).⁶⁰

Area	2014		2015		2016		2017		2018		Difference	Percentage increase
	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate		
England	47566	87.6	48171	87.9	50641	91.6	56977	102.4	59131	105.6	11565	24%
Lancashire	1399	118.3	1421	119.5	1481	123.9	1519	126.4	1557	128.7	158	11%
Burnley	145	166.3	149	170.8	147	168.0	157	179.0	149	168.3	4	3%
Chorley	117	104.8	120	106.2	127	111.1	128	110.6	124	106.1	7	6%
Fylde	92	119.3	95	122.6	96	122.8	103	130.6	96	120.3	4	4%
Hyndburn	111	138.5	118	147.3	125	155.5	127	157.9	138	170.8	27	24%
Lancaster	137	97.7	141	100.2	145	102.3	136	95.4	147	101.9	10	7%
Pendle	126	140.5	128	142.3	138	152.5	138	152.2	145	158.6	19	15%
Preston	200	143.0	200	142.2	205	145.4	211	149.3	227	160.1	27	14%
Ribble Valley	62	106.7	57	97.4	63	107.0	65	109.2	65	108.2	3	5%
Rossendale	105	151.9	98	141.2	104	149.0	106	150.6	111	156.6	6	6%
South Ribble	107	98.1	115	104.8	124	112.6	130	117.8	137	124.0	30	28%
West Lancashire	74	66.2	76	67.6	76	67.2	82	72.0	82	72.0	8	11%
Wyre	123	113.3	124	113.2	131	119.1	136	123.2	136	122.3	13	11%
Blackburn with Darwen	190	128.9	199	134.6	230	154.9	234	157.3	263	176.6	73	38%
Blackpool	286	203.0	285	203.3	309	220.7	340	243.1	348	249.8	62	22%

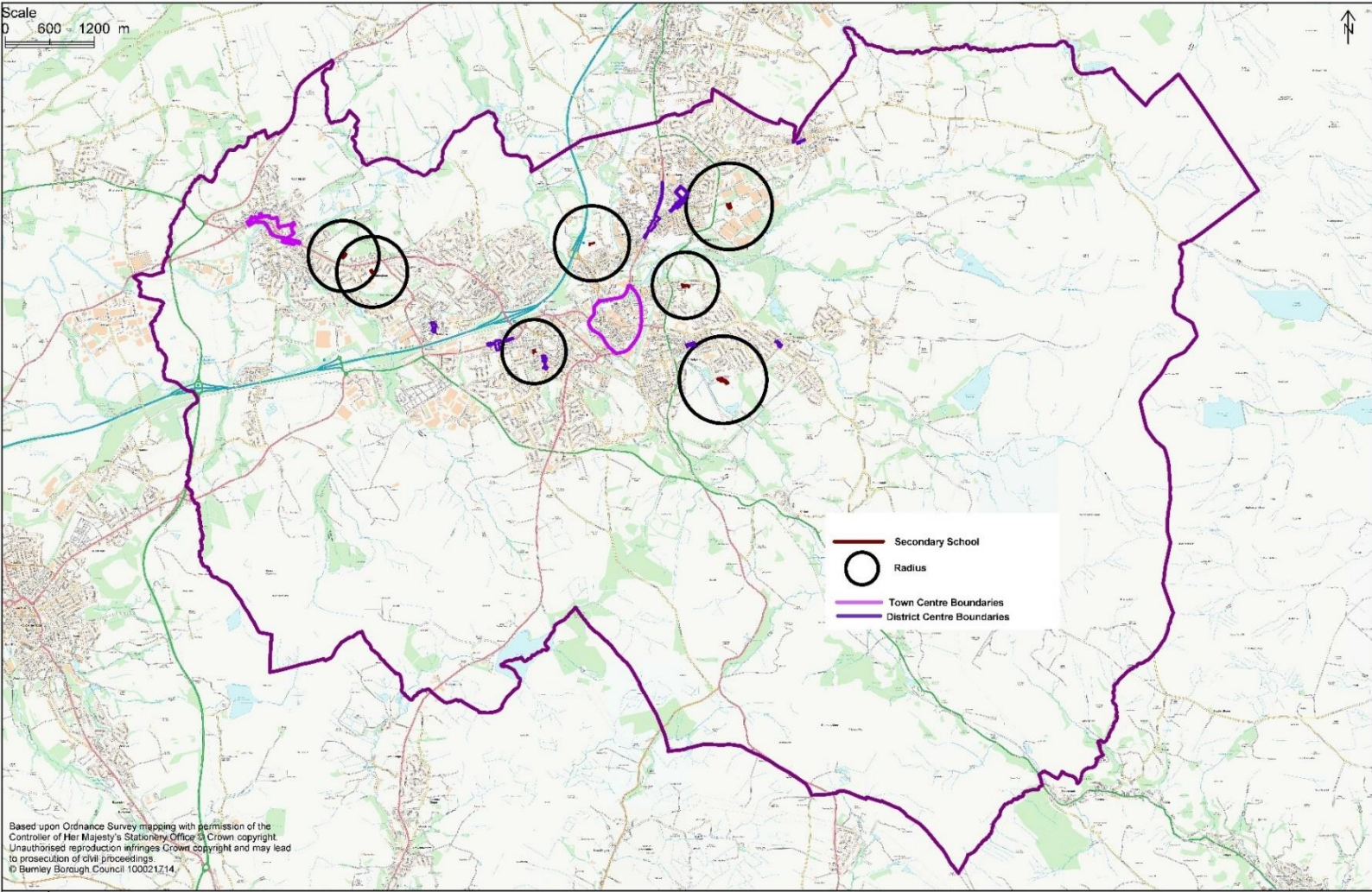
⁵⁸ FEAT is developed by the Centre for Diet and Activity Research and the MRC Epidemiology Unit at the University of Cambridge. It is designed around the needs of professionals in public health, environmental health and planning roles, locally and nationally.

⁵⁹ Feat (feat-tool.org.uk) at the writing the source of this data is not available

⁶⁰ Blackburn with Darwen has had a Local Plan policy in place since Dec 2015 and PfH SPD in place since April 2016.

Appendix D: Secondary Schools Map

Page 109



	Town & District Centres Within 400 Metre Of Secondary Schools			
Burnley Borough Council	Policy & Environment	Drawn by:	Date printed: 28/01/2021	Scale: 1:45334

Planning for Health Supplementary Planning Document (SPD): Comments Received and Recommended Responses - Appendix B to the Committee Report

Comment Reference	Organisation or Consultee	Comments	Recommended Response
1	Canal & River Trust	<p>Thank you for your consultation on the draft Planning for Health Supplementary Planning Document.</p> <p>We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.</p> <p>The Trust is a statutory consultee in the Development Management process.</p> <p>The Trust own and manage the Leeds & Liverpool Canal, which runs through the Borough. Our towpaths provide public access to the Green Infrastructure network, which can promote active lifestyles and benefits to wellbeing. As explained above, the Trust believe that access to our waterways can provide multiple economic, social and environmental benefits to local communities, which has been supported by the findings by our towpath surveys (Kanter TNS, 2017).</p> <p>Paragraphs 5.1.2 and 5.1.3 within the Draft Document identify that access to Green Infrastructure, which would include our canal</p>	<p>Noted.</p> <p>Noted.</p>

		<p>network, has a positive impact on people’s physical and mental health; whilst Green Infrastructure can help to reduce pollution and provides opportunities for formal or informal physical activity. The Trust has no objection to the proposed wording of the Supplementary Planning Document, which defers largely to existing adopted Policy within SP6 of the adopted Local Plan.</p> <p>Please do not hesitate to contact me with any queries you may have.</p>	
2	Historic England	<p>Historic England is the Government’s statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England’s historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content.</p> <p>If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>	Noted.
3	Healthier Place Healthier Future/ Food Active	<p>Consultation response on behalf of the Healthier Place Healthier Future Childhood Obesity Trailblazer programme.</p> <p>The Planning for Health SPD is a welcome tool to support the Local Plan in improving the physical and mental health and wellbeing for the residents of Burnley and Padiham.</p>	Support welcomed.

		<p>It is positive to see that the SPD covers a range of the wider determinants which will have a cumulative impact to negate the drivers of childhood obesity and the health and wellbeing of the community as a whole.</p> <p>N.B. P44 The changing health and social care commissioning structure should be updated to reference the new Integrated Care Board which came into existence on 1st July 2022 Lancashire and South Cumbria Integrated Care Board :: Home (icb.nhs.uk)</p>	References to the previous CCG on page 44 have been updated.
4	Habergham Eaves Parish Council	<p>Thank-you for the opportunity to review and comment on the two draft Supplementary Planning Documents (Planning for Health SPD and Residential Extensions SPD).</p> <p>We have read them through and fully support the principles and proposed guidance/policies in each document. They should have a positive effect on the health and well-being of residents the design of future housing extension within Habergham Eaves parish.</p> <p>We do not have any substantive comments or specific comments to make.</p>	General support welcomed.
5	Sport England	<p>Thank you for giving Sport England the opportunity to comment on the emerging Planning for Health SPD. I have the following comments to make:</p> <p>1. Para 2.2.9 <i>"Where Sport England raise an objection to the loss of any existing playing pitch or field and requires replacement provision, or requires new provision to support development; providing this is in accordance with its published policy/standards and national planning policy."</i> This statement is factually incorrect in that Sport England do not condone the use of standards to identify the need for new pitch provision associated with new</p>	Para 2.2.9 of the draft did not refer to local standards. This para (now 2.2.11) has however been amended to refer to the adopted Local Plan and the Rossendale, Pendle and Burnley Playing Pitch Strategy, supported by Sport England, which addresses the concerns raised in the comments about catchments and variable units of demand for individual pitch/court types.

		<p>developments. Local standards are not appropriate for outdoor sports because they do not and cannot take into account sports catchment areas or the variable units of demand for individual pitch/court types. For example, the unit of demand for a court/pitch ranges from two people if a tennis court to 30 people if a full sized adult rugby pitch. In addition the catchment area for sports range from Ward level if a junior football pitch to Borough wide if rugby or hockey. This means that accessibility standards cannot accurately reflect where the demand for outdoor sport is derived from. Quantitative standards are not appropriate because although it is widely acknowledged housing growth generates additional demand for sport not everyone from that housing site will want to participate in sport. In reality the application of standards has led to single pitch sites being constructed within housing developments that are unsupported by ancillary facilities and are not located in areas of demand. These pitches do not contribute to the supply of pitches and all too often become informal kick about areas or semi natural open space. I have attached a Guidance Note which may be of some assistance.</p> <p>Suggestion: remove the word 'standards'. Reference to Sport England's Policy is correct.</p> <p>2. In section 2.3 'Other Health-Related Strategies, Initiatives and Guidance' it would be beneficial to include the following strategy and guidance:</p> <p>a. Sport England Strategy 'Uniting the Movement' - Sport England published a new 10-year strategy called 'Uniting the Movement' in 2021. We believe sport and physical activity has a big role to play in improving the physical and mental health of the nation, supporting the economy, reconnecting communities, and rebuilding a stronger society for all. More than anything, it seeks</p>	<p>2 a. The SPD makes clear the important role that physical activity has in improving physical and mental health and the policies of the Local Plan are strong in this regard. Reference to the Uniting the Movement strategy has been added to a new paragraph 2.3.11.</p>
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	<p>to tackle the inequalities we've long seen in sport and physical activity. Providing opportunities to people and communities that have traditionally been left behind, and helping to remove the barriers to activity, has never been more important. The key issue relevant to this SPD is 'Creating an Active Environment'. https://www.sportengland.org/why-were-here/uniting-the-movement</p> <p>b. Health Impact Assessment In Spatial Planning - HIA as a tool can help to identify and inform the health impacts from a project or development and provide recommendations to make a positive influence to minimise negative effects. This can therefore help to create better quality environments to support communities particularly in areas which demonstrate significant deprivation. The application of the tool therefore can help to improve numerous health outcomes, provide better opportunities for active travel, improvements to air quality, inclusive spaces for all ages and improve environments to support physical activity which can have a significant influence on mental and physical health delivering benefits to individual quality of life. Public Health England have recently published a Health Impact Assessment Guidance tool in collaboration with several organisations including Sport England. It would be useful and welcomed by Sport England if a reference could be made to the guidance within the SPD. https://www.gov.uk/government/publications/health-impact-assessment-in-spatial-planning</p> <p>3. Para 3.4.6 to 3.4.8 Validation Checklist – Sport England would welcome a recommendation in the SPD to include the need for an HIA in any update of the Validation Checklist.</p>	<p>2 b. and 3) Health Impact Assessment can be done at a plan or application level. The SPD is concerned with applications. It explains that for the Local Plan this was integrated into the Sustainability Appraisal and this is considered to be the best approach at the plan level.</p> <p>As the SPD also states at para 3.4.6, the Council's current Validation Checklist does not refer to a separate Health Impact Assessment. As with the plan making level, having multiple separate assessments at the application stage looking separately at issues which overlap and/or conflict is not necessarily helpful in achieving the best decisions or efficient in terms of the use of resources. The SPD encourages an assessment of all the relevant policy areas via a 'planning statement' which is required for all major applications. For most applications the matrix at Section 8 of this SPD will provide the trigger for any assessment of health impacts. Whilst there may be occasions when a separate HIA is required, information requirements must be appropriate to the nature and scale of the development and be proportionate. Reference to the national guidance has been added as a footnote to paragraph 3.4.6 and the request for this to be appropriately addressed in the updated Validation</p>
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		<p>out to inspire and encourage those engaged in shaping our environments to deliver more active and healthier environments where communities can be naturally active as part of their daily lives.</p> <p>Sport England have worked in collaboration with a number of authorities in order to produce design guides and design panels, including the Livewell accreditation in Essex which has been developed specifically incorporating Sport England's Active Design Principles. https://www.essexdesignguide.co.uk/about/introduction/</p> <p>5. Policy TC7 Hot Food Takeaways Additional Interpretation. If possible Sport England would like to see the additional interpretation include active promotion of healthy food options/businesses in addition to the restrictive purposes associated with limiting Hot food takeaways. Sport England consider that policies such as these and their implementation should seek to address food deserts and promote access to healthy food convenience stores in all communities particularly low seg groups.</p> <p>If you would like to discuss these comments please contact planning.north@sportengland.org</p>	<p>5. As the SPD sets out at para 1.1.2 and 7.1.31 SPDs cannot introduce new policies that are not referenced in a local plan, but can explain/address new national planning policy which post-date a local plan's adoption and how these will be applied when they are a material consideration. As the SPD sets out, Policy TC7 of the Local Plan does not refer specifically to health impacts, but these are acknowledged in its supporting text. The SPD also explains in para 7.1.4, the revised NPPF does mention access to healthier food and on this basis an amended interpretation of Policy TC7 is set out in the SPD. This would, in limited situations, restrict new outlets. What Sport England is asking is that where new outlets are approved, conditions about their menu offer are attached. The menu offer of takeaways was one of the matters explored through the Pennine Childhood Obesity Trailblazer Programme (which was wider than just planning). This was looked at through a refresh of the previous LCC 'Recipe 4 Health' accreditation scheme for takeaways, through exploring how social power can improve the quality of the food offer and through</p>
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			<p>working with businesses to ensure healthier food. There is no evidence of the success of planning conditions seeking to control the menu offer of food outlets. Incentives and social power are likely to be far more effective than the planning system here, which at best could seek to control the menu offer of a small number of new takeaways and would be difficult to enforce. Whilst the Council would not like to rule this out entirely as an option, given the lack of evidence of its effectiveness, the lack of specific support for such an approach in national planning policy and practice guidance or mention in Policy TC7, there is considered to be insufficient justification to introduce this as a general or location-specific requirement through the SPD. Introducing such a requirement would need to be subject to further consultation on an amended draft SPD.</p>
6	The Coal Authority	<p>The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Burnley area there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings, reported surface hazards, surface coal mining and mine gas sites. These recorded features may pose a potential risk to surface stability and public safety.</p> <p>The Coal Authority's records also indicate that surface coal resource is present in the area, although this should not be taken to imply that mineral extraction would be economically viable,</p>	Noted.

		<p>technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.</p> <p>It is noted that this current consultation relates to Supplementary Planning Documents for Planning for Health and Residential Extensions. I can confirm that the Planning team at the Coal Authority have no specific comments to make on these consultation documents.</p> <p>Please do not hesitate to contact me should you wish to discuss this further.</p>	
7	Homes England	<p>As a prescribed body and land-owner in Burnley, we would firstly like to thank you for the opportunity to comment on the above consultation.</p> <p>Homes England is the government’s housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change.</p> <p>By releasing more land to developers who want to make a difference, we’re making possible the new homes England needs, helping to improve neighbourhoods and grow communities.</p> <p>Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.</p>	Noted.

