

DEVELOPMENT CONTROL COMMITTEE

Thursday, 30th June, 2022
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 30th June, 2022 at 6.30 pm

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

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

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

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 32

To approve as a correct record the Minutes of the last meeting, held on 9th June 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

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

5. Exclusion of the Public

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

6. List of Deposited Plans and Applications

33 - 34

To consider reports on planning applications for development permission:

- | | | |
|----|---|-----------|
| a) | FUL/2019/0470 - Coal Clough Windfarm, The Long Causeway, Cliviger, Burnley | 35 - 50 |
| b) | FUL/2022/0141 - Land To The South Of Granville Street. Briercliffe | 51 - 60 |
| c) | HOU/2022/0011 - Kenmuir, Burnley Road, Briercliffe | 61 - 70 |
| d) | COU/2022/0166 - Mosque 112 - 114 Burns Street, Burnley | 71 - 82 |
| e) | HOU/2022/0186 - 6 Rochester Drive, Burnley, Lancashire | 83 - 90 |
| f) | COU/2022/0005 - New Hall House, New Hall Street, Burnley | 91 - 100 |
| g) | HOU/2022/0051 - 60 Fairfield Drive, Burnley, Lancashire | 101 - 108 |
| h) | HOU/2022/0224 - 476 Colne Road, Burnley, Lancashire | 109 - 122 |
| 7. | Decisions taken under the Scheme of Delegation | 123 - 130 |

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

MEMBERSHIP OF COMMITTEE

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

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

PUBLISHED

Wednesday, 22 June 2022

This page is intentionally left blank



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 9th June, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), P Chamberlain, S Cunliffe, S Graham, J Harbour, A Hosker, M Hurt, J Inckle, Kazmi, L Khan, A Royle and Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Principal Planner
Erika Eden-Porter	– Principal Planner
Elizabeth Murphy	– Planning Policy Manager
Sajada Khan	– Locum Regulatory Solicitor
Alison McEwan	– Democracy Officer
Carol Eddleston	– Democracy Officer

1. Welcome and Introductions

Councillor Chaudhary, Chairman of the Committee, welcomed all those present to the first Development Control meeting of the new municipal year. He welcomed particularly those who had been newly elected and/or newly appointed to the Committee. He took the opportunity to remind everybody present of the need to treat all members of the public, elected members and Council officers with respect throughout the meeting, as set out in the Code of Conduct for Members.

2. Apologies

Apologies for absence were received from Councillor Birtwistle.

3. Minutes

The Minutes of the last meeting held on 7th April 2022 were approved as a correct record and signed by the Chair.

4. Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

5. List of Deposited Plans and Applications

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

CLARE HALES	REM/2021/0735 1 Magnesium Way Hapton Lancs
IAN CHAPMAN	REM/2021/0735 1 Magnesium Way Hapton Lancs
MARK BASSETT	REM/2021/0735 1 Magnesium Way Hapton Lancs
MATTHEW SHEPPARD	OUT/2020/0366 Accrington Road Burnley BB11 5QJ
SIMON ARTISS	FUL/2021/0273 Land South of Rossendale Road Burnley
ANN REDMOND	HOU/2022/0065 3 Coverdale Way Burnley Lancashire

RESOLVED

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

6. REM/2021/0735 - 1 Magnesium Way, Hapton, Lancashire

Town and Country Planning Act 1990

Approval of all reserved matters under outline planning permission VAR/2020/0159 for three industrial/warehouse units (B2/B8)

1 Magnesium Way Hapton Lancashire BB12 7BF

A motion to delegate authority to the Head of Housing and Development Control to approve the application subject to the recommended conditions and subject to the receipt of an amended layout confirming that the approval does not grant or imply any consent for any development to land west of the extension of Magnesium Way was moved and seconded.

On being put to the vote the motion was declared to be lost.

The Locum Regulatory Solicitor issued the following Cost Warning to members:

'May I remind members that any decision taken in this matter must be based on, and only on, proper planning grounds reflecting your planning judgement on the case. Your officers have advised fully in relation to the relevant material considerations and policy background and you should consider that advice carefully. Whilst you are not bound to follow that advice, in any appeal proceedings arising out of the decision you make, the Council will be expected to produce evidence to substantiate each reason for refusal, by reference to the Development Plan and all other material considerations. If the Council fails to, or cannot do so, then costs may be awarded against it.

To reiterate, you are not bound to adopt the professional or technical advice given by your own officers or received from statutory bodies or consultees. However, you will be expected to show that you had reasonable planning grounds for taking a decision contrary to such advice and are able to produce relevant evidence to support your decision in all respects. If the Council were to fail to do so, it may be liable to have costs awarded against it.

Whether or not a costs order may, or may not, be made and how much that may, or may not, amount to, is, however, not a material consideration and is therefore not something you should be considering in deciding whether planning permission should be granted or not.

A motion to refuse the application was moved and seconded.

As the motion was contrary to Officer recommendation Officers recorded the voting as follows:

Motion to refuse the application contrary to recommendation	
Councillor Chaudhary	Against
Councillor Kelly	Against
Councillor Chamberlain	For
Councillor Cunliffe	For
Councillor Graham	Against
Councillor Harbour	For
Councillor Hosker	For

Councillor Hurt	For
Councillor Inckle	For
Councillor Kazmi	Against
Councillor L Khan	Against
Councillor Royle	Against
Councillor Steel	For
Carried	

Decision

That the application be refused for the following reason:

Reason

The proposed development, by reason of the height (exceeding 7.0m) and siting of Units A and B would result in a visually dominant and overbearing form of development such that it would cause an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties adjacent to the site's northern boundary, contrary to both Policy SP5 of Burnley's Local Plan (July 2018) and the Site Specific Policy Requirements and Design Principles in Policy EMP1/2 of Burnley's Local Plan (July 2018).

7. OUT/2020/0366 - Accrington Road, Burnley, BB11 5QJ

Town and Country Planning Act 1990

Outline Application up to 50,000m² B1 b&c, B2 and B8 industrial units (with associated offices/mezzanines) and earthworks/infrastructure with all matters reserved (13 hectares). Proposal affects Public Footpath No. 12 (Hapton)

Accrington Road Burnley BB11 5QJ

Decision

That approval be delegated to the Head of Housing and Development Control subject to the applicant entering into a section 106 Agreement to secure contributions to public transport improvements and provide for public footpath links/improvements and the following conditions:

Conditions and reasons for conditions

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins within any phase in accordance with an approved Phasing Plan and Strategy, and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

2. Application for approval of any reserved matters shall be made to the Local Planning Authority no later than five years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

3. The development of the first or any phase hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

4. No development of any kind, including vegetation clearance, shall be commenced until a Phasing Plan and Strategy to identify the sequence and the spatial phasing of development to include earthworks, ground works, access, infrastructure, landscaping and built development, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Phasing Plan & Strategy unless any variation to it is otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To assist the phasing of the construction of a major development on a large site and to ensure its effective delivery, in accordance with Policies EMP1/5, SP5 and NE5 of Burnley`s Local Plan (July 2018).

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

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

6. An application for the approval of Reserved Matters shall, in accordance with the approved Phasing Plan and Strategy, be accompanied with details of existing and proposed land levels and cut/fill operations which shall not lead to a bulk import or export of soil/material to or from the site. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure that these details are satisfactory in respect of the visual impact on the landscape and to ensure that all existing soil and material is dealt with effectively on site to avoid unnecessary transportation, in accordance with Policies NE3 and NE5 of Burnley`s Local Plan (July 2018).