<p>8</p>	<p>Lancashire County Council</p>	<p>Thank you for consulting the Council on the above document and I hope the response set out below is of assistance to you in its preparation.</p> <p>Green Infrastructure – flood and water management Lancashire County Council is the Lead Local Flood Authority (LLFA) for the County Council's administrative area. The Flood and Water Management Act (FWMA) sets out the requirement for the LLFA to manage 'local' flood risk (flooding from surface water, groundwater, and ordinary watercourses) within their area.</p> <p>The Lead Local Flood Authority has reviewed the Planning for Health SPD, and has the following comments:</p> <p>Section 5.1 (Policy SP6: Green Infrastructure) should be expanded to link to wider policies in the adopted local plan that reference Green Infrastructure, including sustainable drainage systems (SuDS), as per policy CC5.</p> <p>It is widely recognised that SuDS have a significant part to play in delivering high-quality urban green spaces, as there is compelling evidence that people who are near to nature and live near green spaces live longer, healthier and happier lives. SuDS can contribute to high-quality blue-green infrastructure, particularly where well-designed and attractive SuDS components are used, such as wetlands, ponds, rain gardens, swales, and large open basins. These can contribute to a more attractive area, encouraging residents to spend more time outdoors, increasing their physical activity and providing benefits for both physical and mental health.</p> <p>Where entirely underground, piped or tanked solutions are used, these benefits are missed. To maximise the health benefits of</p>	<p>Noted.</p> <p>The SPD clearly outlines the importance link between access to GI and mental and physical health, and whilst SuDS can indeed contribute to high quality blue-green infrastructure, they are primarily intended to protect from flooding which in itself can harm physical and mental health. As set out in paragraph 3.2.1 of the SPD almost every policy of the local plan and every type of development could have a health impact and it is not considered that any detailed analysis or amplification of the SuDS policy (CC5) is necessary in the SPD. Brief reference to the role of SuDS in this regard has however been added to paragraph 5.1.2 and 5.1 7.</p>
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9	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We have reviewed the Planning for Health: Supplementary Planning Document (SPD) Consultation Draft – dated June 2022 and we have the following comments to make:</p> <p>There is lots of evidence that connecting with nature improves mental wellbeing (Nature connection is something that can be measured) and improves personal resilience.</p>	<p>Noted.</p> <p>The positive impact on people’s physical and mental health of opportunities to enjoy nature is mentioned in paragraph 5.1.2, and the Local Plan itself has strong</p>

	<p>Places that are designed to facilitate social interaction and improve access to nature are an important tool to reduce and prevent mental and physical ill health as well as develop resilient communities.</p> <p>Social Prescribing (SP) is a non-medical intervention to support a holistic approach to people’s health and wellbeing. Referrals routes are typically GPs, other medical professionals and include self-referrals.</p> <p>These interventions are often provided by the Voluntary, Community, Faith and Social Enterprise sector (VCFSE). Green Social Prescribing (GSP) involves referrals into nature-based interventions and activities that link people to natural environments. As more and more studies show that nature plays a critical role in our physical and mental wellbeing, more people are being referred and encouraged to access ever-growing GSP provision (such as allotments and food growing spaces).</p> <p>Natural England want to support and embed social prescribing across the natural environment sector as a means of delivering nature-based activities to support the needs of people referred through the health system.</p> <p>As a way of raising awareness of both SP and GSP we would advise both definitions are included in this document and referenced in sections 5.1, 5.3.9 and 5.3.12 where they can help the creation of healthier places through tackling mental and physical ill health.</p> <p>If you have any queries relating to the advice in this letter please contact me.</p>	<p>policies in place to protect nature. No changes to the SPD are considered necessary.</p> <p>Reference to Social Prescribing and Green Social Prescribing has been added at a new paragraph 2.3.19/20 and at 5.1.5.</p>
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<p>10</p>	<p>Environment Agency</p>	<p>The SPD should reference the government’s 25 Year government’s 25 Year Environment Plan (https://www.gov.uk/government/publications/25-year-environment_plan), which includes a policy to connect people with the environment to improve health and wellbeing (chapter 3), and how development can help achieve the objectives.</p> <p>Links in this regard should also be made to achieving biodiversity and wider environmental net gains as set out in the Plan. By working with and improving the natural environment, development opportunities can be used to deliver positive actions that can contribute to improved resilience for communities in relation to extreme weather events and flooding, climate change and pollution, which would also benefit health and well-being by creating better places to live and work.</p> <p>In addition to managing and reducing flood risk, sustainable drainage systems (SuDS) and natural flood management (NFM) provide a range of benefits to people and the environment.</p> <p>We recommend that the SPD links SuDS and NFM, which can be provided as part of development proposals, with green and blue infrastructure, and with benefits that can be provided physical and mental health and well-being of people.</p> <p>SuDS can often increase the physical and mental health and well-being of communities through providing access to open, green spaces that can be used for recreational activities (such as walking, cycling and sports). SuDS, such as green roofs, green walls and swales, can reduce air and water pollution and regulate building temperatures which can help reduce the urban heat island effect.</p>	<p>Reference has been added at new paragraph 2.3.12.</p> <p>The SPD already acknowledges and strongly focuses on the importance of protecting/enhancing the natural environment for people’s physical and mental health. Para 5.1.2 has been amended to include specific reference to flooding and wider climate change mitigation and adaptation.</p> <p>Reference has to SuDS has been added at paragraph 5.1.2 - see also response to Lancashire County Council comments on page 10.</p>
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11	Office for Health Improvement and Disparities	<p>Introduction:</p> <p>The Office for Health Improvement and Disparities (OHID) works across the Department of Health and Social Care (DHSC), the rest of government, the healthcare system, local government and industry to be creative about how we shift our focus towards preventing ill health, in particular in the places and communities where there are the most significant disparities.</p> <p>As part of DHSC, OHID brings together expert advice, analysis and evidence with policy development and implementation to shape and drive health improvement and equalities priorities for</p>	Noted.

	<p>government.</p> <p>We recognise that this Supplementary Planning Documents (SPD) provides detailed guidance on the application of the Local Plan policies in respect of health-related matters. We agree that as Burnley Council state ‘The SPD highlights the ways in which the planning system can contribute to protecting and improving people’s physical and mental health and promote the creation of healthy places. It explains how the Local Plan policies can be applied to achieve better health outcomes and outlines or signposts other strategies and initiatives that support and complement the Local Plan policies.’ Consequently, we believe that this SPD lays out good foundations for the consideration of Health in Planning Decisions across the authority area.</p> <p>It is clear that the SPD highlights the focus of both the Council’s Strategic Plan and the Community COVID Recovery Plan. Both of which include actions to reduce long term health improvement and recognises that this requires action to tackle poverty and the living environment.</p> <p>Key Health Issues in Burnley:</p> <p>The SPD correctly highlights that the authority is the 8th most deprived area of England, but also has stark disparities between the most significant pockets of deprivation and the more affluent rural areas. Life expectancy in Burnley is significantly lower in Burnley than both the regional and national average. Modifiable risk factors such as diet, smoking, inactivity all lead to an increase in non-communicable diseases. These are confounded by historical environmental factors such as pollution and living environments, now being affected by more modern pollution. Consequently, mortality rates from non-communicable diseases</p>	<p>Comments noted and support welcomed.</p>
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	<p>are higher than the England average and whilst they had been declining are increasing.</p> <p>The SPD details these factors and concerns well, including recognising the potential impacts on both physical and mental health. There is recognition of the benefits of green infrastructure to increase physical activity (and recognition that these opportunities were brought to the fore during the COVID-19 lockdowns).</p> <p>Observations on referenced Policies:</p> <p>Having reviewed the draft SPD, we have identified the following observations.</p> <ul style="list-style-type: none"> • Clauses 4.2.8 to 4.2.15 outline policy SP5 and specifically crime. We believe that the link between crime and health is greater than outlined here. There is strong evidence that mental health is effected greatly by crime (and fear of crime), this is recognised by Victim Support. We would recommend strengthening the narrative in relation to this here. However, we do not believe that this will change the Impact Level in this context. • Although much of the background and health information refers to children and children’s health, there is little reference to the impact of planning policies on children’s health in the document. The focus in relation to children is nearly entirely focussed on healthy weight (Section 2.3). We welcome the reference to Policy TC 7 which includes the consideration of Imposing conditions on opening hours under Clause 4) where a new takeaway is close to a secondary school requiring the outlet to shut at school letting out times. 	<p>The draft SPD identified the direct effect of crime and the fear of crime on people’s mental and/or physical health. It did not state a level of effect but it is agreed that health is greatly affected by crime and the fear of crime both directly and indirectly through deterring healthy lifestyles. Para 4.2.8 has been expanded to further emphasise these points.</p> <p>The SPD covers health issues for all age groups and although the nature of the impact may vary depending on age, most of the issues and impacts are not age-specific.</p>
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		<ul style="list-style-type: none"> • 5.4.1 refers to HS4 and set privacy distances in new housing developments. Does this also account for sufficient shade in a changing climate? • We welcome the council approach to developing a road user hierarchy as described in 6.1.7. This will benefit the health of both the road user and others in the area. • 4.2.16 and 6.1 both refer to sustainable travel but do not mention an Active Travel Strategy, does Burnley Council have such a strategy? We note that Lancashire Council is developing a Local Cycling and Walking Infrastructure Plan. If there is no Burnley Active Travel Strategy we would advise referring to the Lancashire Cycling and Walking Infrastructure Plan. • 4.2.14 may benefit from referring to limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation in clause 185c) of the NPPF. 	<p>the Pathfinder Housing Market Renewal Programme in 2011 prevented any consideration in the Local Plan of major housing stock clearance.</p> <p>The distances set out in Policy HS4 referred to in para 5.4.1 are intended to address privacy and amenity only; the wider issue of design is addressed in Policy SP5 to which Policy HS4 cross refers in its clause 1). New Paragraph 5.4.3 has been added to refer to Policy HS4 clause 3 a) to state that in providing private and functional outdoor space for occupants, consideration should be given to using buildings and/or landscaping to provide adequate shading.</p> <p>Support noted.</p> <p>The Council does not currently have a stand-alone 'active travel strategy' but through its Local Plan and its cooperation with Lancashire County Council as highway authority on the LCWIP and a number of other projects and initiatives, the Council supports and takes forward wherever possible all the principles that are involved in active travel. The LCWIP is currently being developed and link to the relevant webpages have been added as footnotes to para 6.1.3.</p> <p>Paragraph 4.2.14 is a summary paragraph covering all aspects of design and it's not considered necessary to add reference here to one specific detailed point. Light pollution is addressed by Local Plan Policy NE5) 5) to which section 4.1 of the SPD refers.</p>
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		<ul style="list-style-type: none"> We would also recommend providing information relating to the Burnley Council 2019 Climate Emergency Commitments in 4.2. We were pleased to see that Burnley have signed the Healthy Weight Declaration and have taken authority wide action to address obesity including food supply and enabling physical activity. The SPD identifies the excellent work carried out through the Pennine Lancashire Childhood Obesity Programme supported by the Healthier Place Healthier Future Programme (HPHF). All four levers of this process (System Leadership, Business, Planning and Communities) are relevant to this SPD. This has clearly influenced some of the planning decisions, particularly in relation to Late Night refreshment and Take-Aways. An example of this is that no more than two consecutive hot food takeaway uses in any length of secondary frontage will be allowed and there should be a gap of at least two non-takeaway uses between premises. However, 7.1.7 recognises the recent change in behaviours and operational practice towards food delivery services as a result of the pandemic. The SPD highlights key physical activity programmes such as 'Together an Active Future' <p>Policy Health Impact Matrix:</p> <p>Subject to the points raised above, we agree with the council's assessment of impact in the Impact Matrix.</p>	<p>Reference to the climate emergency declaration and the Climate Change Strategy adopted In February 2022 has been added at section 2.2 'Local Policy'.</p> <p>Support noted. Since the draft SPD was written, the Council has signed up to the Healthy Weight Declaration and the text of para 2.3.3 has been amended to this effect.</p> <p>Noted.</p> <p>Noted.</p> <p>Support noted.</p>
12	G Moroney	I don't really understand these plans but in terms of health, from a personal perspective, I would like to see outdoor gym facilities	Comments welcomed.

		<p>such as pull up bars, monkey bars and other facilities which can be seen in other locations and viewed on YouTube. The little exercisers were of little use and so weren't used and yet children have large areas for their recreational health. Don't get me wrong these are brilliant for children! Also I saw a sign in Blackburn for free gym and swimming sessions for residents. I live in Hapton and I would love to see health and exercise being taken seriously by our council. I think it was terrible that fast food was allowed to flourish in lockdown but exercise was almost banned when health should have been a priority.</p>	<p>The Local Plan and SPD recognise the role of Green Infrastructure in providing opportunities for formal or informal physical activity. Although in most cases they do not generally prescribe the particulars of the required offer to support development proposals (apart for example for Policy HS4 which requires specific amounts and types of play areas for children for certain sizes of housing development), new or enhanced GI can include things such as outdoor gyms - indeed one such facility is planned through the recently approved (subject to a S106 agreement) expansion of Burnley College at site EMP1/3 at Stoneyholme (Ref FUL/2021/0270). The comments on facilities in Hapton have been forwarded to the Council's Green Spaces and Amenity department.</p>
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RESIDENTIAL EXTENSIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

REPORT TO THE EXECUTIVE



DATE	26 October 2022
PORTFOLIO	Economy and Growth
REPORT AUTHOR	Sarah Waddington
TEL NO	Ext 3308
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PURPOSE

1. The purpose of this report is to seek the adoption of the Residential Extensions Supplementary Planning Document (SPD).
2. The SPD has been prepared to support the implementation of Burnley's Local Plan. It has been the subject of formal statutory consultation. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

RECOMMENDATION

3.
 - (1) That Executive adopt the Residential Extensions SPD (attached at Appendix A).
 - (2) That the Strategic Head of Economy and Growth be authorised by the Executive to make any minor typographical corrections to the SPD required prior to its publication.

REASONS FOR RECOMMENDATION

4. To meet the commitment to preparing a Residential Extensions SPD as set out in the Council's Local Development Scheme (LDS).

SUMMARY OF KEY POINTS

Overview of the SPD

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

Planning Reform

6. The SPD is written to support the current adopted local plan and current national policy. It does not take account of the proposed planning reforms set out in the Levelling Up and Regeneration Bill. Should the changes set out be implemented, the SPD content would need to be reviewed or withdrawn. It would need to be kept under review in any event.

Consultation

7. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this period to six weeks to allow more time for interested parties to respond.
8. Consultation took place between 29th June and 10th August 2022.
9. Nine duly made responses were received which included a number detailed comments.
10. A number of minor revisions and additions are proposed both in response to the comments made and to improve the document.
11. A schedule of the comments made and suggested responses is attached at Appendix B. There was general support for the SPD and its production with some detailed suggestions for additional wording.
12. The revised SPD taking into account the recommended responses is attached at Appendix A.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

13. The work will be completed within existing budgets. As such, there are no financial implications directly associated with this report.

POLICY IMPLICATIONS

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

DETAILS OF CONSULTATION

15. As set out in paragraphs 7-12 of this report.

BACKGROUND PAPERS

16. None

FURTHER INFORMATION

PLEASE CONTACT:

Sarah Waddington

ALSO:

Elizabeth Murphy

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Image courtesy of www.davidsalisbury.com via flickr

Residential Extensions

Supplementary Planning Document (SPD)

Adoption Draft for Executive - October 2022

Contents

1.	Introduction	3
1.1	The Purpose and Scope of this SPD	3
1.2	Planning Policy Context	3
1.3	Planning Permission & Permitted Development	4
2.	General Principles	9
2.1	The Starting Point	9
2.2	Design Considerations	9
	A - Site Context	9
	B - Determining the Correct Approach	11
	C - Materials & Architectural Details	16
	D - Roof Form	17
	E - Privacy, Outlook and Daylight.....	18
	F – Gardens and Trees	22
	G - Car Parking	23
	H – Energy/Water Efficiency and Renewable Energy	25
	I - Flood Risk.....	25
	J - Refuse & Recycling Facilities.....	26
	K – Safety, Utilities and Accessibility.....	27
	L - Home Working/Offices.....	28
3.	Detailed Guidance.....	31
3.1	Single storey rear extensions and conservatories	31
3.2	Two-storey rear extensions	33
3.3	Single storey side extensions	34
3.4	Two storey side extensions.....	36
3.5	Front extensions & porches.....	38
3.6	Dormers & roof extensions.....	40
3.7	Additional storeys	45
3.8	Garages & outbuildings.....	47
3.9	Family Annexes	49

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1. Introduction

1.1 The Purpose and Scope of this SPD

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

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

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

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

1.2 Planning Policy Context

The Local Plan

1.2.1 Burnley's Local Plan¹ was adopted on 31 July 2018. A number of its policies are relevant to householder extensions and alterations, including Policy SP5 Development Quality and Sustainability and Policy HS5 House Extensions and Alterations. For proposals affecting heritage assets including their setting, (e.g. listed buildings, conservation areas and locally listed buildings) Policies HE2 and HE3 are also relevant.

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

National Policy

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

1.2.4 Local Plans are prepared to be consistent with national policy. Burnley's Local Plan requires high quality design and the current version of the NPPF (July 2021) strengthens national policy on design and amenity and sets out new national policies.²

¹ www.burnley.gov.uk/planning/planning-policies/burnleys-local-plan/

² The 2012 NPPF required high-quality design and a good standard of amenity for all existing and future occupants of land and buildings, whereas the 2021 version requires high quality, beautiful and sustainable buildings and places (Para 126) and a high standard amenity for existing and future users for all developments (Para 130f). www.gov.uk/guidance/national-planning-policy-framework

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

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

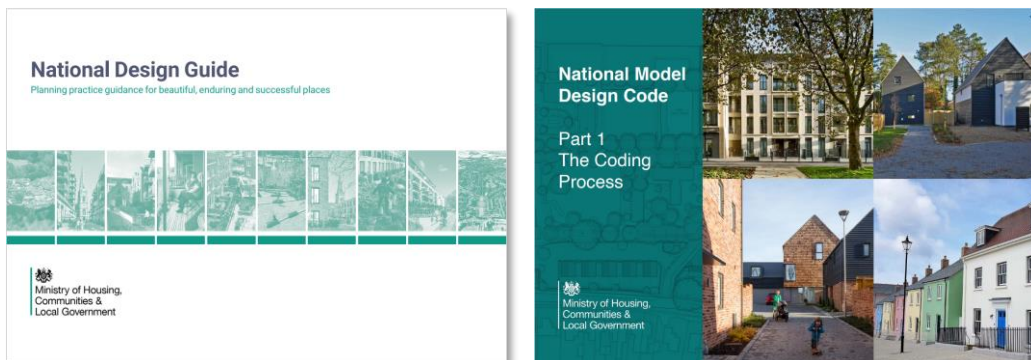
1.2.6 Good design is applicable on a range of scales; through the master-planning of large sites to the detailed design of domestic extensions. The Design guide establishes the principles of good design and sets out the components of good design which should be applied to all developments.

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

National Model Design Code

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

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



1.3 Planning Permission & Permitted Development

Do you need to apply for planning permission?

1.3.1 By law, works that constitute ‘development’ require planning permission. This covers a wide range of householder works, including raised decking, fencing, driveways, outbuildings, porches, installation of flues, antennas and conservatories as well as extensions and outbuildings. However, subject to conditions and limitations, some forms of development have planning permission granted to them through national legislation³ and do not therefore require a planning application to be made; these are known as ‘permitted development’ (PD).

³ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

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

1.3.3 Permitted development rights vary by the type of property and its location and can be removed for individual properties or areas. For example, in barn conversions, or if utility infrastructure is within the curtilage of a development.

1.3.4 Establishing whether works require planning permission or notification is a complex matter. The national Planning Portal website⁴ provides up to date guidance and an interactive tool on Householder Permitted Development to help you decide if you need to make an application and also allows for applications to be submitted electronically.

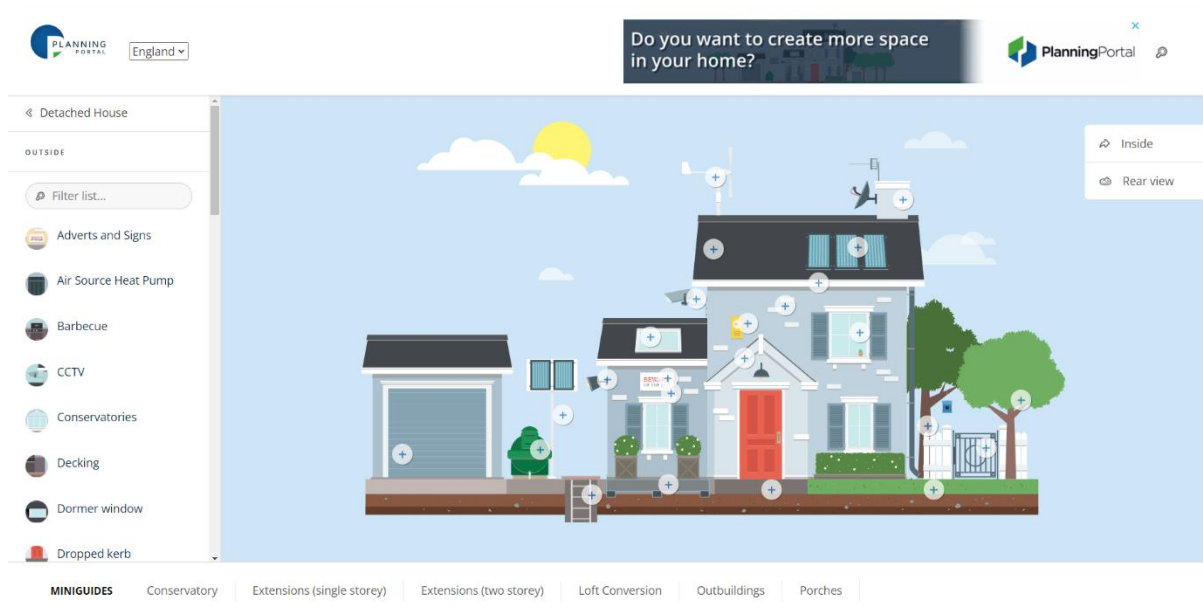


Figure 1: Planning Portal Interactive House. (Source: www.planningportal.co.uk)

⁴ <https://www.planningportal.co.uk/>

Part 2 – General Principles

2. General Principles

2.1 The Starting Point

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

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

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

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

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

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

2.1.7 Proposals for domestic extensions in the Green Belt will be strictly controlled. Policy SP7 sets out how Burnley's Green Belt will be protected, with SP72)c) specifically relating to extensions and alterations to existing buildings. It requires proposals for extensions and alterations of buildings in the Green Belt to not result in disproportionate additions over and above the size of the original building.

2.2 Design Considerations

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

A - Site Context

2.2.2 When first considering the design of an extension or alteration to your property, you should initially assess the character of the house and how it relates to its plot and neighbouring properties; and the contribution it makes to the surrounding area or street (its context). It is important that any additions or alterations are sensitively designed to fit in with the positive characteristics of both your house and the surrounding area (local distinctiveness). It is important therefore to consider not only what the current architectural details of your property are but also

what they originally were, because there may be an opportunity to restore lost details or a need to match in with neighbouring properties that retain these.

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

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



Figure 2: Streetscenes (Courtesy of Google Street View)

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

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

2.2.5 You will also need to consider:

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

B - Determining the Correct Approach

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

2.2.7 The table below indicates which design approach is likely to be appropriate for different dwelling types. In most circumstances this will be the ‘subservient’ approach. The various approaches are discussed in B i– iv.

House type	Design Approach			
	Subservient	Seamless	Contrasting/ Contemporary	Radical Makeover
Detached	✔	✔	✔	✔
Semi-detached	✔	?	✘	✘
Terraced	✔	?	✘	✘

B i - The Subservient Approach:

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

2.2.9 Two storey extensions should seek to achieve a minimum of a 1 metre setback. For single-storey extensions, the setback will depend on the scale of the extension and its particular circumstances.

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

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



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

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

Figure 3: Subservient extension design

B ii – The 'Seamless' Approach:

2.2.12 This approach makes the addition look like it is part of the original house, matching the existing materials and style and continuing the form of the existing building. For projects adopting this approach, there is a particular need to ensure that factors like materials and the proportions and treatment of window and door openings have been carefully considered to ensure a fully integrated appearance.

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

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

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



This extension adopts the 'seamless' approach using matching materials, roof style and windows of a similar pattern to the existing. Although done to a high quality, it has resulted in an imbalance to the form of the original pair of semis and does not allow the form of the original building to be clearly understood as required by Policy H55 1) a).



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

Figure 4: Seamless side extension designs

B iii - Contrasting/Contemporary:

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

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

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

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

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



Figure 5: Contemporary/contrasting extension on a traditional style house built using matching brick with quoins, heads and banding detail to match the existing dwelling (Image credit: Grant Architecture and Interiors)

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

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

B iv - Radical Makeover:

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

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

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

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



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



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

***Figure 6: Examples of Radical Makeovers***

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

C - Materials & Architectural Details

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

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

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

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

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

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

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



Figure 7: Windows

D - Roof Form

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

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



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

Figure 8: Flat-roofed two-storey side extension



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

Figure 9: Hipped roof two-storey side extension

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

E - Privacy, Outlook and Daylight

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

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

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

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

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

Privacy

Separation (“Privacy”) Distances

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

Table 1: Privacy Distances

Type of dwelling/extension	Situation	Minimum Distance
Single and two storey dwellings/extensions	Where a habitable room window would face a neighbour’s habitable room window	No less than 20 metres
Single and two storey dwellings/extensions	Where the windows of a habitable room would face: ⁵ <ul style="list-style-type: none"> • a blank gable or • the windows of non-habitable room 	Minimum distance of no less than 15 metres

⁵ Windows within a 45° angle of each other

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

See Habitable Room definition in paragraph 2.2.34 above

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

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

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

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

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

Garden Privacy

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

2.2.43 Where this is shown to be unworkable:

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

Outlook

2.2.44 Outlook in this context is not about a particular view from a property; but visual amenity afforded to a house by its immediate surroundings, which can be affected by the close siting of (in this SPD's context) an extension or outbuilding. An extension close to a neighbouring properties window, or a large extension on the boundary, can cause an unacceptable loss of amenity by

appearing overbearing and creating a sense of enclosure and dominance. This matter is particularly important in relation to two storey side and rear extensions.

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

The 45-Degree Rule (45° rule)

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

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

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



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

Figure 10: The 45° Rule diagram – bird's eye views



Figure 11: The 45° Rule diagram – front view

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

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

Daylight and Sunlight

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

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

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

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

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

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

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

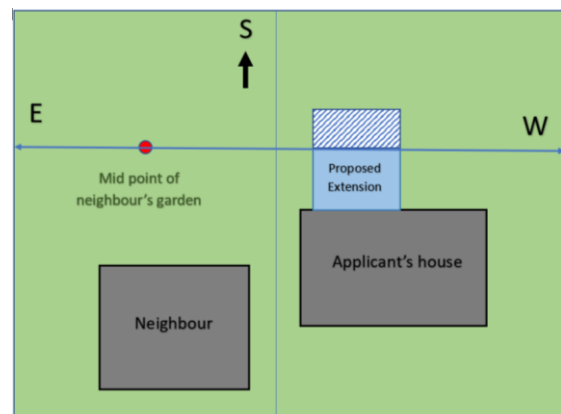


Figure 12: Sunlight Assessment Trigger

2.2.57 Consideration should also be given to the locality surrounding a development in relation to sunlight and shading to avoid negatively impacting surrounding biodiversity or amenity, for example, the Leeds and Liverpool Canal towpath.

F – Gardens and Trees

Gardens

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

2.2.59 Many extensions will result in a reduced amount of garden space and the Council will expect proposals to demonstrate that an acceptable amount and quality of functional amenity space is retained. It is also important to retain permeable or porous surfacing, particularly where lawns are for any reason undesirable. There are limits to the proportions of front gardens that can be paved over without planning permission (see the planning portal).⁶

2.2.60 Policy NE1 of the Local Plan requires that all development proposals, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible.

2.2.61 Your house or garden may provide habitats for certain species that are protected by law e.g. bats; as are all active birds nests. Simple measures can be often taken to protect or enhance habitats for such species e.g. nesting and roosting boxes could be built as part of the fabric of the extension to house birds and/or bats. Advice is available from a variety of sources.⁷ Applicants are advised to consult the Council's Validation Checklist for details of what information may be required in support of a planning application, to ensure that the requirements of Policy NE1 are met.⁸

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

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

⁶ Certain of the permitted development rights are subject to conditions requiring the use of porous materials, or provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse <https://www.planningportal.co.uk/>

⁷ Bat Boxes - Buildings, planning and development - Bat Conservation Trust (bats.org.uk)

Bird Nesting Boxes in The Roof - The RSPB <https://www.rspb.org.uk/>

⁸ Validation Checklist for Planning and Other Applications (burnley.gov.uk)

Trees

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

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

2.2.65 Policy NE4 of the Local Plan sets out how impacts on trees will be assessed. Where trees are protected by a TPO or are worthy of a TPO and would be adversely affected by a development (including through loss or long-term threat by virtue of the extension being too close) the Council will consider making a TPO and refuse the scheme. In other cases, replacement planting may be required.

2.2.66 For new or replacement tree planting, consideration must be also given to the implications of planting too close to utility services e.g. root ingress to drains causing damage and increased flood risk to yours and your neighbour's property.

2.2.67 Policies SP5 2)b, SP6 2)a, NE1 1), NE1 5) and NE4 of the Local Plan requires developments to contribute positively to the public realm, seek to retain and enhance green infrastructure assets and functionality, seek opportunities to maintain and actively enhance biodiversity, and protect trees, hedgerows and woodland.

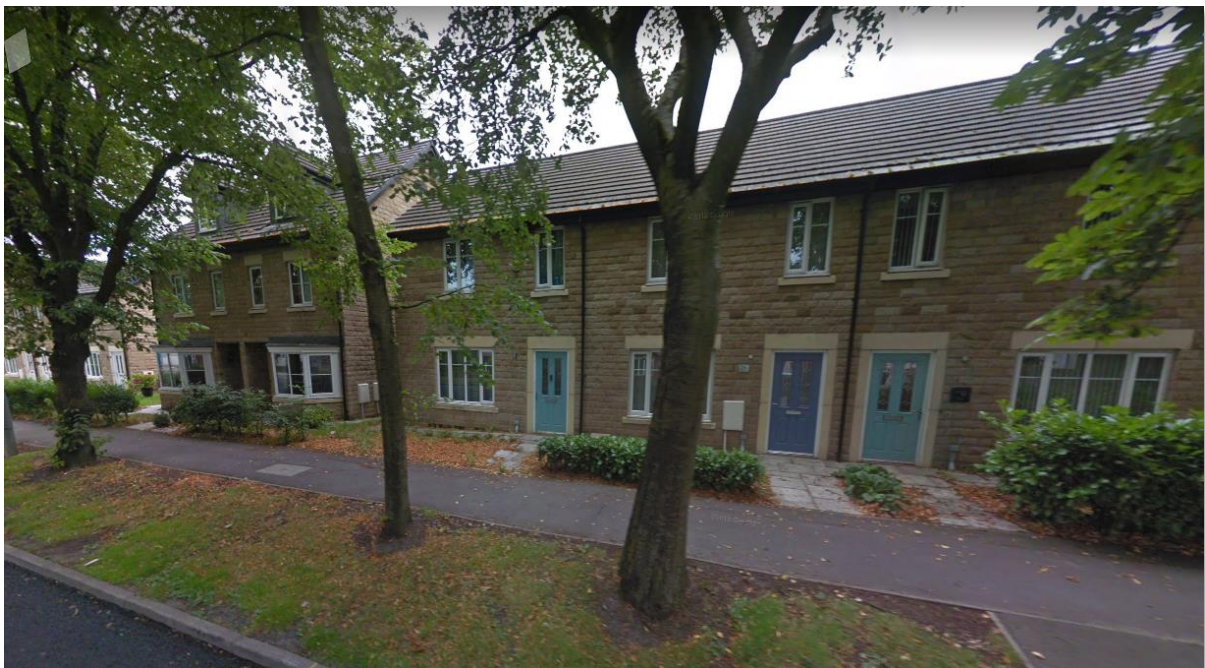


Figure 13: Attractive Avenue of Street Trees

G - Car Parking

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

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

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

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

Electric Vehicle Charging Infrastructure

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

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

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

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



H - Energy/Water Efficiency and Renewable Energy

2.2.74 The Local Plan (**Policy SP5 Clause 1**) encourages energy and water efficiency and the use of renewable and low carbon energy sources in all developments. This helps to limit the use of finite resources and reduce pollution and bills. There is also a wider but more complex link to climate change. Reduced energy usage helps to secure overall reductions in greenhouse gas emissions which contribute to climate change, and improved water efficiency helps limit drought.

2.2.75 Minimum energy efficiency standards are set out in the building regulations. In December 2021 the Government introduced an uplift in Building Regulations standards, effective from June 2022 (subject to some transitional arrangements⁹) These apply to both new and existing dwellings. The uplifts are estimated to result in a 31% reduction in carbon emissions from new homes compared to current standards. The emphasis will be on the adoption of a ‘fabric first approach’ with higher standards for the building envelope and improved airtightness, along with the use of low-carbon heating technologies. Approved Document Part L1B covers the requirements for renovations and extensions to existing homes. It recognises that it is not always possible to meet new build standards, but the regulations require certain works to be undertaken to the Part L1A standard for new homes.

2.2.76 In seeking improved energy efficiency and water consumption (above the Building Regulations), the Local Plan supports exceeding the minimum standards where possible. In view of the significant uplift to these minimum standards, the requirements of Policy SP5 1) will be met (in terms of energy efficiency) by compliance with the new Building Regulations. Measures to improve energy efficiency include: using low embodied energy construction materials, increased thermal insulation, orientation of windows to capture solar energy, using energy efficient heating, lighting and white goods.

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

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

I - Flood Risk

2.2.78 It is important to consider flood risk both now and for future years when building an extension. Local Plan Policy CC4 1) requires that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere.

2.2.79 Local Plan Policy CC4 sets out the requirement for site specific Flood Risk Assessments (SSFRAs) to support planning applications for all development including residential extensions in

⁹F;II

Flood Zones 2 and 3, but also in Flood Zone 1 in specific circumstances. The circumstances under which an SSFRA is required include¹⁰:

- Land which has been identified by the Environment Agency as having critical drainage problems; and
- land that may be subject to 'other sources of flooding'.

2.2.80 Further guidance on the circumstances under which you would require an SSFRA is available from the Environment Agency at the following links:

- flood-risk-assessment-in-flood-zone-1-and-critical-drainage-areas (www.gov.uk/guidance)
- flood risk assessment for planning applications (www.gov.uk/guidance)

2.2.81 Whilst development in identified flood risk areas should be avoided where possible, if this is not achievable, flood risk should be mitigated, for example, through raising finished floor levels.

2.2.82 Policy CC5 seeks to minimise surface water run-off from sites and clause 2) sets out a hierarchy of options for the treatment of surface water. Only foul water will normally be permitted to be connected to the public sewer system. Policy CC5 supports (and requires for major development) the installation of Sustainable Drainage Systems (SuDS). SuDS are an approach to managing drainage by slowing or holding back water that runs off. Paragraph 167 of the NPPF 2021 only requires SuDS for minor development in areas 'at risk of flooding', and although these are not defined, this can sensibly be taken to mean those areas for which an SSFRA is required(see above).

2.2.83 SuDS measures include retaining and enhancing green infrastructure and permeable surfaces including, grassed and soiled areas. Permeable paving/materials, water butts, soakaways (including swales and rain gardens) and green roofs can also contribute. ¹¹

2.2.84 Policy CC4 2) states that no development should take place within 8 metres of the top of the bank of a watercourse either culverted or open, unless this approach is supported by the Environment Agency or Lead Local Flood Authority. In some instances, a Flood Risk Activity Permit (FRAP) may be required and is separate to planning permission.¹²

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

J - Refuse & Recycling Facilities

2.2.85 Refuse and recycling equipment should normally be stored to the rear or side of the property and must be screened from neighbouring properties and the street/wider land accessible to the public at ground level.

2.2.86 An extension to a property should not compromise existing space for refuse and recycling facilities or their safe manoeuvre out to the highway edge on collection day. Extensions should not sever any rear access that then forces multiple bins/containers to be stored at property frontages.

¹⁰ 'other sources of flooding' is not defined in the NPPF. The national practice guidance advises you should contact the lead local flood authority i.e. Lancashire County Council to determine the extent of these areas.

¹¹ The UK Rain Gardens Guide, managing water in our towns and cities

¹² Flood risk activities: environmental permits (www.gov.uk)

In exceptional cases front storage may be allowed where it is screened by properly constructed bin storage that does not appear incongruous in the streetscene.