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders, the development hereby permitted shall be for employment uses falling within Class E (g)(ii) and/or E (g)(iii) (former Class B1 b&c), and/or Class B2 and/or Class B8 only and shall not be used

for any other purposes without the prior written permission of the Local Planning Authority.

Reason: To ensure the satisfactory implementation of the proposal and safeguard employment development and provision, in accordance with Policy EMP1/5 of Burnley`s Local Plan (July 2018).

8. Any landscaping scheme submitted for the approval of Reserved Matters shall provide a landscape buffer around the site`s perimeter that, notwithstanding detailed specifications and species, is broadly in accordance with that indicated on submitted illustrative Planting Plan, drawing number 4884-01RevF.

Reason: To ensure adequate and appropriate landscaping to mitigate the visual impacts of the development on a prominent site, in accordance with Policies EMP1/5 and NE3 of Burnley`s Local Plan (July 2018).

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

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies EMP1/5, SP5, NE1 and NE3 of Burnley`s Local Plan (July 2018).

10. Any application for the approval of Reserved Matters shall not exceed the maximum parameters for the building footprint (up to 47,500sqm) and eaves and ridge heights as specified on the submitted Development Parameters Plan, drawing number 014-B, received on 4 May 2022.

Reason: To ensure the satisfactory implementation of the proposal, having regard to the visual prominence and transitional nature of the site between the rural and urban area, in accordance with Policies EMP1/5, SP5 and NE3 of Burnley`s Local Plan (July 2018).

11. No development shall take place on any agreed phase until a scheme to deal with contamination on that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land contaminations; or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
- b) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

No unit shall be first occupied within any agreed phase until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers of the development as a result of previous uses of the site and land in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

12. Prior to the commencement of development on any agreed phase, a scheme of Biodiversity Enhancement Measures for that phase, to achieve a Biodiversity Net Gain (BNG) broadly in accordance with the Biodiversity Offsetting Calculations prepared by Envirotech Consultants (report reference AWG/2827, dated 1st June 2022) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of Biodiversity Enhancement Measures shall be carried out and completed in each agreed phase prior to any unit in that phase being first occupied.

Reason: To protect the integrity of biodiversity at the application site and locality in line with the expectations of the National Planning Policy Framework and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

13. Prior to the commencement of development on any agreed phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:-
 - a) description and evaluation of the features to be managed;
 - b) ecological features and constraints that may influence management;
 - c) aims and objectives of management;
 - d) appropriate management options and prescriptions for management actions;
 - e) a work schedule (including an annual work plan capable of being rolled forward over a five year period);
 - f) details of the body or organisation responsible for implementation of the plan; and,
 - g) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan for a period of not less than 25 years will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times.

Reason: To ensure that the planting and biodiversity assets and mitigation measures that are present and deployed on the site are effectively managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

14. Prior to the commencement of development on any agreed phase, a Construction Environment Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures:
- i) to identify and provide protection measures for any features of biodiversity value that may be affected by the development;
 - ii) measures to control the movement of silt and water quality (including details of cut-off drains and strategic use of silt curtains);
 - iii) details of the construction lighting to be designed to avoid light spillage onto trees and areas of habitat.

The agreed measures shall be implemented prior to any site clearance or development being commenced in each agree phase and retained in their entirety for the duration of the development until its completion.

Reason: To protect wildlife and the biodiversity of the site and its surroundings, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

15. No change to the lining of the culvert from the site northwards shall at any time be made unless details of a bat inspection and the proposed changes have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect bats which are protected species and may potentially occupy the culvert, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

16. No development shall be commenced on any agreed phase until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to that phase, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

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

17. No vegetation clearance, removal of trees or site works site shall take place during the bird nesting season between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to

the works/removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

18. No development shall be commenced on any agreed phase until an updated inspection for bats by a suitably qualified bat specialist or ecologist of the trees to be removed or affected by the development in that phase has been carried out and submitted to and approved in writing by the Local Planning Authority within a period not exceeding six months prior to the tree works taking place. In the event that the survey finds evidence of bats at the site, no development shall take place until appropriate advice has been taken and any necessary licence has been obtained or mitigation measures agreed.

Reason: To ensure the appropriate surveys are up to date and reliable, in order to protect bats which are protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

19. Each application for the approval of Reserved Matters shall provide a detailed external lighting plan to identify the following:-

i) both highways and security lighting that may affect habitat areas, trees and landscaping. This shall include specifications of luminaires and light contour plans and be designed in accordance with the guidance notes of the (01/2021 The Reduction of Obtrusive Light) (Institute of Lighting Professionals, 01/2021) and `Bats and Artificial Lighting in the UK` (Bat Conservation Trust , 08/2018); and,

ii) for all remaining areas of the site, a programme for the lighting of the proposed development, to include details of:

- a) the location, type and intensity of lights;
- b) the types of masking or baffle at head.
- c) the type, height and colour of lighting columns;
- d) the number and size of lighting units per column; and,
- e) light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.

The development shall thereafter only be carried out in accordance with the approved details of external lighting and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting; to safeguard the amenities of the occupiers of surrounding residential properties; and to minimise light pollution on a site with rural surroundings, in accordance with Policies NE1, SP5 and NE5 of Burnley's Local Plan (July 2018).

20. Each Reserved Matters application shall be accompanied by a Noise Assessment that shall be carried out in accordance with BS4142 to assess the noise emanating from the use of the development relating to that Reserved Matters application

together with cumulative noise from the whole of the development relating to this outline application. The submitted Noise Assessment shall detail any mitigation measures that are required to protect the amenity of occupiers of nearby noise sensitive properties. The approved mitigation measures shall be implemented in full prior to the completion or first use (whichever is the sooner) of the development relating to the Reserved Matters application and shall be retained at all times. The development shall thereafter only be carried out and operated in accordance with the details and recommendations of the approved Noise Assessment.

Reason: To ensure an informed and detailed assessment of the impacts of the development on noise to nearby receptors in order to control and mitigate the effects of the development to safeguard the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

21. Noise from the development expressed at a rating level (in accordance with BS4142:2014+A1(2019)) shall not cumulatively exceed the existing background level by more than 5 dB based on the Existing Background levels identified in the Dragonfly Consulting acoustic report ref: DC2153-R1v4, dated 13 May 2021.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

22. No development, including any site clearance or ground works, shall be commenced on any agreed phase until details of wheel cleaning facilities to be provided during site excavation, preparation and construction for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved wheel cleaning facilities shall thereafter be installed and operational before any development commences and shall be retained in working order throughout all phases of the development. All vehicles leaving the site shall use the wheel cleaning facilities.

Reason: In order to minimise the amount of mud, soil and other materials being deposited on the highway, in the interests of highway safety and visual amenity, in accordance with Policy 1C1 of Burnley's Local Plan (July 2018)

23. Each Reserved Matters application shall be accompanied by an assessment of the impacts of the proposed development on air quality. The assessment shall be based on the details in the Reserved Matters applications and the scope of the assessment shall incorporate (but is not limited to):

- A review of the cumulative impacts of the development on the air baseline air quality identified in submitted Air Quality Assessment reports ref: J0457/1/F1 and J0457/2/F1
- A detailed assessment of traffic emissions impacts arising from the detailed plans
- A detailed assessment of the potential industrial impacts from any Class B2 use that may emit key air quality pollutants to atmosphere
- Identification of mitigation measures.

For the avoidance of doubt, where a Reserved Matters application is made in several tranches, each reserved matters application shall consider the cumulative impact of

all air quality emissions identified in previous reserved matters applications. Any mitigation measures within the approved assessment shall be carried out, implemented in full and retained at all times.

Reason: In the interest of residential amenity and to satisfactorily mitigate any impacts of the development on air quality, in air pollution, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

24. Each Reserved Matters application for any phase of the development shall be accompanied by details of Electric Vehicle Charging (EVC) Points to be provided within that phase. The submitted details shall include the specification, number and location of the EVC points. The approved EVC points shall thereafter be fully installed and available for use prior to any unit within that phase being first brought into use and shall be retained at all times thereafter.

Reason: To encourage the use of electric vehicles in order to reduce emissions and tackle climate change, in accordance with Policy IC3 of Burnley's Local Plan (July 2018), the Council's Air Quality Management SPD (December 2020) and the National Planning Policy Framework.

25. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy HE4 of Burnley's Local Plan (July 2018).

26. An application for the approval of Reserved Matters for any phase of the development shall be accompanied with details of how the BREEAM rating of 'Very Good' will be achieved within that phase. The development of that each phase shall only be carried out in accordance with the approved detailed specifications and measures to achieve the 'Very Good' BREEAM rating and no building shall be first brought into use within any phase until a verification report has been submitted to and approved by the Local Planning Authority to evidence that the required standard has been met.

Reason: To ensure that the scheme achieves a high standard of sustainability, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

27. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement that shall include improvements to the southern roundabout at Junction 9 of the M65 and bus stops either side of Accrington Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in its entirety in accordance with the approved Phasing Plan & Strategy before any unit in each phase is first occupied.

Reason: To cater for the additional traffic that would be generated by the development and to ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

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

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

The measures contained within the approved Construction Management Plan/ Construction Method Statement shall thereafter be carried out in their entirety at all times throughout the construction period until the completion of the development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018).

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

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

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

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

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

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

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

Reason: To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018).

33. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. The approved scheme for that phase shall be implemented in full and completed prior to any unit on that phase being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018).

34. Prior to the commencement of built development above ground level on any agreed phase, details of the boundary treatment to be used on the perimeter of the site on that phase shall be submitted to and approved in writing by the Local Planning

Authority. The details shall provide for the retention or alteration of the drystone wall to the site's frontage and the retention or re-provision of hedge boundaries. The boundary treatment shall thereafter be implemented and completed prior to the completion of the development. No other or additional boundary treatment shall be installed or constructed without the prior written approval of the Local Planning Authority.

Reason: To ensure an acceptable appearance to the edge of the development, in the interests of visual amenities, in accordance with Policy SP5 of the Burnley's Local Plan (July 2018).

35. An application for the approval of Reserved Matters relating to access shall provide for a pedestrian/cycle link to connect the proposed diverted route of Public Footpath No.12 to the site's eastern boundary in order to connect to a potential future off-site public right of way in that location. The application shall include details of its siting, width, construction, surfacing materials and timescales for its implementation. The approved pedestrian/cycle link shall thereafter be constructed and made available for use in accordance with the approved details and shall be so retained at all times.

Reason: To facilitate a link to potential footpath/cycle routes in the surrounding area, in order to improve the site's accessibility by means other than a motorised vehicle, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

36. There shall be no open storage at any part of the application site.

Reason: To protect the visual amenities of the site and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

37. Vehicular access to the site shall be a single access from Accrington Road only.

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the proposal, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

8. FUL/2021/0273 - Land South of Rossendale Road, Burnley

Town and Country Planning Act 1990

Proposed residential development of 87 houses with new access from Rossendale Road and associated estate roads, open space and infrastructure. Proposal affects Public Footpath No. 8 (Habergham Eaves).

Land South of Rossendale Road Burnley.

Decision

That approval be delegated to the Head of Housing and Development Control subject to the applicant entering into a section 106 Agreement to secure contributions to highways

improvements and biodiversity, to provide affordable housing and a scheme for open space management and responsibilities.

Conditions and reasons for conditions

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

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

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

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

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

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

4. No development shall commence other than site clearance, remediation and preparatory works until a scheme of landscaping, to include details of all retained trees and new tree and shrub planting, to include native species on and near to site boundaries and within the development site (noting species, plant sizes/heights on planting and proposed numbers/ densities where appropriate), has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory scheme of landscaping that provides biodiversity and visual benefits to the site, in accordance with Policies NE4, SP5 and NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground works to ensure that the works are agreed early in the process in order that they can be carried out at the appropriate stage of the development.

5. All planting, seeding or turfing comprised in the approved details of landscaping (as approved by Condition 4) shall be carried out in the first planting and seeding seasons following the first occupation of the approved development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

6. The boundary treatment for each plot / dwelling indicated on the approved plans (drawing number 490-P-BTL-01Rev4) shall be carried out and completed prior to the completion (whichever is the sooner) or the occupation of the relevant plot / dwelling and for all other boundary treatments indicated on the approved plans (drawing number 490-P-BTL-01Rev4), prior to the practical completion of the development. The approved boundary treatment shall thereafter be retained at all times.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development and provide screening where appropriate, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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

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

8. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which shall provide details for the following measures:
 - i) methodology for draining and infilling of the existing ditch and pond on the site;
 - ii) method statement for site clearance for species such as hedgehogs; and,
 - iii) measures to treat and prevent the spread of non-native invasive species on and adjacent to the site.

The agreed measures shall be implemented prior to any site clearance or development being commenced and retained in their entirety for the duration of the development until its completion.

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

9. Prior to the commencement of built development above ground, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall provide details for the following:-

- a) description and evaluation of the features to be managed;

- b) ecological features and constraints that may influence management;
- c) aims and objectives of management;
- d) appropriate management options and prescriptions for management actions;
- e) a work schedule (including an annual work plan capable of being rolled forward over a five year period);
- f) details of the body or organisation responsible for implementation of the plan; and,
- g) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management company or body responsible for its delivery. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented. The approved LEMP shall thereafter be carried out and adhered to at all times in perpetuity.

Reason: To ensure that the biodiversity benefits of the landscaping scheme and biodiversity enhancements for the site are appropriately managed to ensure their long term protection and benefits to biodiversity, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that an agreed scheme can be carried out at the appropriate stage of construction.

10. No development shall be commenced until a scheme for the means of protecting the trees and hedges to be retained on or adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees/hedges which are located on or close to boundaries and should be retained in the interests of the visual amenities, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.

11. The ecological enhancements consisting of Bird and Bat boxes (drawing number (Fig 1 2019 -63e V1) and Hedgehog Gaps (drawing number Fig 2 2019-063e V1) shall be carried out in accordance with the submitted details prior to any dwelling associated with such measures is first occupied. The bird and bat boxes and hedgehog gaps shall thereafter be retained in situ in perpetuity.

Reason: To ensure adequate biodiversity enhancement measures for birds, bats and hedgehogs and other mammals, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

12. Prior to commencement of development, a detailed external lighting plan to minimise the intensity of lighting in wildlife sensitive areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details of external lighting only and shall be retained at all times. No additional external lighting or variance to the approved scheme shall be carried out at any time without the prior written permission of the Local Planning Authority.

Reason: To protect wildlife, including protected species, which is sensitive to lighting, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure the avoidance of any harm to wildlife from intensive or inappropriate external lighting.

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

- 24 Hour emergency contact number
- Details of the parking of vehicles of site operatives and visitors
- Details of loading and unloading of plant and materials
- Arrangements for turning of vehicles within the site
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- Measures to protect vulnerable road users (pedestrians and cyclists)
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Dust Management Plan to identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
- Measures to control the emission of dust and dirt during construction
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
- Construction vehicle routing
- Delivery and construction working hours.

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

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

14. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between

0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

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

15. The applicant or developer shall only permit delivery vehicles to arrive at or enter or exit the site between the hours of 08:00 and 18:00 hours on Monday to Friday, between 08:00 and 13:00 hours on Saturdays and no deliveries shall be made at all on Sundays or Bank Holidays.