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



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

Figure 14: Bin storage

K - Safety, Utilities and Accessibility

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

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

2.2.89 United Utilities will not allow building over or in close proximity to a water main and will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Applicants will need to check whether there are any assets of United Utilities within the area identified for a potential extension as early as possible in the design process. This should include careful consideration of landscaping proposals in the vicinity of United Utilities assets and any changes in levels and proposed crossing points (access points and services). To determine whether a site has any United Utilities assets, applicants should contact United Utilities. (Building & Developing - United Utilities)¹³

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

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

L - Home Working/Offices

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

¹³ <https://www.unitedutilities.com/builders-developers/>

Part 3 - Detailed Guidance

3. Detailed Guidance

3.1 Single storey rear extensions and conservatories

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

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

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



Figure 15: Rear extension- Image courtesy of www.davidsalisbury.com via flickr

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

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

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

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

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

KEY POINTS FOR SINGLE-STOREY REAR EXTENSIONS & CONSERVATORIES

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

3.2 Two-storey rear extensions

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

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

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

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

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

KEY POINTS FOR TWO-STOREY REAR EXTENSIONS

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

3.3 Single storey side extensions

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

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

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

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

Corner Plots

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

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

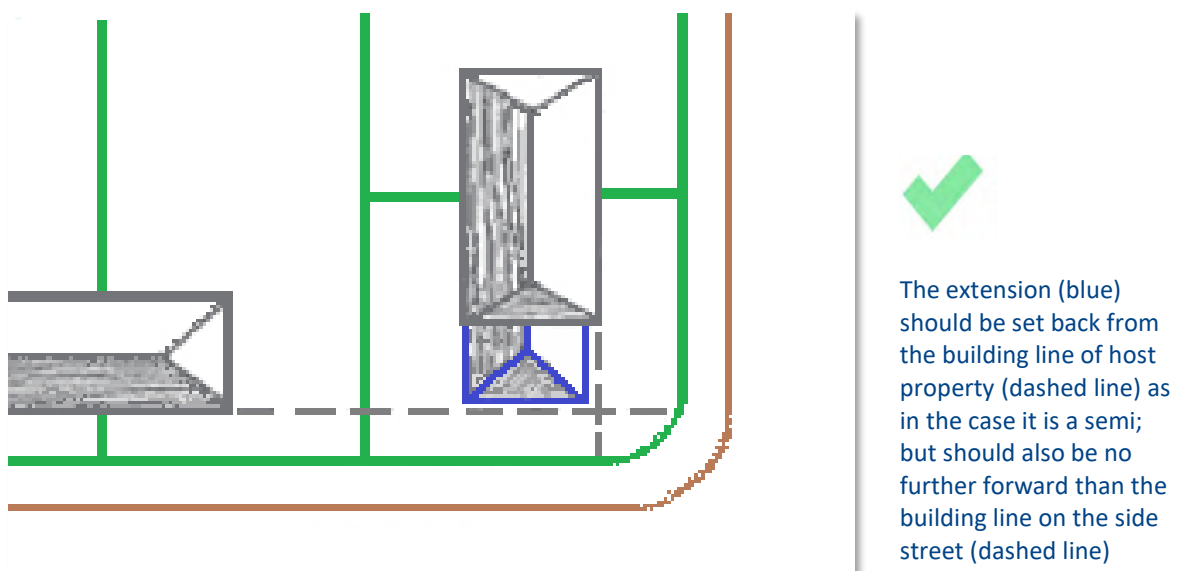


Figure 16: Corner Plot

KEY POINTS FOR SINGLE-STOREY SIDE EXTENSIONS

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

3.4 Two storey side extensions

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

3.4.2 Part 2 of this SPD sets out a number of design considerations which must be addressed from the outset for all extensions, and there are a number of design approaches, e.g. subservient, seamless, contemporary/contrasting or radical makeover that can be adopted. With two storey side extensions, the subservient approach is likely to be the most acceptable with a standard set-back distance of at least 1 metre. This can minimise the terracing effect of an extension, and prevent a semi-detached property appearing ‘unbalanced’, when viewed from the street. For the ground floor, a lesser setback may be appropriate (depending on the scale, design and location of the extension).

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



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

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

Figure 17: Two-storey side extensions

Corner Plots

3.4.4 If a side extension is proposed on a corner plot, equal care must be taken to the front and side views as it effectively has two frontages. Extensions which break the established building line of the side street may not be allowed. Attention must be paid to the front and side façade, boundary treatment and landscaping. (See Figure 16)

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

KEY POINTS FOR TWO STOREY SIDE EXTENSIONS

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

3.5 Front extensions & porches

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

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

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

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

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

3.5.6 Front extensions may also negatively impact parking and access arrangements and appropriate levels of parking must be maintained (See 2.2.68-2.2.70).



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



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

Figure 18: Examples of a front extensions (Courtesy of Google Street View)

KEY POINTS FOR FRONT EXTENSIONS & PORCHES

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

3.6 Dormers & roof extensions

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

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

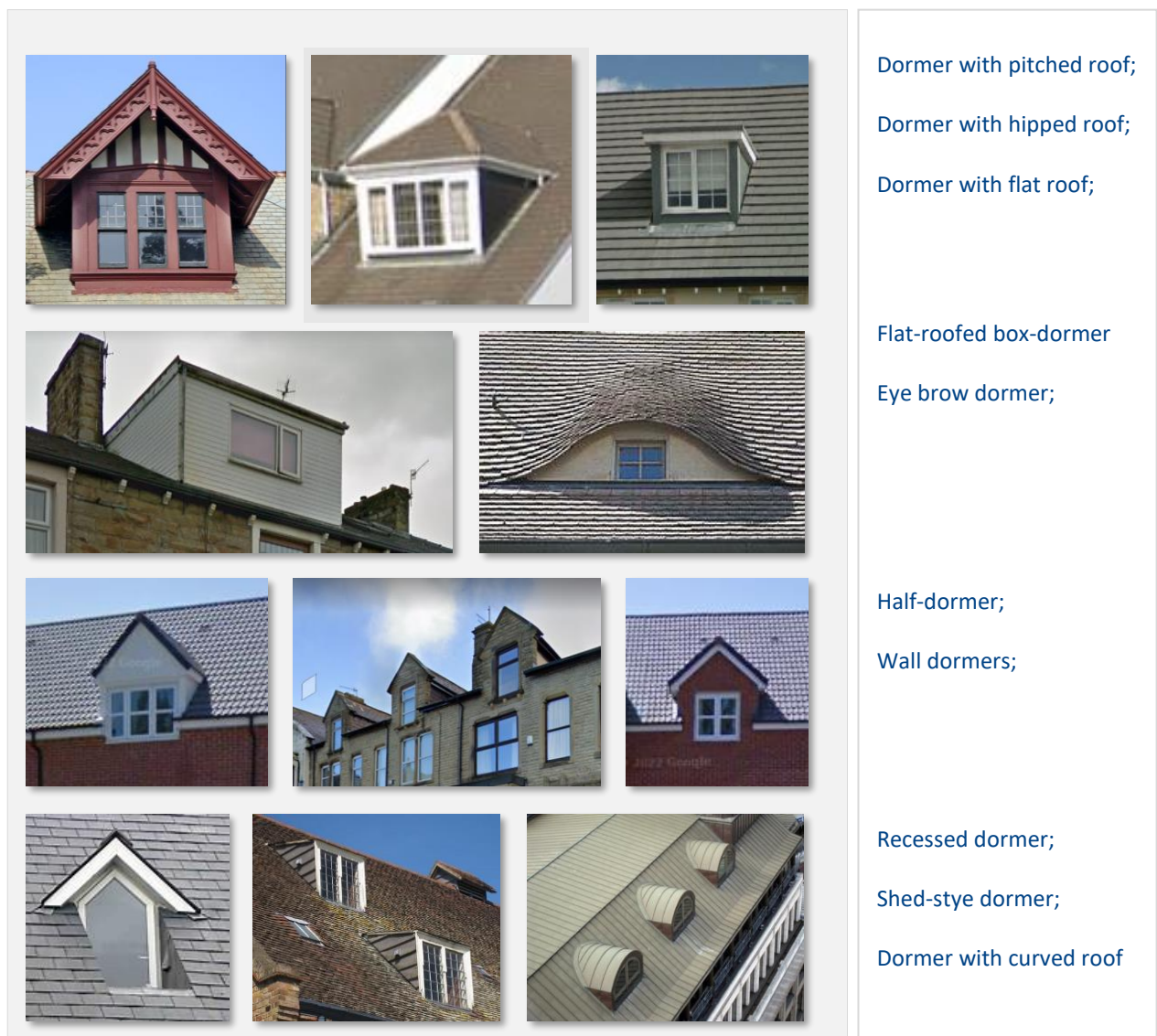


Figure 19: Various Types of Dormer (Courtesy of Google Street View and Geograph Britain and Ireland)

All Dormers:

3.6.3 All roof extensions should be in the form of a dormer¹⁴ which:

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

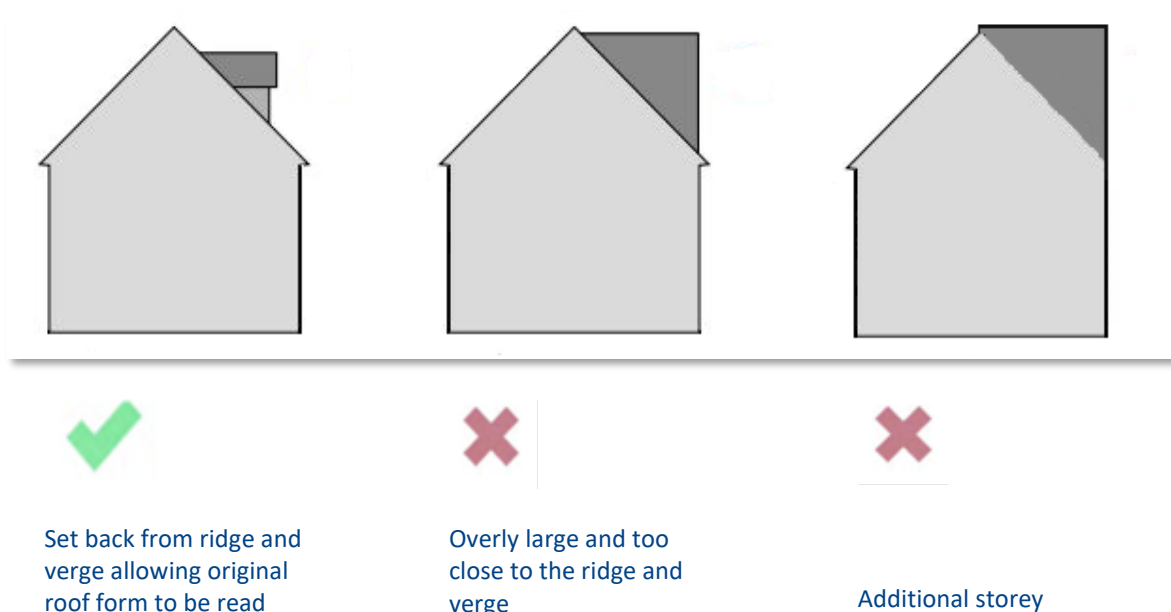


Figure 20: Dormer Profiles

¹⁴ Extensions which extend the full width of the property or involve extending the entire outward wall upwards or raising the roofline are treated as an additional storey - see part 3.7



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

Figure 21: Pitched roof dormers (Courtesy of Google Street View)

Front Dormers:

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



Figure 22: Found on larger period properties in Burnley - Dormers at Rosehill Road and Padiham Road (Courtesy of Google Street View)



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



Figure 23: Flat-roofed dormers (Courtesy of Google Street View)

Rear Dormers:

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

Side Dormers:

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

Rooflights

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

Technical Standards

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

KEY POINTS FOR DORMERS & ROOF EXTENSIONS

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

3.7 Additional storeys

Where might this approach be acceptable in principle?

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

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

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

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



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

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

Figure 24: Queens Gate Colne Road, Burnley (Courtesy of Google Street View)

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

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

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

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

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



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

Figure 25: Images of upwards extensions (left image Source Alan Stanton - Flickr)

KEY POINTS FOR ADDITIONAL STOREYS

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

3.8 Garages & outbuildings

New garages and outbuildings

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

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

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

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

3.8.5 New garages should provide enough space to store a car, get in and out, and for garage doors to open outwards onto/over a private driveway. They must not open outwards over the public highway (road or footpath). They should be a minimum size of 3m in width x 6m¹⁵ in length to enable bicycles or other storage at the rear of the garage. (*unless alternative storage is provided) (Burnley Local Plan, Policy IC3, Appendix 9).

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

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

Garage conversions

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

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

¹⁵ unless alternative storage is provided

permission is required.¹⁶ This is normally to ensure sufficient on-site private parking and off-site visitor parking is retained and/or to avoid the unsightly conversion of garage doors to windows. You should check before planning any works.

3.8.10 Permission may not be granted where the conversion would:

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

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

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



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

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

Figure 26: Garage conversion (courtesy of Google Street view)

KEY POINTS FOR GARAGES & OUTBUILDINGS

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

¹⁶ Conditions may be worded to withdraw 'permitted development rights' which actually cover the necessary conversion works such as the alteration of the garage door and insertion windows – this effectively prevents the use of the garage as additional living accommodation as well as the external alterations.

3.9 Family Annexes

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

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

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

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

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

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

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

KEY POINTS FOR FAMILY ANNEXES

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

Residential Extensions Supplementary Planning Document (SPD): Comments Received and Recommended Responses - Appendix B to the Committee Report

Comment Ref.	Consultee	Comments	Recommended Response
1	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure, and access to and enjoyment of nature.</p> <p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p>Biodiversity enhancement This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p>Landscape enhancement The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use</p>	<p>Noted.</p> <p>The SPD identifies the role of private gardens and trees in supporting biodiversity, including at 2.2.55 and 2.2.58 (now 2.2.58 and 2.2.63). Further reference to biodiversity and Policy NE1 has been added at new paragraph 2.2.60 and protected species, including the potential for nesting/roosting boxes at new paragraph 2.2.61.</p> <p>The SPD identifies that design should address local character including at paragraph 2.2.2. The</p>

	<p>natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might makes a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>Protected species Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>	<p>phrase ‘local distinctiveness’ has been added. It also identifies that residential gardens contribute to the network of green infrastructure across the borough, supporting biodiversity and helping to reduce or mitigate the impact of climate change, for example through trees and shrubs and grassed and soiled areas absorbing surface water and that these make an important contribution to the character and quality of residential areas. The SPD concerns residential extensions so landscape characterisation and townscape assessments, and associated sensitivity and capacity are unlikely to be relevant or necessary.</p> <p>Noted.</p> <p>A Strategic Environmental Assessment screening process was carried out and the three specific consultation bodies, namely: Historic England, Natural England and the Environment Agency confirmed their agreement with the Council’s conclusion that an SEA was not required on this matter. The Council made a determination on 11 December 2018.</p>
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2	Canal & River Trust	<p>Thank you for your consultation on the draft Supplementary Planning Document on Residential Extensions.</p> <p>We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.</p> <p>The Trust own and manage the Leeds & Liverpool Canal, which runs east-west through the Borough. The Trust own only a small proportion of land next to our waterways. Development by third parties, including House Extensions, can therefore have a significant impact upon the character, appearance and user experience of our network.</p> <p>Based on the information available, we wish to provide the following general advice on the following sections of the draft document:</p> <p>Paragraphs 2.2.4 and 2.2.5 Extensions built up close to public footpaths and cycleways, including our towpath network, can have a significant impact upon the outward appearance and user experience of those routes.</p> <p>We appreciate that paragraph 2.2.4 asks for extensions to take into account the characteristics of the surrounding area. However, when going into more depth, paragraph 2.2.5 does not explicitly advise developers and decision makers to consider the impact on neighbouring footpaths and cycleways.</p> <p>We believe that it is important that consideration is given to the impact on neighbouring pedestrian and cycle routes, and request that 2.2.5 is</p>	<p>Noted.</p> <p>Reference has been added at new paragraph 2.2.57 to ensure that consideration is also given to the locality surrounding a development in relation to sunlight and shading to avoid negatively impacting surrounding biodiversity or amenity, for example, the Leeds and Liverpool Canal towpath. In addition, paragraph 2.2.87 (was 2.2.77) acknowledges that extensions should have regard to the safety and security and visibility of pedestrians and cyclists using footpaths.</p>
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expanded to include an additional bullet point to explicitly reference the impact on such routes. Suggested wording is provided below:

“The impact on neighbouring footpaths and cycle routes”

We believe that this would make the document more effective in ensuring that extensions comply with the wider aims of the National Planning Policy Framework, which seeks to ensure that the fullest possible use of walking and cycling is encouraged (e.g. paragraph 104 part c).

Without the above inclusion, the need to protect the attractiveness of the wider sustainable transport network will not be explicitly made clear to applicants and decision makers when considering the impact of small-scale development.

Paragraphs 2.2.49 - 2.2.54

This section considers the impact of extensions on daylight and sunlight.

Two-storey extensions close to wildlife sites and our infrastructure have the potential to result in shading, which could impact upon biodiversity and the attractiveness of footpaths for public use and enjoyment. We therefore request that an additional paragraph is included in this section so that the impact on such spaces is made clear to applicants and decision makers. Suggested wording is provided below:

“Extensions should avoid excessive shading to public footpaths and wildlife sites”

Paragraphs 2.2.75 and 2.2.76

Reference is given in the existing wording to the need to screen refuse areas from “neighbouring properties and the street at ground level”.

We request that this is expanded to include wider land accessible to the public, and is not limited to neighbouring properties and the public

Reference to refuse and recycling facilities being screened from the street/wider land accessible to the public has been added to Section J paragraph 2.2.85.

		<p>highway. For example, our canal network runs close to residential property, and the presence of bin store areas could have a significantly impact upon the outward appearance of our network. Expansion of the wording of the above paragraphs to help ensure that all public areas are considered could help ensure that development protects the wider public realm, including waterside spaces, in line with the aims of policy SP5 from the adopted Local Plan.</p> <p>We hope that the above is of use. Please do not hesitate to contact me with any queries you may have.</p>	
3	Historic England	<p>Historic England is the Government’s statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England’s historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content. If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>	Noted.
4	Habergham Eaves Parish Council	<p>Thank-you for the opportunity to review and comment on the two draft Supplementary Planning Documents (Planning for Health SPD and Residential Extensions SPD).</p> <p>We have read them through and fully support the principles and proposed guidance/policies in each document. They should have a positive effect on the health and well-being of residents the design of future housing extension within Habergham Eaves parish.</p>	Comment noted and general support welcomed.

		We do not have any substantive comments or specific comments to make.	
5	The Coal Authority	<p>The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Burnley area there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings, reported surface hazards, surface coal mining and mine gas sites. These recorded features may pose a potential risk to surface stability and public safety.</p> <p>The Coal Authority's records also indicate that surface coal resource is present in the area, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.</p> <p>It is noted that this current consultation relates to Supplementary Planning Documents for Planning for Health and Residential Extensions. I can confirm that the Planning team at the Coal Authority have no specific comments to make on these consultation documents.</p> <p>Please do not hesitate to contact me should you wish to discuss this further.</p>	Noted.
6	Homes England	As a prescribed body and land-owner in Burnley, we would firstly like to thank you for the opportunity to comment on the above consultation.	Noted.