Reason: To manage traffic and protect the amenities of local residents, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

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

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

17. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement as outlined in the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling being first occupied.

Reason: To ensure that satisfactory access is provided to the site and is made safe for all highway users and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

18. The approved access junction and estate road which shall include the full length of the estate road up to the red edge southern boundary of the application site, shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any dwelling is occupied on the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

19. No development shall be commenced until a scheme for the provision of access for construction purposes which shall include details of provision for facilitating construction traffic to the southern boundary of the site for access to the remainder of the housing site allocation (HS1/4), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved.

Reason: To enable all construction traffic associated with the development of housing site allocation (HS1/4) to enter and leave the development site via Rossendale Road in a safe manner in the interests of highway safety and to ensure satisfactory access for construction purposes to the remainder of the housing allocation that would otherwise be inaccessible, in accordance with Policies IC1 and HS1/4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order that the agreed works can be carried out at the appropriate stage of the development.

20. No development shall commence other than site clearance, remediation and preparatory works until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and completion sequence that estate streets serving each phase of the development will be completed. The development shall then be carried out only in accordance with the approved estate street phasing and completion plan.

Reason: To ensure the phasing and completion of estate streets serving the development are completed to ensure the provision of satisfactory access, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The plan is required prior to the commencement of above ground development to ensure that the construction works and development are carried out in an appropriate manner.

21. No development shall commence other than site clearance, remediation and preparatory works until details of a highway surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved highway surface water drainage scheme shall thereafter be implemented in accordance with the approved details as part of the highway construction and completed prior to the occupation of any dwelling within each phase.

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

22. No development shall commence other than site clearance, remediation and preparatory works until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the management and maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed, managed and maintained in accordance with the approved details.

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

23. The emergency access indicated on the approved plans shall be constructed and used for emergency access for the purposes of emergency vehicles only and controlled by lockable bollards in accordance with a scheme for their operation and management which shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved emergency access shall thereafter be retained at all times and used for emergency access only and operated and managed in accordance with the approved scheme.

Reason: To ensure the provision of an alternative access to be used only in the case of an emergency and to ensure that it is used and operated effectively to ensure its proper use, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

24. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced (in black bitumen macadam or other approved bound material) and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

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

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

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), the garages hereby approved including integral /attached / detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.

Reason: To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards and avoid reliance on off-street parking, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

27. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted

with a universal socket or Mode 3 type) shall be installed externally at each plot prior to its first occupation.

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

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

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

29. No development shall take place until a remedial strategy, based on the principles and conclusion set out in the submitted Geo-environmental Ground Investigation (report reference R2688-Ro1-V1, prepared by Smith Grant LL, dated April 2019), has been submitted to and approved in writing by the Local Planning Authority. The remedial strategy shall detail measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring and shall include nomination of a suitably qualified person to oversee the implementation of the approved works. No dwelling shall be first occupied until a Verification report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remedial strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic use of the site and land uses in the surrounding area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The remediation scheme is required prior to the commencement of development in order to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

30. No development shall be commenced until remedial treatment works to address instability arising from shallow coal mining legacy and recorded mineshafts on the site have been carried out and completed in accordance with authoritative UK guidance. A verification report to include a signed declaration or statement by a suitably competent professional to confirm the site has been made safe and stable for the approved development and the completion of the approved remedial treatment works and any mitigatory measures necessary to address the risks posed by past mining activity, shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied.

Reason: To ensure that the issues arising from the presence of mineshafts and historic shallow coal mine workings at the site are adequately dealt with in order to ensure the safety of the construction, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

31. Prior to the commencement of built development above ground level, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles and the principles set out in the submitted site specific flood risk assessment (reference 6376/R1, prepared by Lees Roxburgh, dated May 2021), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

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

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

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

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

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

34. Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of built development above ground level. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

Reason: To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of built development above ground level to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

35. Notwithstanding the provisions of Article 3 and Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no development as specified in Class A of Part 1 of Schedule 2 of that Order shall be carried out at plot 85 and no development as specified in Class B of Part 1 of Schedule 2 of that Order shall be carried out at plots 72-84 inclusive without express planning permission first being obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement of plot 85 on the privacy and outlook of existing adjacent properties and to assess any enlargement to the roofs of plots 72-84 on residential amenities of other neighbouring properties, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

36. The development shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes in respect of the approved house types T50 and T52 (a total of 19 dwellings) as indicated on the approved plans. None of these dwellings shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each dwelling has been submitted to and approved in writing by the Local Planning Authority.

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

37. The development shall be constructed to achieve a 20% betterment on energy efficiency standards (compared to current Building Regulation requirements) as set out in the submitted Carbon Reduction Report (prepared by Environmental Economics Ltd, dated May 2022). Detailed proposals for energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority prior to any development being commenced above ground level. The development shall thereafter be constructed in accordance with all the approved measures and a verification report shall be prepared by a suitably qualified person and submitted to the Local Planning Authority to verify compliance with the Strategy prior to any dwelling being first occupied.

Reason: To ensure that the scheme provides high quality energy efficient dwellings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The Strategy is required prior to the commencement of development to ensure that the measures that are necessary to achieve energy efficiencies can be designed into the construction of the development at the earliest stages.

38. Play areas shall be constructed and completed in accordance with timescales and details of the location, design, layout and specification of play equipment to include its surfacing, seating, bins and boundary treatment which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved play areas shall thereafter be available for use in accordance with the approved timescales.

Reason: To ensure satisfactory and appropriate play provision for children, to cater for the needs of the development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

39. All mitigation measures identified in the Noise Impact Assessment (E3P report Reference: 50-154-R1-2) shall be implemented in full prior to first occupation of the associated dwellings.

Reason: To protect the amenities of future residents, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

40. Prior to the commencement of built development above ground level, details of finished floor levels for all the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure the satisfactory implementation of the proposal, having regard to the appearance of the development and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the dwellings are constructed in accordance with the approved levels.

9. FUL/2022/0084 - 16 Elm Street, Burnley, Lancashire

Town and Country Planning Act 1990

Change of use of part of existing dwelling to form extension to existing hot food takeaway.

16 Elm Street Burnley Lancashire BB10 1AJ

Decision

That the application be approved with the following conditions.

Conditions and Reasons for Conditions

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

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

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

3. A scheme of noise insulation between the commercial and residential premises shall be submitted to and approved in writing by the Local Planning Authority before any building work commences on the site. The insulation provided shall ensure that the noise level within the residential premises does not exceed: 35 dB LAeq, 16hour for living rooms (07:00 – 23:00); 35dB LAeq, 16hour for bedrooms (07:00 hours – 23:hours), 30dB LAeq, 8hour for bedrooms (23:00 – 07:00hours); 45dB LAmax for individual noise events in bedrooms (23:00 – 07:00).

Reason: to note result in unacceptable conditions for future users and occupiers of the development, in regard to noise, in accordance with policy SP5 of Burnley's Plan.

4. The use hereby approved shall not operate outside the hours of 11am and 11pm on any day.

Reason: In order to safeguard the residential amenity of nearby residents.

10. HOU/2021/0756 - 6 Rochester Drive, Burnley, Lancashire

Town and Country Planning Act 1990

Convert existing garage to sitting room with extension to front of 1.2m

6 Rochester Drive, Burnley

Decision

That the application be approved with the following conditions.

Conditions and Reasons for Conditions

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

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

2. The development shall be carried out in accordance with the approved plans:

Existing and Proposed Plans, Elevations and Location Plan (excluding site plan)
Received 5th January 2022

Revised Site Plan Received 20th March 2022

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

3. The three off-road parking spaces shown on the submitted parking plan shall be made available before the extension is occupied and remain available thereafter for the parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone or gravel), and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To achieve satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

11. HOU/2022/0065 - 3 Coverdale Way, Burnley, Lancashire

Town and Country Planning Act 1990

Single storey rear extension, front porch extension and roof dormer extension to existing bungalow

Decision

That the application be approved with the following conditions.

Conditions and Reasons for Conditions

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

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

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

Location Plan: 2070-LP10	Received 17 th February 2022
Proposed Plans: 2020-PL10B	Received 17 th February 2022
Proposed Elevations: 2070-PL11B	Received 17 th February 2022

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

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

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

12. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation.

Going forwards members were encouraged to contact officers in advance of a meeting if they had queries on any of the decisions taken under delegation.

This page is intentionally left blank

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

30th June 2022

Housing and Development

This page is intentionally left blank

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2019/0470

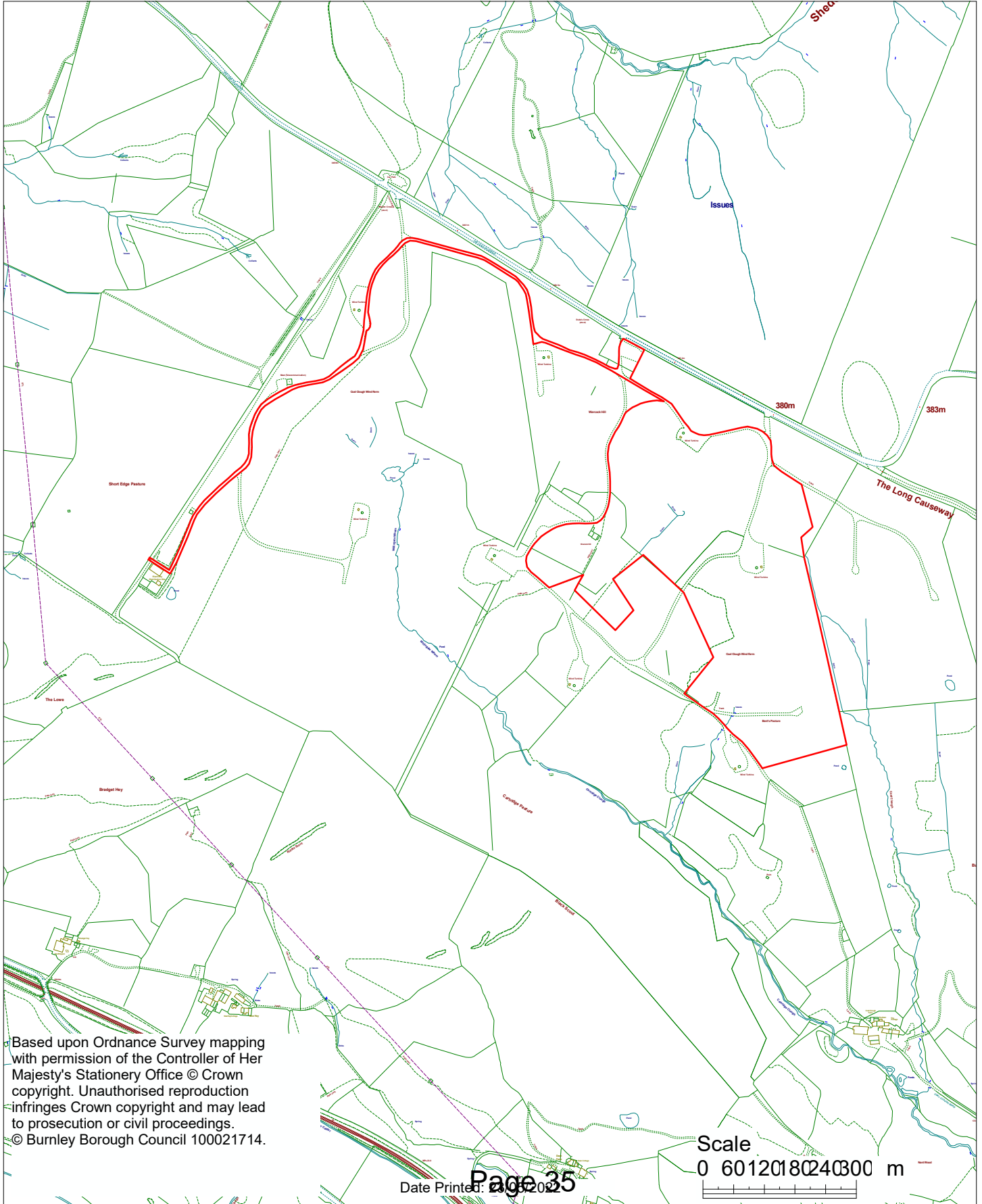
Paul Gatrell Head of Housing and Development

Location:



Coal Clough Windfarm, The Long Causeway, Cliviger, Burnley

1:10000



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



This page is intentionally left blank

**Application Recommended for Delegation to
Approve subject to s106 Agreement
Cliviger With Worsthorne Ward**

FUL/2019/0470

Town and Country Planning Act 1990

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

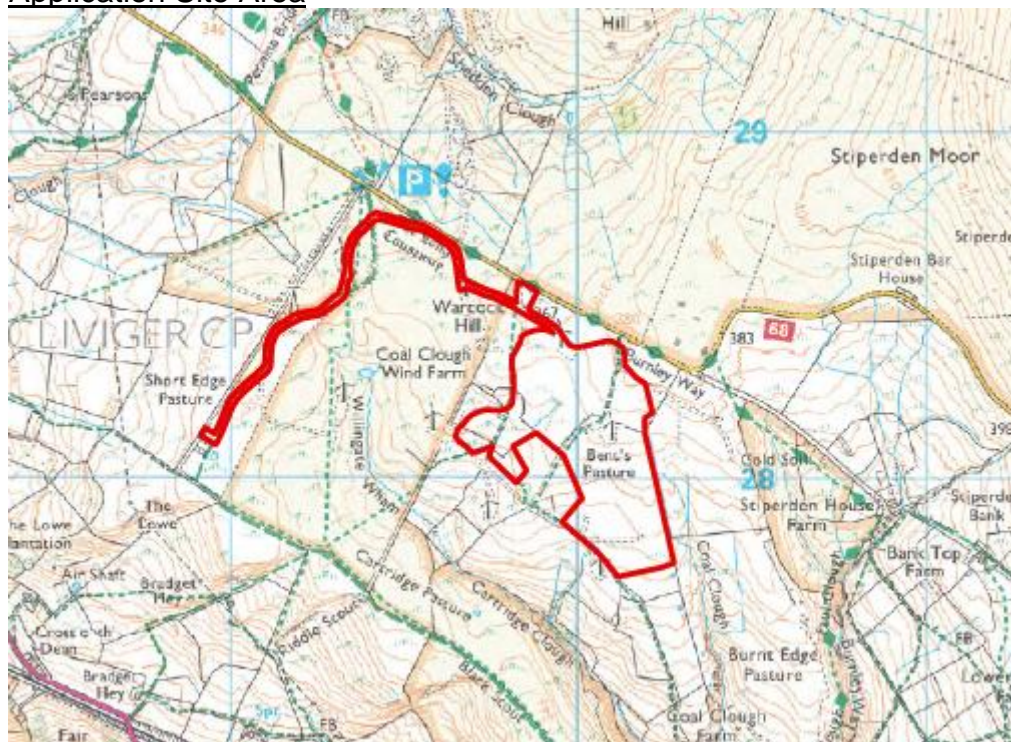
Applicant: Scottish Power Renewables

Background:

The site is located in an upland landscape within the perimeters of the existing Coal Clough Windfarm, surrounded by agricultural land and moorland and located to the north of the villages of Holme Chapel and Cornholme and approximately 7km south east of Burnley. The site is bound on its north side by The Long Causeway which provides the existing access to the site. In addition to the use of the site as a windfarm, the site which is very poor agricultural land (Grade 5), is also part of a working farm and the land is grazed by sheep and cattle. The site was first developed in 1992 as a windfarm with 24 turbines and was later repowered into an eight turbine windfarm which was constructed in 2015.