		<p>Homes England is the government’s housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change. By releasing more land to developers who want to make a difference, we’re making possible the new homes England needs, helping to improve neighbourhoods and grow communities.</p> <p>Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.</p>	
7	Lancashire County Council	<p>Thank you for consulting Lancashire County Council on the above document and I have the following comments in response.</p> <p>The County Council is the Lead Local Flood Authority (LLFA) for the area. The Flood and Water Management Act (FWMA) sets out the requirement for the LLFA to manage 'local' flood risk (flooding from surface water, groundwater, and ordinary watercourses) within their area.</p> <p>This SPD must make it clear that, as per paragraph 168 of the National Planning Policy Framework, applications for some minor development, including householder development, should meet the requirements for a site-specific flood risk assessment. The National Planning Policy Framework requires a site-specific flood risk assessment to be provided for:</p> <ul style="list-style-type: none"> • All development in Flood Zones 2 and 3. • In Flood Zone 1 <ul style="list-style-type: none"> ○ sites of 1 hectare or more; ○ land which has been identified by the Environment Agency as having critical drainage problems; ○ land identified in a strategic flood risk assessment as being at increased flood risk in future; ○ or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use 	<p>Noted.</p> <p>SFRAs:</p> <p>The SPD in section I has been amended to include further cross reference to Policy CC4 and the need for site specific flood risk assessments for certain minor developments.</p> <p>Paragraph 159 of the NPPF states that: “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”</p>

The site-specific flood risk assessment should follow the national standing advice for minor development on the gov.uk website at <https://www.gov.uk/guidance/flood-riskassessment-standing-advice>, which also applies to surface water flood risk.

As per the planning practice guidance, minor developments may raise significant flood risk issues where:

- they would have an adverse effect on a water course flood plain or its flood defences;
- they would impede access to flood defence and management facilities, or;
- where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

To mitigate the flood risk posed by minor developments, the Lead Local Flood Authority expects the following measures to be included within the SPD:

- The SPD must make it clear that inappropriate development in areas at risk of surface water flooding should be avoided, as per paragraph 159 of the National Planning Policy Framework. If overriding reasons result in proposals to build in an area at risk of surface water flooding, appropriate mitigation measures must be provided, including raising finished floor levels and safely managing the surface water within the site. The risk of flooding from surface water can be checked at <https://check-long-term-flood-risk.service.gov.uk/map>
- There is potential for the cumulative impact of minor extensions to have a significant effect on flood risk. The SPD must make it clear that all minor development should incorporate sustainable drainage systems in line with paragraph 167 of the National

Clearly residential extensions can't be directed elsewhere. Policy CC4 1) requires that all development does not result in increased flood risk from any source or other water drainage problems either on the development site to elsewhere.

The current NPPF (2021) includes slightly amended wording on flood risk and the need for SSFRAs and rather than repeat this advice in the SPD, it is considered more appropriate to direct householders to the wealth of information and advice that is available on the Environment Agency website.

New paragraph 2.2.81 includes reference to flood risk mitigation such as raising the finished floor level.

SuDS:

Policy CC5 of the Local Plan sets out the requirements for SuDS and surface water treatment generally and only requires such formal SuDS for 'major' developments.

Planning Policy Framework. SuDS should be designed in line with the Planning Practise Guidance, including the hierarchy of drainage options, the Defra Technical Standards for SuDS, The SuDS Manual (C753) and policy CC5 of the adopted Burnley Local Plan. SuDS components such as green roofs, permeable paving, water butts and soakaways represent viable options for managing surface water from minor developments. For most residential extensions, the discharge rate should not exceed a maximum rate of 2 l/s/ha.

- The SPD must make it clear that, in accordance with the National Planning Policy Framework and the National Planning Practice Guidance, development should be drained on a separate system with foul water draining to the public sewer and surface water draining into a SuDS.
- The SPD must make it clear that no development should occur within 8 metres from the bank top of any ordinary watercourse, as supported by Policy CC4 of the adopted Burnley Local Plan. This includes the construction of structures such as walls and fences and any activity during the construction phases of development. Construction within 8 metres of any ordinary watercourse is not advised as access for maintenance purposes is restricted, it has the potential to pose a detriment to water quality and poses a significant residual flood risk to structures and adjacent buildings. The Lead Local Flood Authority consider this contrary to the National Planning Policy Framework.
- The SPD must recognise the importance of permeable surfaces. The Lead Local Flood Authority advise the Local Planning Authority to make it clear that paving over any surface with an impermeable surface is not acceptable. The cumulative impact of many small increases in impermeable surfaces across an area results in increased surface water flood risk. The SPD should set a clear expectation for development to use permeable paving if paving

Paragraph 167 of the NPPF 2021 only requires SuDS for minor development in areas ‘at risk of flooding’ and although these are not defined within the NPPF, this can sensibly be taken to mean those areas for which a site specific flood risk assessment is required and cannot be taken to mean everywhere. National planning practice guidance defines them “those at risk of flooding from any source, now or in the future. Sources include rivers and the sea, direct rainfall on the ground surface, rising groundwater, overwhelmed sewers and drainage systems, reservoirs, canals and lakes and other artificial sources.”

The SPD at section I already identifies that the Local Plan supports (and requires for major development) the installation of Sustainable Drainage Systems (SuDS), and that the use of permeable materials should be maximised. It has been amended to include further cross reference to Policy CC4 and circumstances where SuDS may be required for residential extensions.

The SPD already emphasises the importance of retaining and maximising the use of permeable surfaces, at section I paragraph 2.2.59 (was 2.2.56) 2.2.83 (was 2.2.74).

Watercourses:

Local Plan Policy CC4 2) sets out the policy in relation to development within 8 metres from the bank top of a watercourse and cross

		<p>over any permeable surface, noting that planning permission will be required if paving over a front garden area greater than five metres squared with an impermeable surface. This should also be made clear in paragraph 2.2.56 of the SPD.</p> <p>The Lead Local Flood Authority note that our 'Standing Advice for Minor Applications' has been provided to the Local Planning Authority. The Local Planning Authority is expected to apply this to all relevant developments.</p> <p>I hope you will find these comments valuable and should you require further information or clarification on the contents of this letter please contact me at the email address provided. Once again, the County Council would like to thank you for the opportunity to respond to the latest consultation and for the continued cooperation received.</p>	<p>reference to this requirement has been added at paragraph 2.2.84.</p> <p>Noted.</p>
8	United Utilities Limited	<p>Thank you for your consultation seeking the views of United Utilities as part of this consultation. United Utilities wishes to build a strong partnership with all local planning authorities (LPAs) to aid sustainable development and growth within its area of operation. We aim to proactively identify future development needs and share our information. This helps:</p> <ul style="list-style-type: none"> - ensure a strong connection between development and infrastructure planning; - deliver sound planning strategies; and - inform our future infrastructure investment submissions for determination by our regulator. <p>We encourage you to direct future developers to our free pre-application service to discuss their schemes and highlight any potential issues by contacting:</p>	Noted.

Developer Services – Wastewater

Tel: 03456 723 723 Email: WastewaterDeveloperServices@uuplc.co.uk

Developer Services – Water

Tel: 0345 072 6067

Email: DeveloperServicesWater@uuplc.co.uk

Our Assets

It is important to outline to the LPA the need for our assets to be fully considered in proposals for new residential extensions. We will not permit development over or in close proximity to our assets.

United Utilities will not allow building over or in close proximity to a water main United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

On this basis, applicants will need to check whether there are any assets of United Utilities within the area identified for a potential residential extension as early as possible in the design process. This should include careful consideration of landscaping proposals in the vicinity of our assets and any changes in levels and proposed crossing points (access points and services). We strongly recommend that the LPA advises future applicants of the importance of fully understanding the details of any assets that may exist in a residential curtilage as soon as possible, and before incurring fees on the detail of any design, so that the implications of our assets on any potential residential extension can be fully understood. Where our assets exist on a site, we ask applicants to contact United Utilities to understand any implications using the below contact details. The details of how plans of our assets can be obtained are set out below under the heading of 'Property Searches (for asset maps)'.

Where United Utilities' assets exist, the level of cover to our pipelines and apparatus must not be compromised either during or after construction

Assets:

Reference to development close to United Utilities assets and links to sources of information had been added at Section K.

and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement, retaining walls and the transport and position of construction equipment and vehicles.

Removal of Permitted Development Rights

Applicants should note that in some instances, the original permission for a development may have had permitted development rights removed due to the existence of utility infrastructure within the curtilage of a development. It is important that applicants check whether this is the case before progressing with any instructions to design a residential extension. We request that the SPD makes reference to the need for the applicant to undertake this check in advance of progressing any design.

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, applicants can visit <https://www.unitedutilities.com/property-searches/Water>

Water and sewer records can also be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map. Where an asset does exist within or near to a site, the exact location will need to be confirmed in liaison with United Utilities.

Reference to permitted development rights withdrawal has been added at new paragraph 1.3.3.

Noted.

If applicants wish to discuss their proposal with our Developer Services team, the contact details are below.

Contacts

Website - For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit:
<http://www.unitedutilities.com/builders-developers.aspx>

Email - For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering -
 DeveloperServicesWater@uuplc.co.uk
 Public sewers and drainage –WastewaterDeveloperServices@uuplc.co.uk
 Telephone - 0345 072 6067

Sustainable Drainage (Foul Water and Surface Water) and Water Efficiency

United Utilities supports the references to climate change within the guidance. New development should manage foul and surface water in a sustainable way in accordance with national planning policy. We wish to emphasise the importance of the SPD highlighting the need to follow the hierarchy of drainage options for surface water management in national planning practice guidance which clearly identifies the public combined sewer as the least preferable option for the discharge of surface water.

We also recommend that the SPD includes reference to water efficiency measures within the guidance. We wish to highlight that improving water efficiency makes a valuable contribution to water reduction as well as carbon reductions noting that water and energy efficiency are linked. This has associated societal benefits by helping to reduce customer bills for both water and energy.

Sustainable Drainage (Foul Water and Surface Water) and Water Efficiency

The SPD at section I already identifies that the Local Plan supports (and requires for major development) the installation of Sustainable Drainage Systems (SuDS) and the importance of GI in this regard. Further cross reference has been added to Local Plan Policies CC4 and CC5; and the hierarchy of drainage options.

Reference to water efficiency has been added in section H.

Sustainable surface water management and the efficient use of water should be critical elements of the design and development process. As the Council will be aware, green infrastructure can help to mitigate the impacts of high temperatures, combat emissions, maintain or enhance biodiversity and reduce flood risk. Green infrastructure and landscape provision play an important role in managing water close to its source.

In terms of residential extensions, there are opportunities such as rainwater recycling, green roofs and water butts and we would encourage the LPA and applicants to embrace such measures in the design of a residential extension. Modern design techniques can promote measures for water recycling and reduce customer bills. We request that such examples are specifically promoted in the SPD.

We wish to highlight that in making any connection to existing drainage systems, applicants should ensure only foul water is connected to the foul sewer system.

Landscaping and Biodiversity

United Utilities supports the references to biodiversity under both the Gardens and Trees sections. United Utilities is supportive of any approach to the planting of new trees and would encourage the Council and applicants to consider this in the context of flood risk management and opportunities to 'slow the flow' reflecting our wider comments relating to surface water management.

We specifically request that opportunities for source control, slowing the flow and filtration of surface water are considered, which could be achieved through a variety of features including:

- permeable surfacing;
- retrofitted swales;
- bioretention tree pits/rain gardens.

Landscaping and Biodiversity

Noted.

These matter forms part of the consideration of surface water treatment and SuDS (see discussion above).

We have enclosed a copy of the UK Rain Garden Guide and we would encourage the Council to refer to this as a means of sustainably managing surface water from any proposed residential extension in the SPD.

In accordance with the conditions of the general permitted development order, we request that the guidance clearly states that new areas of hardstanding should be made of porous materials, and that the lay of any hardstanding directs run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. This is critical to ensure that flows to the public sewer and receiving watercourses are minimised. Where connections are made to the public sewer as a result of the paving over of gardens / residential extensions, it can result in a significant increase in surface water flows which increases flood risk to existing properties and has a detrimental impact on the environment by necessitating increased operation of sewer overflows alongside the need for additional pumping / treatment of clean rain water. We therefore encourage the Council to ensure that the document directs applicants to make every effort to not direct surface water to the public sewer from residential extensions. This should include new areas of hardstanding.

United Utilities also wishes to note the importance of any approach to planting new trees giving due consideration to the impact on utility services noting the implications that can arise as a result of planting too close to utility services. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk to existing properties including the applicant. This should be identified as a key consideration in your SPD. Guidance on landscaping in the vicinity of utility assets can be found in our 'Standards Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

Summary

Moving forward, we respectfully request that the Council continues to consult with United Utilities for all future planning documents. In the

Reference to the UK Rain Garden Guide has now been made in the footnote on pg. 26.

The SPD already highlights this issue at para 2.2.59 (was 2.2.56) and 2.2.83 (was 2.2.74) and again these matters forms part of the consideration of surface water treatment and SuDS (see discussion above). A link to the permitted development condition has been added as a footnote to paragraph 2.2.59.

Reference to the impacts of new tree planting on services has been added to section F.

		<p>meantime, if you have any queries or would like to discuss this representation, please do not hesitate to contact me at planning.liaison@uuplc.co.uk.</p>	
9	Environment Agency	<p>We recommend that the flood risk section is updated to include guidance as set out below.</p> <p>Extensions should be resilient to flooding in flood risk areas, i.e. land which is shown to be at risk of flooding from (main) rivers and sea on the Flood Map for Planning (https://flood-map-for-planning.service.gov.uk/), and from other sources such as surface water, small non-main rivers, groundwater, sewers and reservoirs. Long-term flood risk can also be checked here on GOV.UK: https://www.gov.uk/check-long-term-flood-risk. The Local Planning Authority Strategic Flood Risk Assessment should also have identified flood risk areas.</p> <p>Developers should avoid locating extensions in flood risk areas wherever possible, e.g., through site layout. If this is not achievable, flood risk should be mitigated at a building level, such as by avoiding internal flooding wherever possible and reasonable to do so, (e.g. through raised floor levels above the estimated flood level); mitigate through flood resistant, resilient and repairable construction. Flood risk impacts may also need to be mitigated through non-structural measures (e.g. flood warning response and evacuation plan, deployment of temporary flood resistance measures).</p> <p>We would like to highlight that over the lifetime of the development, the frequency and severity of all sources of flooding is likely to increase as a result of climate change. Developers may therefore wish to consider all available measures to mitigate the impact of more extreme future flood events.</p> <p>We would recommend that the SPD promotes the use of sustainable drainage systems (SuDS) when designing extensions. SuDS have multiple</p>	<p>The SPD has been amended to include further information in relation to flood risk at section I.</p> <p>The SPD at section I already identifies that the Local Plan supports (and requires for major</p>

benefits which include managing flood risk from surface water run-off, improved water quality and increases biodiversity. Residential extensions could include SuDS such as green roofs, rain gardens and rainwater harvesting, for example.

Further guidance can be found here:

- The Flood Risk Standing Advice for flood risk assessments for planning applications: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice> – see section on ‘advice for minor extensions’.
- <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.
- <https://thefloodhub.co.uk>

We recommend that the SPD also makes developers aware that that the Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culverted main river
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain (Flood Zone 3, but excluding areas benefitting from flood defences) more than 8 metres from an open channel/culverted main river or flood defence structure and you don’t already have planning permission. Permitted development does not count as planning permission.

In particular (but not limited to), no trees or shrubs may be planted, nor fences, buildings, pipelines (including outfalls) or any other structure erected within 8 metres of an open channel/culverted main river or flood defence structure without an environmental permit.

development) the installation of Sustainable Drainage Systems (SuDS). Further reference to Local Plan policies CC4 and CC5 has been added and the circumstances where the NPPF requires SuDS for minor development.

Local Plan Policy CC4 2) sets out the policy in relation to development within 8 metres from the bank top of a watercourse and cross reference to this requirement and to permits/exemptions has been added at Section I new paragraph 2.2.84.

The requirement for a flood risk activity permit (FRAP) is separate to planning permission. The granting of planning permission does not guarantee that a permit would be forthcoming. Where a FRAP is required, developers should be aware that it is unlikely that our consent will be granted for works that do not allow access for maintenance / repair purposes or that have an unacceptable impact on flood risk or the natural environment. Further guidance is available here on GOV.UK: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

There is also guidance available on the rights and responsibilities of riverside ownership on GOV.UK: <https://www.gov.uk/guidance/owning-a-watercourse>.

Non-main river watercourses fall under the jurisdiction of the Lead Local Flood Authority. Further guidance can be found on Lancashire County Council's website: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse>

Council Tax Support Scheme 2023/24

REPORT TO EXECUTIVE



DATE	26 October 2022
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Howard Hamilton-Smith
TEL NO	01282 477173
EMAIL	Hhamilton-smith@burnley.gov.uk

PURPOSE

1. To seek approval to commence a public consultation on the plans to temporarily revise Burnley Borough Council's Council Tax Support Scheme for 2023/24.

RECOMMENDATION

2. The Executive is recommended to:
 - a. approve a statutory consultation of the Local Council Tax Support Scheme in accordance with Schedule 1A of the Local Government Finance Act 1992 and the Local Government Finance Act 2012 (as amended),
 - b. consider and approve for consultation a temporary revision to the Council Tax Support Scheme for the forthcoming financial year (2023/24) as set out in this report,
 - c. delegate authority to the Head of Finance and Property to undertake the statutory consultation, and
 - d. note that the consultation will run for an 8-week period which is expected to commence on 28th October 2022 and will guide the final recommendations to be placed before Full Council in February 2023 for the approval of a temporary revision to the Council Tax Support Scheme for 2023/24.

REASONS FOR RECOMMENDATION

3. To consult on the provision of temporary support, by increasing the level of subsidy to a maximum of 100%, for eligible working age claimants within the Council's Council Tax Support Scheme for 2023/24 to help alleviate some of the financial hardship caused by the cost-of-living crisis.

SUMMARY OF KEY POINTS

4. Council Tax Support Scheme

The Council Tax Support Scheme replaced Council Tax Benefit in April 2013. The Local Government Finance Act 2012 created the provision for local authorities to create their own local scheme to replace the national Council Tax Benefit scheme. Pensioners were protected from any reduction in Council Tax Support.

5. The government's policy objective in localising support for Council Tax were to:
 - Give local authorities a greater stake in the economic future of their local area,
 - Give local authorities the opportunity to reform the system of support for working age claimants,
 - Reinforce local control over Council Tax, and
 - Give local authorities a financial stake in the provision of support for Council Tax.
6. There are currently 9,869 households claiming Council Tax Support in Burnley; 2,936 (30%) are pensioners and 6,933 (70%) are working age. Pensioners are protected under government legislation and continue to receive Council Tax Support at the same level as they did under the Council Tax Benefit rules, up to a maximum of 100%.
7. Working age claimants previously on full Council Tax Benefit currently receive up to a maximum of 85% subsidy on their bill and are being asked to pay a minimum of between £161 for a single person and £215 per year for a standard bill for a Band A property (15%). Information held confirms that 71% of taxpayers in this category are paying their Council Tax on time with the remainder collected through our normal recovery processes over a longer period.
8. The Council proposes to seek public opinion on providing a temporary increase in the level of subsidy provided to working age claimants, from a maximum of 85% to a maximum of 100%, for the 2023/24 financial year. It is proposed that the level of subsidy returns to a maximum of 85% from 2024/25.
9. It should be noted that any decision to change the scheme is required to be done after consultation. The Council, as billing authority, is the default lead authority for the Council Tax Support Scheme and is also required to consult with its precepting authorities, in particular the County Council, Fire and Police authorities as any changes to the scheme will affect the income they receive.
10. In addition to this proposal, a number of assessment criteria for Council Tax Support claims will be changed to bring the scheme in line with changes being made on a national level to Housing Benefit Regulations. These changes will not form part of the proposed consultation as the scheme already includes provisions to make changes to reflect national changes to Housing Benefit Regulations.
11. An 8-week public consultation process is proposed and is expected to be carried out between 28th October to 23rd December 2022 on changes to the scheme. This will include consulting with the Council's major preceptors.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

12. The cost of increasing the Council Tax Support subsidy for working age claimants from a maximum of 85% to a maximum 100% is estimated to cost £145k in 2023/24. It is proposed that the one-off cost is funded from the Revenue Support Reserve.

POLICY IMPLICATIONS

13. The consultation could result in temporary policy amendments for the Council Tax Support scheme if approved by Full Council.

DETAILS OF CONSULTATION

14. None

BACKGROUND PAPERS

15. None

FURTHER INFORMATION

PLEASE CONTACT:

**Howard Hamilton-Smith
Head of Finance and Property**

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Strategic Risk Register

REPORT TO EXECUTIVE



DATE	26/10/2022
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Ian Evenett
TEL NO	01282 425011 ext. 7175
EMAIL	ievenett@burnley.gov.uk

PURPOSE

1. To present the Executive with a Strategic Risk Register.

RECOMMENDATION

2. That the Executive approves the Strategic Risk Register.

REASONS FOR RECOMMENDATION

3. The Executive are required to approve the Strategic Risk Register (Appendix 1) pursuant to the Risk Management Strategy.
4. The Audit and Standards Committee have recommended the register to the Executive.

SUMMARY OF KEY POINTS

Governance Issues

5. Effective and up to date risk management is a key element of good corporate governance and contributes to an effective, focused organisation that understands the challenges facing it. The register links to the strategic actions that the Council has in place to control these risks and to strategic plans and actions to better serve the community. Risk Scoring provides a relative assessment of the risks and effectiveness of controls and plans to address the risks. The Strategic Risk Register is presented at Appendix 1.

New Risks

5. A risk for the cost-of-living crisis (Risk Ref 15 – Cost of Living Crisis) has been added to reflect the specific community impact of increasing inflation and fuel/energy costs. Work to address this risk is across the Council with new and existing initiatives. Energy Rebates have been paid, work with the Community Hub and the school uniform shop are all examples of this.
6. This has been scored as a high risk with a maximum likelihood and impact.

Risk Changes

7. There have been changes in scoring of the following risks.
8. Environmental Event (Risk Ref 13) has increased from 3 (Low) to 6 (Medium) with an increase in likelihood which reflects the extremes of weather that we have experienced.
9. Failure to respond to a widespread illness (Risk Ref 14) has been reduced from a 6 (Medium) to 3 (Low) with a reduced likelihood, as the booster programme continues.
10. There have been updates in the following risks:

Risk Ref 1 – Financial Stability
Increased energy costs have been included into the Triggers. The C19 has been removed from the National Economic Changes trigger as this risk has been impacted to a lesser extent by Covid and to a greater extent by inflation, increased energy costs and exchange rates.
Risk Ref 6 - Inability to deliver the regeneration programme
The C19 has been removed from the Economic downturn trigger as the risk has been impacted to a lesser extent by Covid and to a greater extent by inflation, increased energy costs and exchange rates.
Risk Ref 9 - Risks in responding to demographic changes and increased deprivation
The C19 has been removed from the Economic downturn trigger as this risk has been impacted to a lesser extent by Covid and to a greater extent by inflation, increased energy costs and exchange rates.
Risk Ref 11 - Malicious Attack
The Strategic Commitment PE4 (poor health) has been removed from this risk as the work is not related to controlling this risk.
Risk Ref 13 - Environmental Event
The Strategic Commitment PF1 (working with Liberata) has been removed from this risk as the work is not related to controlling this risk.

Strategic Risk Updates

11. The external auditor has recommended that there is inclusion of progress taken to control the risks. Most risks are cross cutting so reporting strategic progress against each risk is likely to lead to repetition with Executive Members reports to full Council. However, in future Strategic Risk Register reports will include issues which are not part of that process and include the reports for the independent members of the Audit and Standards Committee who do not receive these reports.

Economic Factors

12. The current interest rates are increasing as the Bank of England increases the base rate to reduce inflation. This impacts the Council in two primary ways, the Council can recover more interest from temporary investments and to a greater extent it must pay more for the short-term money it borrows. For longer term borrowing this may affect the costs of schemes which require borrowing.

13. Inflation has increased because of a range of factors e.g., increased food cost, increased energy costs and increased transport costs. Recently the impact of the Central Government Budget has been to decrease the value of the pound which increases the costs of importing goods but makes UK goods cheaper to buyers abroad. This increases the pressure on inflation. The recent tax cuts and the increased cost of Government borrowing may mean that there is less funding available from the Government for local government.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
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14. None.

POLICY IMPLICATIONS

15. None.

DETAILS OF CONSULTATION

16. Council's Risk Management Group and Audit and Standards Committee.

BACKGROUND PAPERS

17. None.

FURTHER INFORMATION	
PLEASE CONTACT:	Ian Evenett ievenett@burnley.gov.uk
ALSO:	Howard Hamilton-Smith hhamilton-smith@burnley.gov.uk

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Burnley Borough Council

Strategic Risk Register

27 September 2022

Strategic Risk Register Summary

ID	Risk Description	Risk Score
1	Financial stability	9
9	Risks in responding to demographic changes and increased deprivation	9
15	Cost of Living Crisis	9
6	Inability to deliver the regeneration programme	6
4	Changes in the political landscape	6
5	Changes in national policy/legislation	6
8	Inability to influence key decision makers	6
10	Workforce, skills and capacity challenges	6
13	Environmental Event	6
2	Maintaining Partnership Performance	4
3	Damage to the Council's reputation	4
14	Failure to respond to a widespread illness	3
7	Inability to drive improvements through information technology	3
11	Malicious Attack	3
12	Safeguarding Failure	3

Risk Prioritization Matrix

Likelihood	3		4, 5, 10	1, 9, 15	Red High
	2		2, 3	6, 8, 13	Amber Medium
	1			7, 11, 12, 14	Green Low
		1	2	3	
		Impact			

Likelihood	Impact
1 Very Unlikely	1 Low
2 Likely	2 Medium
3 Virtually Certain	3 High

Risk Ref: 1 Financial stability

Trigger or Cause

Further funding cuts
 Income loss (C19)
 Insufficient financial controls
 Expensive decision making
 External cost pressures e.g. increased energy costs
 Price or Interest Rate Increases
 Political growth
 Failing to understand the financial problem
 National Economic Changes
 Claims against the Council

Possible Consequences of Risk

Organisational sustainability
 Reduced service delivery
 Reduced customer satisfaction
 Reduced reserves
 Overspends
 Damaged credit rating
 Damage to reputation
 Workforce morale/planning/retention
 Reduced reputation for financial management
 Central Government Intervention

Strategic Link: Cross Cutting

Residual Risk Assessment	Impact	3	Likelihood	3	Score	9	High Priority Risk
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Strategic Commitments

PF1 - We will manage our contract with Liberata robustly, so it delivers value for money and good services.

PF2 - We will adopt a Medium Term Financial Strategy that will put the Council on a sustainable financial footing. This strategy will set the framework for preparing annual budgets, ensuring the annual budget strategy is set within the context of the longer-term outlook.

PF3 - We will develop our digital strategy, so that more residents transact with us online and we will continue to deliver services more efficiently.

PF4 - We will deliver our Organisational Development strategy, ensuring we plan for the structures and capabilities that the organisation needs, and empowering our workforce to deliver the objectives of the Strategic Plan. This will include embedding hybrid working patterns where this improves productivity.

PL6 - We will invest in our heritage assets for the benefit of this, and future, generations.

PR5 - We will support UCLan’s expansion, transforming Burnley into a University Town

PR6 - We will delivery our COVID-19 economic recovery plan.

PE2 - We will continue to develop the leisure and cultural offer of Burnley in partnership with Burnley Leisure.

Lead Responsibility : Head of Finance & Property

Risk Ref: 2 Maintaining Partnership Performance

Trigger or Cause

Procurement method
 Supply chain failure
 Commissioning 'v' traditional culture
 Political Change
 Poor implementation
 Compliance/Legal
 Business continuity
 Transformational cultural change not achieved
 Poor or weak contract management
 Partner failure or withdrawal

Possible Consequences of Risk

Reduced service delivery
 Reduced customer satisfaction
 Political or reputation embarrassment
 Perceived council failure
 Poor co-ordination of existing providers and systems
 Poor relationships
 Increased costs

Strategic Link: Cross Cutting

Residual Risk Assessment	Impact	2	Likelihood	2	Score	4	Medium Priority Risk
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Strategic Commitments

- PE1 - We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development.
- PE2 - We will continue to develop the leisure and cultural offer of Burnley in partnership with Burnley Leisure.
- PF1 - We will manage our contract with Liberata robustly, so it delivers value for money and good services.
- PE3 - We will continue to work with partners to provide necessary support systems to reduce homelessness and to end rough sleeping in the borough.
- PL1 - We will implement a range of initiatives to maintain a clean, safe, attractive, and environmentally friendly borough. This will include community engagement, enforcement and cleansing in 'hotspot' areas.
- PL3 - We will work with partners to improve the quality and choice in the borough's housing stock.
- PL4 - We will implement our 2015-25 Green Space Strategy.
- PR3 - We will deliver the Town Centre and Canalside Masterplan, and strategic projects in Padiham Town Centre.
- PR5 - We will support UCLan's expansion, transforming Burnley into a University Town

Other Work

Contract Review and Extension Planning

Lead Responsibility : Management Team

Risk Ref: 3 Damage to the Council’s reputation

Trigger or Cause

Service failure
 Loss of key staff
 External events
 Customer Satisfaction not maintained
 Partner failure or withdrawal

Possible Consequences of Risk

Strategic plan delivery problem
 Credibility of the leadership (both political and officer)
 Low morale
 Loss of key staff
 Recruitment and retention issues

Strategic Link: Cross Cutting

Residual Risk Assessment

Impact

2

Likelihood

2

Score

4

Medium Priority Risk

Strategic Commitments

PF1 - We will manage our contract with Liberata robustly, so it delivers value for money and good services.

PF2 - We will adopt a Medium Term Financial Strategy that will put the Council on a sustainable financial footing. This strategy will set the framework for preparing annual budgets, ensuring the annual budget strategy is set within the context of the longer-term outlook.

PR1 - We will contribute to the strategic direction of local, sub-regional and regional partnerships, and will position the borough for economic development investment

PL1 - We will implement a range of initiatives to maintain a clean, safe, attractive, and environmentally friendly borough. This will include community engagement, enforcement and cleansing in ‘hotspot’ areas.

PF3 - We will develop our digital strategy, so that more residents transact with us online and we will continue to deliver services more efficiently.

PE4 - We will work on the wider determinants of poor health and will keep residents informed about changes to health services and how to access them.

Lead Responsibility : Chief Executive Officer

Risk Ref: 4 Changes in the political landscape

Trigger or Cause

No overall control
 Political instability
 Poor member and officer relationships
 Poor member and member relationships
 Local Govt Reorganisation

Possible Consequences of Risk

Lack of strategic leadership
 Poor decision making
 Impact on the Council's reputation
 Loss of influence with key partners

Strategic Link: People Performance

Residual Risk Assessment

Impact	2	Likelihood	3	Score	6	Medium Priority Risk
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Strategic Commitments

PE1 - We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development.

PR4 - We will implement the Local Plan, delivering new housing, employment sites, and infrastructure.

Other Work

Council Constitution

Lead Responsibility : Chief Executive Officer

Risk Ref: 5 Changes in national policy/legislation

Trigger or Cause

New functions/loss of existing functions
 Short term thinking
 Lack of capacity
 Changes from the devolution of Powers from Central Government
 Interest rate changes

Possible Consequences of Risk

Reduced control over what you do and how you do it
 Inability to respond to the new agenda and continue with on-going functions
 Exclusion from new or evolving regional and sub-regional governance and operating structure
 Not in a position to deliver new functions or requirements

Strategic Link: Prosperity

Residual Risk Assessment

Impact

2

Likelihood

3

Score

6

Medium Priority Risk

Strategic Commitments

PR1 - We will contribute to the strategic direction of local, sub-regional and regional partnerships, and will position the borough for economic development investment
 PF4 - We will deliver our Organisational Development strategy, ensuring we plan for the structures and capabilities that the organisation needs, and empowering our workforce to deliver the objectives of the Strategic Plan. This will include embedding hybrid working patterns where this improves productivity.

Lead Responsibility : Management Team

Risk Ref: 6 Inability to deliver the regeneration programme

Trigger or Cause

Economic downturn
 Lending squeeze/Interest rate increases
 Procurement failure
 Regeneration funding priorities change
 Changes in funding from Central Government
 Changes in Town Centre Use

Possible Consequences of Risk

Inability of private sector partners to deliver
 Delivery partner does not have the capacity to delivery
 Delays in delivery of the regeneration programme
 Damaged reputation
 Increase programme costs
 Decreased programme funding

Strategic Link: Prosperity People

Residual Risk Assessment	Impact	3	Likelihood	2	Score	6	Medium Priority Risk
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Strategic Commitments

- PR1 - We will contribute to the strategic direction of local, sub-regional and regional partnerships, and will position the borough for economic development investment
- PR2 - We will proactively support the borough’s businesses to innovate and expand, and make the borough a natural choice for business relocation
- PR3 - We will deliver the Town Centre and Canalside Masterplan, and strategic projects in Padiham Town Centre.
- PR4 - We will implement the Local Plan, delivering new housing, employment sites, and infrastructure.

- PR5 - We will support UCLan’s expansion, transforming Burnley into a University Town
- PR6 - We will delivery our COVID-19 economic recovery plan.
- PL3 - We will work with partners to improve the quality and choice in the borough's housing stock.
- PE1 - We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development.

Lead Responsibility : Strategic Head of Economy and Growth

Risk Ref: 7 Inability to drive improvements through information technology

Trigger or Cause

IT partnership failure (to deliver past procurement)
 IT partnership procurement failure
 Current IT provision failure
 Information governance failure
 Cyber-attack

Possible Consequences of Risk

Inability to deliver and develop services and not deliver anticipated savings and service improvement
 Public confidence in use of Council services through IT lowered
 Data Loss and Service disruption
 Increased costs of recovery

Strategic Link: Performance

Residual Risk Assessment	Impact	3	Likelihood	1	Score	3	Low Priority Risk

Strategic Commitments

PF1 - We will manage our contract with Liberata robustly, so it delivers value for money and good services.

PF3 - We will develop our digital strategy, so that more residents transact with us online and we will continue to deliver services more efficiently.

Lead Responsibility : Chief Operating Officer

Risk Ref: 8 Inability to influence key decision makers

Trigger or Cause

Change of political control
 Breakdown of key relationships
 Change of staff/key relationships
 Change in reputation for delivery

Possible Consequences of Risk

Loss of external funding opportunities
 Reduced level of influence over key decision makers
 Inability to deliver through partnerships
 Reduced reputation of Council

Strategic Link: Cross Cutting

Residual Risk Assessment	Impact	3	Likelihood	2	Score	6	Medium Priority Risk
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Strategic Commitments

- PE1 - We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development.
- PL3 - We will work with partners to improve the quality and choice in the borough's housing stock.
- PR1 - We will contribute to the strategic direction of local, sub-regional and regional partnerships, and will position the borough for economic development investment
- PR2 - We will proactively support the borough's businesses to innovate and expand, and make the borough a natural choice for business relocation
- PR5 - We will support UCLan's expansion, transforming Burnley into a University Town

Lead Responsibility : Management Team

Risk Ref: 9 Risks in responding to demographic changes and increased deprivation

Trigger or Cause

Government policy
 Economic downturn
 Big ticket issues – crime, health, housing
 Benefit dependency
 Short term fixes
 Negative reputation
 Failure to develop opportunities
 Local Infection Increase (C19)
 Ukraine policy

Possible Consequences of Risk

Not delivering on the regeneration programme
 Poor service delivery
 Poor customer satisfaction
 Low aspirations
 Damage to reputation
 Failure to improve
 Increased demand
 Increased costs
 Less funding
 Viability of Burnley

Strategic Link: Cross Cutting

Residual Risk Assessment

Impact

3

Likelihood

3

Score

9

High Priority Risk

Strategic Commitments

PE1 - We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development.

PE2 - We will continue to develop the leisure and cultural offer of Burnley in partnership with Burnley Leisure.

PL1 - We will implement a range of initiatives to maintain a clean, safe, attractive, and environmentally friendly borough. This will include community engagement, enforcement and cleansing in 'hotspot' areas.

PL2 - We will improve the management and condition of private rented accommodation.

PL3 - We will work with partners to improve the quality and choice in the borough's housing stock.

PR1 - We will contribute to the strategic direction of local, sub-regional and regional partnerships, and will position the borough for economic development investment

PR2 - We will proactively support the borough's businesses to innovate and expand, and make the borough a natural choice for business relocation

PL3 - We will work with partners to improve the quality and choice in the borough's housing stock.

PR4 - We will implement the Local Plan, delivering new housing, employment sites, and infrastructure.

Other Work

Community Hub

Lead Responsibility : Management Team

Risk Ref: 10 Workforce, skills and capacity challenges

Trigger or Cause

Loss of the workforce
 Loss of organisational memory
 Loss of organisational skills
 Lack of commitment to organisational development
 Lack of investment in training
 Political direction change

Possible Consequences of Risk

Service failure/deterioration
 Damaged reputation
 Increased complaints
 Low morale
 Recruitment and retention issues
 Increased workflow
 Business resilience
 Not having the right staff with the right skills

Strategic Link: Cross Cutting

Residual Risk Assessment	Impact	2	Likelihood	3	Score	6	Medium Priority Risk
--------------------------	--------	----------	------------	----------	-------	----------	----------------------

Strategic Commitments

PF1 - We will manage our contract with Liberata robustly, so it delivers value for money and good services.