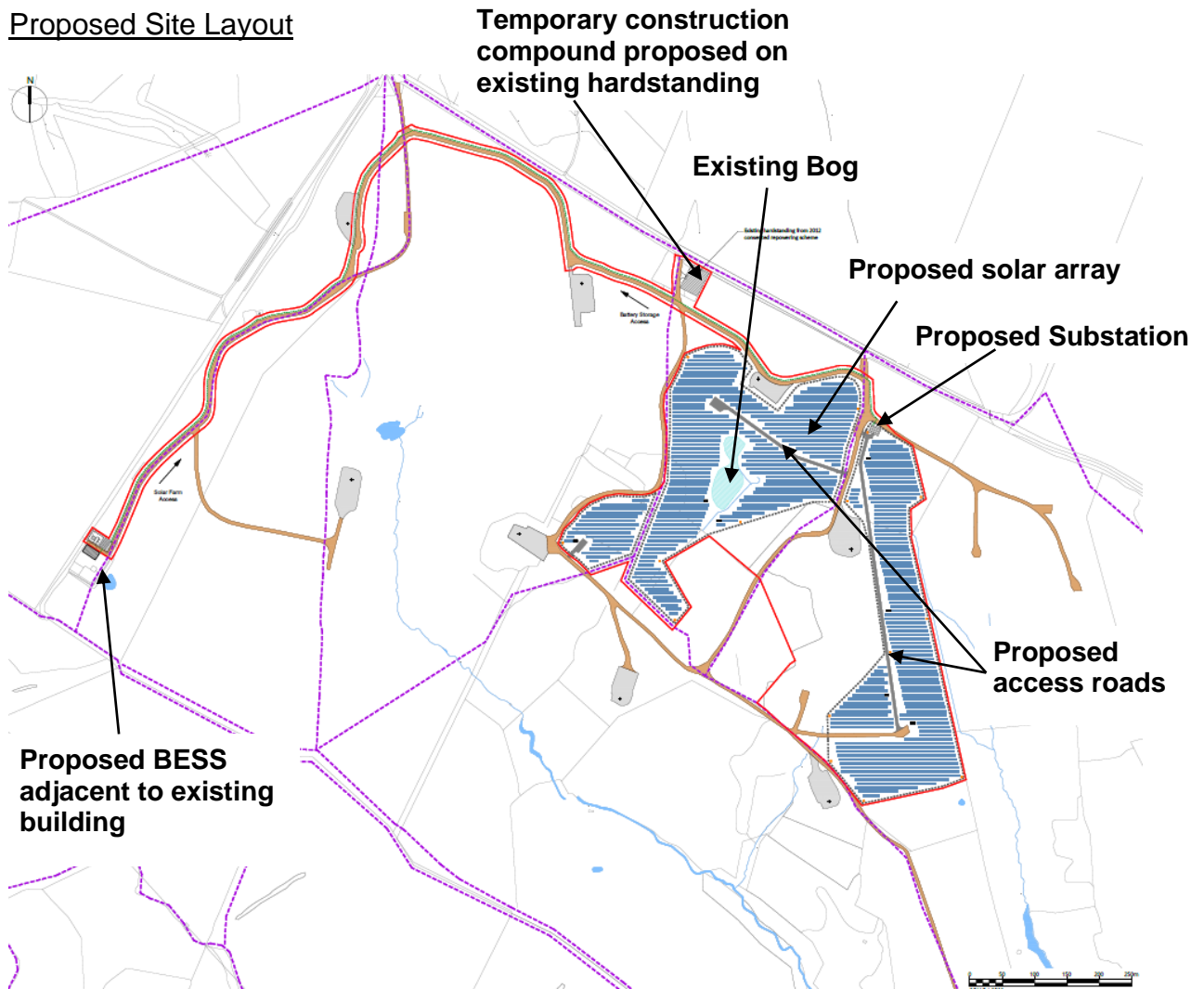
The application site amounts to approximately 25ha of agricultural land within the larger windfarm site. Development is proposed in two separate areas: firstly, within the larger area to the south of the site, the proposal is to site a 10 Megawatt (MW) ground mounted solar photovoltaic (PV) array/solar farm; secondly, a smaller area to the west of the site, a compound is proposed to house a 6 Megawatt hour (MWh) Battery Energy Storage System (BESS) with associated infrastructure.

Application Site Area



The application site sits in an elevated position up to 306-375m Above Ordnance Datum (OAD) on predominantly south facing moorland fringes. The proposal would utilise the existing access that serves the Coal Clough Windfarm site and make use of some of the existing access roads within the site as well as other existing infrastructure to feed electricity into the national grid.

Proposed Site Layout



The ground area for the installation of PV panels has been reduced since the application was submitted from a coverage of approximately 22.6ha to 14.1ha which is in order to address ecology issues. Due to advances in solar equipment it is still expected to produce the same amount of energy and would be sufficient to offset the annual electricity usage of approximately 2,500 homes in Burnley.

The development would consist of rows of solar panels known as strings. Each string would be mounted on a rack comprising metal poles on concrete footings with a gap of between 3-5m between each string of panels to prevent inter-panel shading. The panels would be 0.8m off the ground, tilted at typically 15-35 degrees and extend up to generally 2.5m in height (maximum of 3.0m). The panels would be dark in colour in order to maximise the absorbancy of the sun's rays. Five Inverter Kiosks are required to be located amongst the proposed solar panels which take the generated current to the proposed substation. The Inverter Kiosks are similar to the size of a small container and no more than 3m in height. Buried cables would connect the solar

panels to the Inverter Kiosks and to a substation compound (16m x 12m) which would be sited towards the north side of the solar array. 16no. CCTV cameras mounted on poles up to 3m high would be positioned around the edges of the proposed solar array. Perimeter Stock proof fencing and gates up to 2.4m in height would enclose the proposed solar array.

The proposed BESS (Battery Energy Storage System) would be located adjacent to an existing sub-station (that serves the windfarm) at the west of the proposed solar array and would consist of a compound of 39m x 16m which would contain a switchgear kiosk and three containers, enclosed by mesh fencing and gate up to 2.75m in height. The BESS is required as a result of the intermittent generation of electricity resulting from weather conditions and the need to store energy to balance demand and supply.

The proposal mostly utilises existing access routes within the site but two relatively short sections of track are required to access some sections of the solar array.

The existing grassland on which the panels are mounted would be retained.

A network of Public Footpaths and a Bridleway cross or pass adjacent to the proposed development. The proposed layout indicates that all public rights of way would be retained. A temporary diversion order may, however, be necessary during part of the construction phase. The construction phase is estimated to be around nine months.

The proposed solar array has an operational lifespan of approximately 30 years. After this period, the site would be returned to agricultural use.