PF2 - We will adopt a Medium Term Financial Strategy that will put the Council on a sustainable financial footing. This strategy will set the framework for preparing annual budgets, ensuring the annual budget strategy is set within the context of the longer-term outlook.

PF3 - We will develop our digital strategy, so that more residents transact with us online and we will continue to deliver services more efficiently.

PL4 - We will implement our 2015-25 Green Space Strategy.

PF4 - We will deliver our Organisational Development strategy, ensuring we plan for the structures and capabilities that the organisation needs, and empowering our workforce to deliver the objectives of the Strategic Plan. This will include embedding hybrid working patterns where this improves productivity.

Lead Responsibility : Chief Executive Officer

Risk Ref: 11 Malicious Attack

Trigger or Cause

Public Disturbance
 National Risk Level
 Lack of Stakeholder Engagement
 Lack of Planning
 Poor and delayed information and communication
 Event Targeting
 Cyber-attack

Possible Consequences of Risk

Death of Public / Staff
 Loss of Assets
 Major impact on Services and Community
 Evacuation
 Financial Cost
 Reputational damage
 Data Loss

Strategic Link: Cross-Cutting

Residual Risk Assessment

Impact **3** Likelihood **1** Score **3** Low Priority Risk

Strategic Commitments

PF1 - We will manage our contract with Liberata robustly, so it delivers value for money and good services.

Other Work

- Business Continuity Plans
- Emergency Planning
- Local Improvement of Counter Terrorism Strategy (CONTEST)
- Event Planning
- Community Engagement
- Local Resilience Forum

Lead Responsibility : Chief Operating Officer

Risk Ref: 12 Safeguarding Failure

Trigger or Cause

Weak or No response to reported issues
 Historic issues which are identified
 Safeguarding System Failure
 Failure of Background Checks
 Not recognising Safeguarding Risks

Possible Consequences of Risk

Injury to Clients
 Resources diverted to address Risks
 Major impact on Services and Community
 Financial Costs
 Reputational Damage
 Central Government Action

Strategic Link: Cross Cutting

Residual Risk Assessment

Impact **3** Likelihood **1** Score **3** Low Priority Risk

Strategic Commitments

PF4 - We will deliver our Organisational Development strategy, ensuring we plan for the structures and capabilities that the organisation needs, and empowering our workforce to deliver the objectives of the Strategic Plan. This will include embedding hybrid working patterns where this improves productivity.

Other Work

Safeguarding Policy

Open and Transparent Culture

Whistleblowing Policy

Communications

Corporate Complaints Process

Lead Responsibility : Chief Executive Officer

Risk Ref: 13 Environmental Event

Trigger or Cause

Extreme Weather
 High Rainfall
 Heatwave
 Changing Climate
 High Snowfall
 Storms and Gales
 Flooding

Possible Consequences of Risk

Death of Public / Staff
 Loss of Assets
 Major impact on Services and Community
 Evacuation
 Financial Cost

Strategic Link: Cross Cutting

Residual Risk Assessment

Impact

3

Likelihood

2

Score

6

Medium Priority Risk

Strategic Commitments

PL5 - We will prepare and deliver a new Climate Emergency Strategy.

PL1 - We will implement a range of initiatives to maintain a clean, safe, attractive, and environmentally friendly borough. This will include community engagement, enforcement and cleansing in 'hotspot' areas.

PF3 - We will develop our digital strategy, so that more residents transact with us online and we will continue to deliver services more efficiently.

Other Work

Business Continuity Plans
 Emergency Planning
 Event Planning
 Community Engagement
 Local Resilience Forum
 Sustainability

Lead Responsibility : Head of Streetscene

Risk Ref: 14 Failure to respond to a widespread illness

Trigger or Cause

Pandemic
 Influenza
 SAR
 MERS
 COVID
 Local Infection Increase (C19)
 Variant Strains

Possible Consequences of Risk

Death of Public / Staff
 Major impact on Services and Community
 Financial Cost
 Event Closure
 Buildings Closure
 Business and Economy failures

Strategic Link: Cross Cutting

Residual Risk Assessment	Impact	3	Likelihood	1	Score	3	Low Priority Risk
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Strategic Commitments

- PR6 - We will delivery our COVID-19 economic recovery plan.
- PE4 - We will work on the wider determinants of poor health and will keep residents informed about changes to health services and how to access them.
- PE3 - We will continue to work with partners to provide necessary support systems to reduce homelessness and to end rough sleeping in the borough.

Other Work

- Business Continuity Plans
- Emergency Planning
- Community Engagement
- Local Resilience Forum
- Transitional/Recovery Arrangements
- Test/Trace/Vaccination/Isolation Payments
- Cremation Services
- Community Hub
- Grant Schemes

Lead Responsibility : Management Team

Risk Ref: 15 Cost of Living Crisis

Trigger or Cause

Rising Energy Costs
 Rising Food Costs
 High Fuel Costs
 Higher than Average Inflation

Possible Consequences of Risk

Increase Deprivation
 Food Poverty
 Child Poverty
 Fuel Poverty
 Death of Public

Strategic Link: Cross Cutting

Residual Risk Assessment	Impact	3	Likelihood	3	Score	9	High Priority Risk
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Strategic Commitments

PR6 - We will delivery our COVID-19 economic recovery plan.

PE4 - We will work on the wider determinants of poor health and will keep residents informed about changes to health services and how to access them.

PE3 - We will continue to work with partners to provide necessary support systems to reduce homelessness and to end rough sleeping in the borough.

PL2 - We will improve the management and condition of private rented accommodation.

Other Work

Community Engagement
 Grants and Payments e.g. Energy Rebate
 Community Hub
 Uniform Exchange
 Support for Charities

Lead Responsibility : Management Team

REPORT TO EXECUTIVE



DATE	22nd October 2022
PORTFOLIO	Housing & Development Control
REPORT AUTHOR	Wilma Waddingham
TEL NO	01282 477242
EMAIL	<u>wwaddingham@burnley.gov.uk</u>

ROUGH SLEEPING INITIATIVE

PURPOSE

1. To seek approval to accept the funding award for the rough sleeper initiative programme (RSI) in Burnley and implement a programme of services targeted at reducing rough sleeping and supporting recovery.

RECOMMENDATION

2. That the Executive approves,
 - acceptance of the revenue funding award of £88,666 from the Department for Levelling Up, Housing and Communities to be utilised to fund a Temporary Accommodation Officer post to work along side the housing needs team.
 - the delegation of authority to the Head of Housing and Development Control to negotiate and enter into the relevant agreements for the receipt of the funding and the delivery of the services, with Rossendale Borough Council as lead local authority, Pendle Borough Council as partner local authority, and Calico Homes as service provider.

REASONS FOR RECOMMENDATION

3. To continue to provide support to rough sleepers and people at risk of sleeping rough in the Borough.

SUMMARY OF KEY POINTS

4. Since 2018 authorities in East Lancashire have worked together to secure rough sleeping funding from Department for Levelling Up Housing and Communities and have commissioned Calico Homes to deliver this support on their behalf. The funding and services provided assist the council in fulfilling its statutory duties in relation to tackling rough sleeping
5. Between 2018 and 2022 Blackburn with Darwen Borough Council led on the bid on behalf

of the East Lancashire local authorities, but in 2022 took the decision to bid separately for this funding.

6. In order to ensure East Lancashire Councils continued to benefit from the rough sleeping funding Rossendale Borough Council agreed to act as lead authority and submit the joint bid on behalf of Burnley and Pendle Councils. The bid was successful, and the Councils have been awarded a total of £418,916 to support those at risk of rough sleeping with the funding running up to 31st March 2025. The proposal is to fund 2 Rough Sleeping Navigators to work across the three local authority areas and provide temporary accommodation services within Burnley and Pendle.

7 Temporary Accommodation Officer

- 8 As part of the successful bid Burnley Council has been awarded £88,666 to fund services throughout 2022 up to 2025. The proposal is to employ a Temporary Accommodation Officer to assist with the successful move on of clients in temporary accommodation to reduce the time spent in temporary accommodation and reduce the financial burden on the Council budget. The project will also improve the level of support and assistance to those seeking a settled housing solution to reduce the risk of repeat homelessness and rough sleeping.

- 9 The Accommodation officer award will be received in three tranches,

2022/23 - £12,666

2023/24 - £38,000

2024/25 - £38,000

10 Rough Sleeping Navigators

- 11 Calico Homes have provided a Rough Sleeping Navigator service since 2018 on behalf of Burnley, Pendle and Rossendale councils and it is proposed to continue to fund this service from the funding award. The service operates out of Calico's Gateway Housing Project and seeks to identify and support those individuals found to be sleeping rough or at risk of rough sleeping. The project will employ two full time officers at a cost of £234,000 over the three-year period up to 31st March 2025.
- 12 The funding for this scheme will transfer direct from Rossendale Borough Council as lead local authority to Calico Homes as service provided. As a strategic partner and recipient of the services provided by Calico Homes there is an expectation that Burnley Council sign a Service Level Agreement with Rossendale Council Pendle Council and Calico to agree the specification of the services provided and ensure they meet our strategic objectives.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

13. The funding award will cover the costs of providing the Temporary Accommodation Officer in full for the three years and the Rough Sleeping Navigator posts resulting in no additional costs to the Council. There will remain the risk of claw back if the funding is not judged to have been spent in accordance with the grant conditions, but this is considered to be a minimal risk.

POLICY IMPLICATIONS

14. There are no direct policy implications. This scheme will be delivered within the Councils existing policy framework which supports the Prevention of Homelessness Strategy.

DETAILS OF CONSULTATION

15. None

BACKGROUND PAPERS

16. None

FURTHER INFORMATION**PLEASE CONTACT:****Wilma Waddingham 01282 477242****ALSO:****Paul Gatrell 01282 477230**

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The Empty Homes Programme

REPORT TO EXECUTIVE



DATE	26th October 2022
PORTFOLIO	Housing and Development Control
REPORT AUTHOR	John Killion
TEL NO	475886
EMAIL	jkillion@burnley.gov.uk

PURPOSE

1. To seek approval to make several Compulsory Purchase Orders (CPOs) for long term vacant properties in the private sector.
2. To dispose of the properties in accordance with the Council's Disposal of Empty Dwellings Policy and scheme of delegation or to Calico Homes as appropriate.

RECOMMENDATION

3. That the Head of Housing and Development Control in consultation with the relevant Executive Member approve in pursuance of the powers obtained under Section 17 of the Housing Act 1985 (as amended) to make the following compulsory purchase orders for the purpose of renovation and/or re-sale by the most appropriate method:

The Burnley (2 Haydock Street Burnley) Compulsory Purchase Order 2022
 The Burnley (23 Laithe Street Burnley) Compulsory Purchase Order 2022
 The Burnley (41 Grange Street Burnley) Compulsory Purchase Order 2022
 The Burnley (55 Brennand Street) Compulsory Purchase Order 2022
 The Burnley (44 Bar Street Burnley) Compulsory Purchase Order 2022
 The Burnley (53 Elmwood Street Burnley) Compulsory Purchase Order 2022
 The Burnley (29 Albert Street Burnley) Compulsory Purchase Order 2022
 The Burnley (54 Hart Street Burnley) Compulsory Purchase Order 2022
 The Burnley (6 Clarence Street Burnley) Compulsory Purchase Order 2022
 The Burnley (48 Piccadilly Road Burnley) Compulsory Purchase Order 2022

4. That the Head of Legal and Democratic Services be authorised to agree terms for the acquisition of the properties, to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation.
5. To authorise the Head of Legal and Democratic Services to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO, including promoting the Council's case at public inquiry, if necessary.

6. Subject to confirmation by the Secretary of State to authorise the Head of Legal and Democratic Services to secure full title to and possession of the CPO land as appropriate by:
 - Serving notice of confirmation of the CPO on all interested parties
 - Serving notice of intention to execute a General Vesting Declaration
 - Executing the General Vesting Declaration
 - Serving Notices to Treat and/or Entry as appropriate
 - Acquiring land and interests by agreement if possible
7. That the Executive authorises the tendering of any renovation/building works in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
8. That the Executive approves that the proceeds from the sale of the properties is recycled back into the Empty Homes Programme for further acquisitions and renovations.

REASONS FOR RECOMMENDATION

9. The owners of these properties have been contacted and have either not responded at all or have given no reasonable proposals for renovating the property or bringing it back into housing use.
10. These properties are long term vacant properties, being empty, in one case for approximately 15 years. Without intervention by the Council through acquisition by agreement or CPO the properties may remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear in local residents, resulting in a declining neighbourhood.

2 Haydock Street Burnley vacant since 9th January 2021
23 Laithe Street Burnley vacant for approximately 15 years
41 Grange Street vacant since 1st September 2007
55 Brennand Street vacant since 11th January 2013
44 Bar Street vacant since 31st March 2017
53 Elmwood Street vacant since 15th November 2017
29 Albert Street vacant since 7th May 2019
54 Hart Street vacant since 28th October 2019
6 Clarence Street Burnley vacant since 1st April 2021
48 Piccadilly Road Burnley vacant since 6th June 2021

Through the Vacant Property Initiative and Empty Homes Programme over 150 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation.

SUMMARY OF KEY POINTS

11. The Empty Homes Programme (EHP) is an established project and is an amalgamation of programmes used over the last several years. The initiative identifies properties that have been vacant for a long period of time, and which are causing problems for

neighbouring properties and local residents, mainly supporting the five current Selective Licensing designations but also borough wide.

12. Since the inception of the programme in 2004, the number of empty properties reached its height in 2009 when there were 3232 empties. Since then, the number has steadily fallen and last year reached the new low figure of 1832.
13. Negotiations for the acquisition of the properties have not yet commenced on the majority of the properties as no contact has been received from the owners. If the owners do contact the Council efforts will be made to purchase the properties by agreement.
14. Where owners contact us, we will work with them to reach an agreement for bringing the property back in to use preventing the need for a CPO. If agreement cannot be reached satisfactorily, the council will use the CPO power as a last resort to ensure the property is brought back in to use.
15. If the owners do not come forward to receive their market value compensation within a six year period then we can no longer be held to account for the compensation monies as the Limitation Act 1980 comes into force.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

16. The cost of delivering the properties detailed in this report will be funded from the approved Empty Homes Capital Programme 2022/23. It is not envisaged that all the CPOs listed in this report will be made in this financial year as properties may be brought back in to use by owners prior to making the CPO or properties may be bought by agreement.
17. The majority of the cost associated with the programme are made up of two elements, buying the property and the renovation cost. We can reasonably assume, given past experience, that the selling prices for the properties above would vary from between £65,000 to around £105,000 once renovated. We can also assume that we would need to spend around £42,000 renovating each of the properties
18. Throughout this financial year properties will be chosen from the list above, as well as any other approved lists later in the year, that will ensure that the entire budget for 2022/23 is committed by year end. Any properties not selected this year will be placed in next year's programme.
19. Any receipts generated from the sale of properties will be recycled back into the programme to enable the purchase and renovation of more problem properties.

POLICY IMPLICATIONS

20. Overall, the proposed action will help to achieve the Council's strategic plan of "People Places Prosperity and Performance". The acquisition and renovation of the vacant properties will enable the Council to bring them back into use, which will improve the environment for residents in the vicinity of the vacant properties by reducing the potential for crime and anti-social behaviour.

21. In terms of Human rights Act implications, Government advice is that local authorities must strike a fair balance between the demands of the community and the need to protect individual's fundamental rights. In considering this balance, one of the issues that a court would look for is whether compensation will be payable. The level of compensation is of course negotiable between the Council and the property owner's Valuer. In addition, individual rights are protected by the statutory objection and inquiry procedure.

22. It is anticipated that the recommendations in this report will have no further policy implications.

DETAILS OF CONSULTATION

23. The statutory consultation period for the CPOs will be followed.

BACKGROUND PAPERS

24. None

FURTHER INFORMATION

PLEASE CONTACT:

John Killion (Team Leader Empty Homes)
01282 475886

ALSO:

Clare Jackson (Private Sector Housing Manager)
01282 477231

Burnley Market Rights Policy Review**REPORT to Executive**

DATE	13th September 2022
PORTFOLIO	Economy & Growth
REPORT AUTHOR	Marie Shaw
TEL NO	
EMAIL	mshaw@burnley.gov.uk

PURPOSE

The purpose of the report is for members to consider and approve the Markets Rights Policy.

RECOMMENDATION

- 1) It is recommended that the Executive
 - i) approve the revised Markets Rights Policy set out in Appendix A
 - ii) approve the fees set out in Schedule one of Appendix A
 - iii) Delegates Authority to the Strategic Head of Economy and Growth in consultation with the Executive Member of Economy and Growth to receive and determine applications for market licences.

REASONS FOR RECOMMENDATION

- 2) The Council's current Market Rights Policy dates back to 2004 and is very restrictive, permitting only markets operating for charitable purposes and car boot sales
- 3) The revised policy aims to protect the Council's market rights but provide flexibility to permit some markets where there are clear economic and community benefits.

SUMMARY OF KEY POINTS**Background**

- 4) Burnley Council has by way of a Market Charter and subsequent Statutes exclusive rights to hold a Market within a distance of six and two thirds miles of its existing Market. These market rights were first granted by Edward 1 on 6th June 1294, to Henry de Lacy Earl of Lincoln.
- 5) As markets in grew particularly during the industrial revolution, there was a need to ensure that the local authority had control over such activity given that the markets were both important for feeding the working class and giving the authority profit and prestige. As such many local Authorities, including Burnley, pursued Acts of Parliament to empower their market

rights and layout the rules and regulations surrounding such activity. The Burnley Market Act received Royal approval in 1865.

- 6) The Burnley Market Act of 1865 permits the council to operate markets each day of the week, except for Sunday, Christmas Day etc at any location and as such gives Burnley Council the associated powers to preserve the Market Rights that accompany it.
- 7) The Council has the legal right to prevent any other Market from operating within this distance, whether within its own Administrative border or not, and regards such markets as Rival Markets.
- 8) A Market is defined as set out in the Local Government Act (Miscellaneous Provisions) 1984 as “a concourse of buyers and sellers” and effectively anything that involves the public being offered goods for sale and the letting of stalls for financial gain, whether for the operator or the individual seller, falls within the legal definition of a market including car boot sales, craft fairs and table top sales.

Implementing Market Rights

- 9) To avoid conflict in its market rights, it is important that the Council sets out a clear Market Rights Policy, setting out its position on licencing markets, the process for applying and the criteria against which a decision will be made.
- 10) The Council can only exercise its market rights so long as it continues to operate a market either directly or indirectly through a third party. The Council should set out a clear policy on how it will use its Market Rights in order to retain the benefits conferred by the rights.
- 11) First and foremost, the main purpose of market rights is to protect markets owned by the Council from rival markets. This protects both the Tenants /Traders who operate from Burnley Market from Rival Market competition that may affect their business, and the Council's financial interests arising from rental income, should such a Rival Market impact on Tenants/Traders business to the extent that they no longer operate from Burnley Market. By maintaining the market rights the Council's investment and income from its own market is protected from competitor markets. There have been several instances in recent times, where Local Authorities have not exercised their market rights, where rival markets, often set up as “Bazaars”, have set up in empty retail premises, effectively undercutting the local authority markets.
- 12) Secondly, in circumstances where the Council is minded to permit markets, the market rights allow the Council to regulate the quality, type and number of markets in the area and to permit markets where they have wider benefits, for example town centre regeneration, or in conjunction with cultural events or for charitable purposes. Whilst we have other powers, including planning regulations and environmental health powers, there are very limited circumstances where we can apply these to limit markets. A particular benefit is in being able to ensure that markets held in the borough are high quality. It is also beneficial to the holders of licences that they too are protected from competition.

Current Policy

- 13) The Council last reviewed its Market Rights policy in 2004, where the Head of Markets was delegated authority to:

- Approve Car Boot/Table Top Sales where the sole purpose is to fundraise for non-commercial gain
- Determine applications for 'Car boot' operating licences and to set fees relating to such activities, in consultation with the Executive Member

14) The Council did not agree to licence any privately operated commercial markets.

15) Whilst the Council still needs to protect its own market operations, particularly from commercially operated general retail markets, there are a growing number of circumstances where the Council needs to take a more flexible approach. Specialist markets can add colour, vibrancy and attract new visitors to our town centres and cultural venues and often operate as part of larger cultural events such as concerts and festivals.

Revised Policy

16) The revised policy is set out in Appendix A of this report. The Policy seeks to protect the Council's rights to operate a general retail market whilst accepting applications for licences for specialist markets including but not restricted to; Artisan market, farmers markets, antique fairs/markets, bric-a-brac markets, pre-loved and vintage markets, record markets; and for fundraising markets operated by charitable organisations; and car boot sales.

17) The policy also seeks to ensure that the Council can regulate the number and quality markets in the borough ensuring that they operate safely, comply with relevant legislation, are appropriately located and do not cause any nuisance.

18) Markets operating on Council land and premises are also required to comply with the Events Safety Guidance procedures.

19) The Council currently has separate procedures for car boot sales and fundraising events and the new policy seeks to streamline the process with one application for all market types. The policy on fund raising events was over complicated and it has been simplified for genuinely small local fundraising events, whilst ensuring that larger events where fees are charged by charities to commercial businesses for stalls fall under the licencing rules.

20) The policy also includes a licence fee schedule for different types and sizes of markets, this will be subject to annual review in line with other fees and charges made by the Council. No charge will be made for markets operated by charitable organisations for some fundraising purposes. The fee represents the cost of assessing applications, drawing up and agreeing a license and some staff time for compliance checks.

21) In addition to the market licence fee, where markets are operating on Council owned property and land, operators may also be required to pay a rental fee and/or be recharged any costs incurred by the council in terms of staff time, utilities and business rates.

POLICY IMPLICATIONS

22) The proposals support the Council's Strategic Objectives on Economy and Growth, supporting the development of the borough's town centres.

DETAILS OF CONSULTATION

23)None

BACKGROUND PAPERS

24) None

FURTHER INFORMATION PLEASE CONTACT: Marie Shaw ALSO: Kate Ingram

Contents

MARKETS LICENSING POLICY.....	2
Burnley Market Rights	2
Managing Market Rights	2
What is a market event?	2
Registered Charity/Fundraising Organisation/ Parish & Town Councils	3
Conditions & Criteria	3
Burnley Borough Council Owned and Operated Public Realm	4
Exemptions	4
Other Approvals	5
Enforcement	5
Stakeholders	5
Fees	6
APPLICATION FOR A LICENCE TO OPERATE A SPECIALIST, COMMERCIAL OR CHARITABLE/FUNDRAISING MARKET	7

MARKETS LICENSING POLICY

Burnley Market Rights

Burnley Council owns the market rights to operate, licence or if necessary, prevent through legal action all markets within a 6^{2/3} miles radius of any market it operates or licences. These market rights were first granted by Edward 1 on 6th June 1294, to Henry de Lacy Earl of Lincoln.

As markets in Burnley grew particularly during the industrial revolution, there was a need to ensure that the local authority had control over such activity given that the markets were both important for feeding the working class and giving the authority profit and prestige.

As such many local Authorities including Burnley pursued Acts of Parliament to empower their market rights and layout the rules and regulations surrounding such activity hence The Burnley Market Act received Royal approval in 1865.

This is, therefore, a modern grant to operate markets each day of the week and as such gives Burnley Council the associated powers to preserve the Market Rights that accompany it.

If a market is set up without first obtaining the necessary licence from the Borough Council, the market will be unlawful, and subject to legal action. the Council will take whatever legal action is deemed necessary to prevent that market taking place.

Managing Market Rights

Market Rights are used by the Council to manage markets and fairs that take place within the 6^{2/3} miles radius to ensure that the retailing environment is a safe and successful one which includes ensuring compliance with legal requirements.

It protects tenants who operate from Burnley Market from rival market competition that may affect their business, and the council's financial interests arising from rental income should such a rival market impact on tenants' business to the extent that they no longer operate from Burnley Market.

A strategic view is also necessary to avoid concentrating too many markets or fairs within a limited location which could lead to a lack of vitality and viability. We use market rights to manage the markets that take place within the borough, and to benefit the retailing and entertainment environments.

What is a market event?

The Council's markets policy is intended to cover all market events held within the Council's area. In order that potential market operators are fully aware of the Council's definition of a market the following guidelines are provided:

- The legal definition of a market, as set out in the Local Government Act (Miscellaneous Provisions) 1984, is a "concourse of buyers and sellers numbering five or more" (this means that the public are entitled to attend market events to buy and sell).
- A market will comprise not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold.
- There will be an operator of the market who will be responsible for the organisation and delivery of

the event.

- The term “market event” includes car boot sales, antique and craft markets, general markets, farmers' markets, charity markets, tabletop sales and Christmas Markets etc.
- A market may sometimes be held as an integral part of an event such as a festival, and where this arises the market element will fall within the Council's markets policy.

Conditions & Criteria

The qualifying conditions that must be met and the criteria that will be considered before a licence will be issued are as follows: - SET OUT FIRST WHAT TYPE OF MARKETS ARE ACCEPTABLE, BEING CLEAR THAT GENERAL RETAIL MARKET IS NOT.

- Every application is considered on an application-by-application basis
- General retail type markets will not be acceptable.
- *Goods must be mainly specialist in nature including but not limited to artisan markets, craft markets, farmers markets, antiques markets and vintage markets or for fundraising purposes to be granted a licence.*
- There must be no economic detriment to Burnley Borough Council or its traders on established markets. *it is unlikely that the Borough Council will licence any wholly general retail market or any market type event that contains a substantial element of general retail. Goods must be mainly specialist in nature including but not limited to artisan markets, craft markets, farmers markets, antiques markets and vintage markets or for fundraising purposes to be granted a licence.*
- *The type of goods to be sold, to be agreed with the Council*
- The suitability of the site, including but not limited to the nature of the surface, access and egress for buyers, vendors, and emergency vehicles.
- Where applicable proof must be provided that the site owner has given permission for their land to be used for the purpose of holding a market.
- The appropriateness of the site taking into consideration the proximity to residential property/major road junctions.
- The availability of on and off-street parking, external to the site, for use by buyers.
- The intended frequency of the market.
- The likely effect on the local amenity of the market.
- Local opinion on the holding of the market.
- Arrangements for dealing with any noise, litter, or environmental damage.
- Regard to the overall size of the market.
- Health and safety of vendors and buyers, including access to toilet facilities if the market is to be over 4 hours in duration and the provision of acceptable first aid facilities
- Food vendors must be registered with Environmental Health and have a Food Standards Rating of at least 3 (or 5?). For information on how to become registered and for charities and one-off events please go to www.burnley.gov.uk/business/environmental-health. Please also see also www.cieh-national-guidance-for-outdoor-and-mobile-catering.pdf
- Car boot sales should be restricted to the sale of used goods Agreement to or a proven good record of consultation with relevant emergency services.
- Obtaining planning consent where required.
- A total prohibition against the sale of livestock or live animals, explosive materials of any kind and illegal or counterfeit goods on the site.
- A total prohibition against gaming or betting on the site
- If operated on a Sunday, the market complies with the Sunday Trading Act in that it will not allow

- trading for more than a maximum of 6 hours.
- Premises that are subject to Non-Domestic Rateable Charge with Retail use permission and including any associated nearby land are excluded

The Council reserves the right to agree the goods to be sold by the market and the number of stalls. The licence as issued will exempt the Borough Council from any liability or loss arising from the operation of the market. The licence may be revoked at any time at the discretion of the Market Manager.

The licensee is also responsible for ensuring adequate public liability insurance is taken out to cover any damage or loss arising from the market and to keep the Borough Council indemnified against any such loss. The licensee must also comply with trading standards guidelines, health and safety requirements and other statutory provisions laid down by the Council.

Burnley Borough Council Owned and Operated Public Realm, Land and Buildings

Commercial operators of market type events who wish to use Borough Council owned and operated public realm areas within Burnley and Padiham Town Centres or the Council's Parks will be required to complete an Events Safety Notification Form <https://burnley.gov.uk/wp-content/uploads/2022/03/Event-Safety-Notification-form-v3-Sept-2021.pdf>. Operators may be required to pay additional rental fees and to cover any costs incurred by the council for the use of, for example, electricity, water and waste management and where applicable a proportion of any business rates liability.

Exemptions

If your event will have only 4 paying traders/vendors in attendance it is not considered to be a market for the purposes of payment of a licence fee. However, the event may still need to meet other planning considerations depending on its frequency, and you may wish to contact the relevant Planning Authority to establish if this is the case.

Burnley Borough Council does not consider events organised by Charitable bodies and Community Groups, where stalls are manned by volunteers from the organising group, regardless of the number, to be a market, i.e. where a toll for trading space is not being paid to the organiser, such as jumble sales, Christmas Fayres and Charity Fayres and therefore a licence is again not required.

Other Approvals

It is important to emphasise that any approval given by the Council in respect of its market policy does not remove the requirement for other relevant approvals to be obtained.

The operator of a market should ensure that where the market is being held on private land, the approval of the landowner is obtained. The Council may wish to receive evidence of such approval. Planning permission might also be required, and any market operator should consult with the Council's Planning Department to ascertain whether any planning considerations are relevant.

Attention is also drawn to the provisions of the Licensing Act 2003 in respect of any entertainment

provided at the market or where a Temporary Events Notice might be required in respect of the sale of hot food or alcohol.

Enforcement

The Council will monitor the application of its markets policy and any market event which is established after the date of the implementation of this markets policy will be subject to the Council's requirements.

Any market which is not approved by the Council will be subject to legal action and the Council will seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.

In addition, any market operator acting in contravention of any market licence granted by the Council will run the risk of the licence being terminated by the Council on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licences submitted by the operator concerned or any person or organisation associated with the operator.

Stakeholders

Once the application has been received and where appropriate several stakeholders shall be consulted including: -

- Head of Economy & Growth
- Markets Manager
- The Burnley Business Improvement District Manager
- Environmental Health
- Health & Safety Officer
- Highways

The Head of Economy & Growth or her representative shall have discretion to include any other stakeholders she believes necessary.

The applicant will be expected to engage with the above stakeholders and businesses in the vicinity of where the market is proposed to take place.

On receipt of all comments from stakeholders if no objections are received and there are no material considerations then the Licensing Officer may issue a Market Rights Licence. The Licensing Officer shall have discretion to place such obligations and conditions on the licence as are reasonable in all the circumstances.

The decision of the stakeholders is final.

Fees

The licence fee structure acknowledges different types of organisations and is given in the table below. Each application will be considered on an individual basis however, the table below outlines the fee applicable.

Category	Type of Event/Type of Operator	Fee + Vat per event per day
1	Not for Profit Charitable Markets (see	£0

	exemptions)	
1a	Registered Charity/Fundraising based events where tolls are charged under 50 vendors	£20.00
2	Commercially operated Markets	
	50 Vendors or less	£100.00
	51-100 Vendors	£200.00
	101-150 Vendors	£300.00
	151-200 Vendors	£400.00
	201-300 Vendors	£500.00
	Over 300 Vendors	£600.00

For registered charity/fundraising events and specialist market the payment must be made with the application. For commercial markets a non-refundable payment of £100.00 must accompany the application form. Any balance due must be paid within 7 days of the event.

Burnley Borough Council reserves the right to verify the number of stalls present on the day of the market to ensure that this does not exceed the size of market event applied for. Should your market not take place on the date applied for, the licence may be transferred to another date but if this is not possible for whatever reason the licence fee will not be refunded.

Fees are subject to annual review as part of the Council's annual review and setting of fees and charges.

[Appeals and Complaints](#)

Should you be dissatisfied with any decisions made by the Council with respect to the implementation of its Market Rights Policy you may make a complaint or appeal under the Council's Complaints Policy using the on-line application form <https://burnley.gov.uk/council-democracy/complaining-about-council-service/>

APPLICATION FOR A LICENCE TO OPERATE A SPECIALIST, COMMERCIAL OR CHARITABLE/FUNDRAISING MARKET

NAME OF ORGANISOR

ORGANISATION

ADDRESS

.....
.....

TEL NO(s)

EMAIL ADDRESS

NAME AND ADDRESS OF THE OWNER OF THE SITE ON WHICH IT IS PROPOSED TO HOLD THE MARKET.

NAME

ADDRESS

.....

TEL NO(s)

NAME OF SITE AND FULL ADDRESS IF DIFFERENT FROM OWNERS ADDRESS: -

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1. IF YOU ARE APPLYING FOR A FUND-RAISING MARKET LICENCE AS A DEFINED ORGANISATION, PLEASE STATE THE PURPOSE OR BENEFICIARY TO WHICH THE PROCEEDS OF THIS MARKET EVENT WILL GO OR THE REGISTERED CHARITY?

(Burnley Council reserve the right to contact the charity or beneficiary)

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2. DATE(S) OF PROPOSED MARKET(S) OR INTENDED FREQUENCY
(THE FIRST MUST BE NO LESS THAN 28 days PRIOR TO THE DATE OF SUBMISSION OF THIS FORM)

<u>Market No.</u>	<u>Intended Date(s)</u>	<u>Proposed Opening Times</u>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

3. PLEASE PROVIDED DETAILS OF HOW YOU WILL COMPLY OR HAVE ALREADY COMPLIED WITH THE CONDITIONS RELEVANT TO THE ISSUE OF THIS LICENCE

(Please note not all conditions will be applicable to every market event, if this is the case please state, 'not applicable' and state the reason why?)

4. What type of event do you intend to hold? If applicable what percentage of traders will be professional retailers?

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5. What steps have been taken or will be taken to ensure the suitability of the site, including but not limited to, the nature of the surface, access and egress for buyers, vendors and emergency vehicles?

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6. If applicable, please provide proof that the site owner has given permission for their land to be used for the purpose of holding a market or if you are the landowner proof of ownership

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7. Allowing for the proximity of the market to residential property what steps have been or will be taken to minimise noise and other nuisance to residents?

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8. What provision is there for on street and off-street parking for buyers if all parking requirements cannot be contained within the site?

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9. Is there likely to be any detriment to the local amenity? If so, what and what steps have been or will be taken to alleviate this?

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10. Have efforts been made to canvas the opinion of local people to the proposed market? If the answer is "yes" please provide details of the results of the research.

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11. What arrangements have been made or will be made to deal with: -

- a. Noise
- b. Litter
- c. or any other environmental damage?
- d. How will refuse from the market be disposed of to ensure you comply with relevant legislation?

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12. How many stalls will there be at your event and how has that figure been arrived at?

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13. How will you ensure that health and safety legislation is complied with: -

- a. the safety and well-being of both buyers and sellers?
- b. What toilet facilities are to be made available if the market is likely to last more than 4 hours?
- c. What first aid facility will you be providing?

d. Please provide a fire risk assessment if the cooking of food will be present.

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14. Have you consulted with the Emergency Services and Highways if a street market in respect of the proposed market? If so, what are the results of that consultation? *(Please provide written details of any consultation and responses)*

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15. Does your market require planning permission? *(If so, please provide written confirmation that permission has been granted by the relevant Planning Authority.)*

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16. What arrangements are you making to ensure the following: -
a. all goods sold are legal, non-counterfeit or copies
b. that goods do not contain explosive material
c. that there are no live animals are to be sold at the market.

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17. What procedure are you putting in place to ensure no gaming or betting takes place at the market?

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18. If the market is to be operated on a Sunday, what provisions are you making to ensure the event complies with the Sunday Trading Act?

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DECLARATION

I hereby declare that all the above questions have been answered to the best of my knowledge and ability and that if anything changes prior to the event taking place I will inform Warrington Borough Council (Market's Service) immediately.

I include with this application: -

1. The appropriate fee. (See table of charges on Page 3)
2. Where applicable written permission of the landowner to use the site for a market or written proof that I am the landowner.
3. Copy of any planning permission granted. (If applicable)
4. Event plan to include a fire risk assessment if the cooking of food on site is being permitted.
5. Site owner's permission
6. 2 Character References around the suitability to run a market either indoor or outdoor

I understand that the market(s) I have applied for cannot take place until such time as I have paid the applicable fee and a licence has been issued by Burnley Council's Market's Service.

NAME..... SIGNATURE DATE

Please return this application form 28 days prior to the date of your proposed market to: -

markets@burnley.gov.uk stating in the subject header **APPLICATION TO HOLD A MARKET**. Please mark for the attention of Marie Shaw. For any information, please call 01282 477300