Relevant Policies:

Development Plan

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- SP6 - Green infrastructure
- HE4 – Scheduled monuments and archaeological assets
- NE1 – Biodiversity and ecological networks
- NE3 – Landscape character
- NE4 – Trees, hedgerows and woodland
- NE5 – Environmental protection
- CC1 – Renewable and low carbon energy (not including wind energy)
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts

Material Considerations

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

The National Planning Policy Framework (2021)
National Planning Practice Guide

Site History:

APP/1990/0851 – Erection of 30m mast for a period of one year. Approved November 1990.

APP/1991/0387 – Construction of 24 turbine wind farm together with electricity sub-station, roads and ancillary works. Refused September 1991.

APP/1991/0920 - Construction of 24 turbine wind farm together with electricity sub-station, roads and ancillary works. Approved July 1992.

APP/2000/0064 – Extension to existing windfarm, comprising 3 additional windfarms. Refused June 2000. Appeal withdrawn.

APP/2005/0867 – Modification of Condition 3 of planning permission 91/0920 to provide for a 10 year period extension. Approved November 2005.

APP/2009/0603 - Proposed erection of 1no. meteorological mast with a maximum height of 70m for the temporary period of two years. Approved April 2010.

APP/2011/0520 - Variation of condition 1 of planning permission APP/2009/0603 to allow retention of meteorological mast for a further two years. Approved December 2011.

APP/2009/0758 - Reforming wind farm including dismantling and removal of 24 no. wind turbines and associated earthworks. Erection of 8 no. wind turbines with a maximum height to blade tip of 110m. Upgrading of access from the Long Causeway, upgrading of existing and construction of new on-site access tracks, construction of control building, erection of 1 no. power performance mast, construction of temporary construction compound and associated works. Approved January 2013.

Consultation Responses:LCC Highways

No objections. It is noted that the HGV construction traffic is to be routed over the previously constructed private access. The Transport Statement submitted with the application should be adhered to.

Local Lead Flood Authority

No objection.

LCC Historic Environment Team (Archaeology)

No objection. The area of the windfarm has been subject to previous archaeological assessment as part of the applications for the initial wind turbine installation and then for the upgrading of the site, as well as the assessment work done for the production of the Heritage Statement that accompanies the application. The visible features that have been recorded are, on the whole, unlikely to be affected by the proposed development and it appears from the application that existing roads across the site will be used as much as possible for access, with only relatively short stretches of new track. The impact on the historic environment is largely potential with the possibility that there are previously unknown sites in the area to be developed. The area within

which the site is located is known to have a high (relative to most of the UK) concentration of Mesolithic sites dating from the period between the retreat of the glaciers and the spread of temperate woodland after the last Ice Age (c. 8,000 B.C.) and the introduction of farming to the British Isles (c. 4000 B.C.). These sites are usually the result of short periods of occupation, sometimes perhaps only a single short stop by a group of hunters with evidence for the use of the sites mainly in the form of scatters of waste stone flakes from the toolmaking process although on some sites lost or discarded stone tools are found. The Heritage Statement proposes several measures; these include, a geophysical survey of the areas proposed for development to try and locate sub-surface remains (features such as pits and ditches, infilled at a later date, and fireplaces and hearths) to allow the foci of activity to be recognised. Following the results of the geophysical survey, a further programme of works will be agreed if needed and bases for the solar panels designed to have minimal or no direct impact on any identified features or areas of interest. This should be formalised as a Written Scheme of Investigation and implemented, with the proviso that a geophysics study alone cannot be relied on as may not provide evidence for past human activity, particularly in the case of small scatters of flint tools and debitage from their manufacture. A condition to secure a programme of archaeological investigation, monitoring and recording is recommended.

Natural England

Three responses have been received from Natural England (NE) over the course of the application. In their first response, NE stated that the application could have potential significant effects on the South Pennine Moors Special Area of Conservation (SAC), South Pennine Moors Phase 2 Special Protection Area (SPA) and South Pennine Moors Site of Special Scientific Interest (SSSI). Further information was requested on the consideration of impacts on Golden Plover and other SPA species and a Construction Environment Management Plan (CEMP). NE advised that the submitted Shadow Habitats Regulation Assessment should not be accepted or adopted by this Council (acting as the competent authority) as additional information was necessary to address their concerns relating to the impact on SPA bird species through loss of supporting habitat and increased disturbance.

The second response from NE followed the submission of amended plans and additional surveys and assessment. This includes a reduction in the footprint of the proposed development. NE provided detailed advice and requested Appropriate Assessment be carried out in relation to the loss of land that is functionally linked to the SPA and in relation to the mitigation measures in order to demonstrate that the revised site layout is appropriate and would not deter SPA features from using the habitats within the application site or adjacent surrounding area.

In their final response (following a further meeting with the applicant and an amended Habitats Regulation Assessment (HRA), Outline Construction Environment Management Plan (CEMP) and Ornithological Impact Assessment (OIA), NE state that they have no objection subject to appropriate mitigation being secured. NE consider that the without appropriate mitigation the application would have significant effects on the South Pennines Moors Phase 2 SPA and the South Pennine Moors Site of Special Scientific Interest (SSSI). NE note that the HRA has not been produced by this Council who, as the competent authority (under “the Habitat Regulations”) has a duty to do so. The advice from NE is provided on the assumption that the Council (the competent authority) will adopt the HRA. The Shadow HRA concludes that the proposal will not result in adverse effects on the integrity of any of the sites in

question. Having considered the assessment, and the measures proposed to mitigate for all the adverse effects that could potentially occur, NE advises that they concur with the assessment conclusions, provided that all mitigation measures are appropriately secured in any planning permission. In order to mitigate the adverse effects and make the development acceptable, the following mitigation options should be secured:-

- Implementation of the submitted Outline Construction Environment Management Plan, including the appointment of an Ecological Clerk of Works;
- Implementation of the mitigation measures detailed within the submitted Habitats Regulations Assessment and Ornithological Impact Assessment, including controls to working hours during the bird breeding season and the control of lighting;
- Delivery of on-site and off-site habitat improvements as detailed within the Habitats Management Plan at Appendix E of the submitted Ornithological Impact Assessment; and
- Further survey work and monitoring as detailed within the submitted Habitats Regulations Assessment and Ornithological Impact Assessment.

NE advise that appropriate planning conditions or obligation is attached to any planning permission to secure these measures.

Greater Manchester Ecology Unit (GMEU)

Three sets of responses have been received in response to new assessment, surveys and reports. Initially, GMEU highlighted the need for the Council to carry out a Habitats Regulation Assessment (HRA) or accept a Shadow HRA which is required to carry out Appropriate Assessment of the potential adverse impacts of the proposal on European Designations. In this case, this is required as the site is adjacent to the South Pennine Moors - Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). It also noted that there is a non-statutory designation, the Long Causeway Mire Biological Heritage Site (BHS), within the blue edge of the application site. At this stage, GMEU also advised that further survey work was required in relation to bats and great crested newts; and the need for a mitigation and management plan to detail proposals for grassland enhancement and modified bog restoration; a detailed mitigation/compensation strategy for breeding birds; measures to prevent harm to mammals, fauna and reptiles; and, details of lighting to minimise impact on nocturnal mammals.

Following the submission of a report to inform a Habitat Regulations Assessment, Appropriate Assessment, Construction Environmental Management Plan (CEMP) and Bird Mitigation Statement, GMEU advised that the proposed development is unlikely to cause significant impacts on the special nature conservation interests of the European protected sites through noise disturbance, light pollution, air pollution or water pollution but still required further issues to be addressed. The key areas of concern related to whether the application site is functionally linked to the Special Protection Area (SPA) for bird species, and, in particular, the Golden Plover. No species which are qualifying features for the designation of the SPA were recorded breeding within the proposed development area but there were some species listed as assemblage features (such as lapwing, curlew and snipe) that were recorded and in total, 20 species of conservation concern (with 9 species found to be breeding) were recorded (including 6 pairs of lapwing, 3 pairs of curlew, 10 pairs of skylark and 2 pairs of snipe). GMEU advised that further compensatory measures will be required for impacts on birds, for

which further details of the bird habitat enhancement proposals were also required. GMEU requested further details on the type and extent of habitats and analysis of the impact of the proposals on any modified bog that is present and a mitigation and long-term management plan. Following additional surveys for bats and great crested newts, the findings are accepted and conditions recommended for reasonable avoidance measures.

The final comments from GMEU were received in response to the submission of the following:

- Revised Habitat Regulations Assessment
- Revised Ornithological Impact Assessment
- Revised Habitat Management Plan (appendix E of the OIA)
- Revised Construction Environmental Management Plan

GMEU advise that the updated measures described for mitigating adverse effects on the South Pennine Moors Special Protection Area are satisfactory, and that, providing the measures described are implemented in full, no harm will be caused by the proposals to the special interest of the designated site.

GMEU recommend to the Council that it can adopt the Shadow HRA provided by the applicant (version 3.0, March 2022) in order to comply with its duties under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The following conditions are recommended:

- The implementation of all mitigation measures proposed within the submitted Outline Construction Environment Management Plan, including the appointment of an Ecological Clerk of Works;
- The Implementation of all mitigation measures detailed within the submitted Habitats Regulations Assessment and Ornithological Impact Assessment, including controls to working hours during the bird breeding season;
- Delivery of on-site and off-site habitat improvements as detailed within the Habitat Management Plan at Appendix E of the submitted Ornithological Impact Assessment; and
- Further survey work and monitoring as detailed within the submitted Habitats Regulations Assessment and Ornithological Impact Assessment.

GMEU is satisfied that the delivery of on-site and off-site habitat improvements will provide sufficient compensation for direct impacts on notable habitats.

Burnley Wildlife Conservation Forum (BWCF)

The BWCF is no longer taking part in consultations on planning applications but made three sets of comments prior to the final set of revised documents. Given that the BWCF has not commented on the final documents (received March 2022), its previous comments are summarised below for information only but should not be given weight to a decision.

BWCF has objected to the proposal on the basis that it will have a significant adverse effect on the adjacent South Pennine Moors Special Protection Area's qualifying bird species which use this plot of land for breeding and foraging for food and a further adverse effect on the upland birds breeding and foraging in the adjacent Long Causeway Mire Biological Heritage Site. BWCF also state that there will be an adverse effect on any great crested newts and other newt species and amphibians

present in the pond in the west part of the site. Following the submission of a Habitats Regulation Assessment undertaken by the applicant and an Outline Construction Environmental Management Plan (CEMP), Ecological Impact Assessment and Bird Mitigation Statement, the BWCF maintained their objection and affirmed that 'Appropriate Assessment' should be carried out prior to mitigation being considered and that though the survey that was carried out found no evidence of great crested newts in the ponds on the site, that other amphibian species were found (such as common frog, common toad) and that ponds and their surrounding amphibian foraging habitats on the site should be excluded from and not adversely affected by the proposed development.

A further response from BWCF was received following further consultation on the submission of a revised HRA and Appropriate Assessment as well as a revised Ornithological Impact Assessment, revised Outline CEMP and amended proposed Landscape Layout. BWCF states that the revised landscape layout shows a relatively small area of solar panels has been removed from the proposal and the solar farm would still occupy a large area of land. BWCF consider that because the area where the solar panels are no longer proposed would be surrounded by solar panels, that this would have an adverse impact on the important bird species currently using that area for nesting and/or foraging – in particular, lapwings, Golden Plovers and Wheatears. BWCF refer to the results of the applicants bird surveys where "30 bird species were recorded during the 2019 breeding bird survey, including 20 bird species of Conservation Concern including 16 species showing evidence of breeding or holding territory...the most significant bird species these surveys found breeding and/or foraging on the site were Golden Plover, Lapwing, Snipe, Curlew, Short-eared Owl, Wheatear, Skylark, Meadow Pipit and Reed Bunting as well as Kestrel, Barn Owl and Grasshopper Warbler recorded close to the site boundaries". These include species of internationally important assemblage of breeding birds, red-listed and amber-listed species of conservation concern. The BWCF affirm that site forms part of the Special Protection Area (SPA) buffer zone of 'functionally connected land' and that the proposed solar panel farm would have a significant adverse effect on the SPA listed and other important bird species. The BWCF conclude that any mitigation measures, including those proposed, are incapable of adequately compensating for such a considerable loss of habitat and bird species which would occur as a consequence of the proposal and affirm their objection.

Environmental Health

No objection. Conditions are recommended to require a programme of works, to control construction hours and to require details of external lighting.

Ramblers Association (Burnley and Pendle Group)

No objections made to the proposal and its effect on Public Footpaths Nos. 26, 82, 83 and 84. The footpaths appear to be intact with the solar panels being in fenced off areas around the path routes. The paths are part of a larger network of paths and access should be maintained. This will be difficult whilst construction is ongoing and thus, posted, temporary diversions must be in place to enable Footpath 82 to reach the Long Causeway at its Northerly end, with temporary closures of FP84 & FP83 and FP82 northerly from its junction with FP83. Safe crossings of the site tracks must be made for path 26 whilst construction is ongoing and this would apply to the temporary diversion also. The Ramblers are in favour of green energy and thus as long as the paths surrounding those in question are safely open to walkers and FP 82 is

temporarily diverted whilst construction is ongoing, as stated, there is no objection, as all paths will eventually be open and will follow the same routes.

The Coal Authority

The application site falls within the defined Development High Risk Area, in which case, there are coal mining features and hazards which need to be considered. The Coal Authority records indicate probable unrecorded coal mine workings at shallow depth. The site also falls within the boundaries of a former opencast mining site, from where coal has been extracted using surface mining methods. An initial objection was made on the basis that there was insufficient information to assess the level of risk to the development from past coal mining legacies. Following the submission of an Addendum to Phase 1 Geoenvironmental Desk Study and Coal Mining Risk Assessment, (January 2021), the Coal Authority has withdrawn its objection. The further report finds that it is only where new structures within the Battery Energy Storage System (BESS) area of development are to be constructed on ground not previously covered in hardstanding that there is a requirement for further investigation works. It is noted that these works will be carried out in accordance with current UK guidance (CIRIA C758D – Abandonment mine workings manual). It has been identified that several mine entries are recorded within close proximity of the areas of development and recommendations have also been made that the mine entries should be located and their condition assessed in order to determine appropriate treatment options prior to development. The Coal Authority recommends conditions to require a scheme of intrusive site investigations, the carrying out of any identified remediation works and/or mitigation measures (in accordance with authoritative UK guidance) and verification from a suitably competent person to confirm that the site is or has been made safe and stable for the approved development.

Cliviger Parish Council

There is concern how the carbon footprint will be dealt with and how the ecology of the bog will be changed when covered by a solar farm. If granted, ask that equipment is transported up the wind farm road and off major village routes.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

The proposed site lies in the open countryside where Policy SP4 states that development will be strictly controlled. This upland area has been developed as a windfarm and the proposal is to co-locate a solar array which would utilise some of the existing infrastructure as well as require new compound areas for substations and battery storage and a solar array across an area of 14.1ha. Policy CC1 states that proposals for renewable and low carbon energy development will be supported where they satisfy the requirements of other relevant Plan policies and can demonstrate, both individually and cumulatively, that any associated impacts are or can be made acceptable. This presumption to support renewable and low carbon energy development will apply where proposals do not have a significant adverse impact on the character of immediate and wider landscape; do not unacceptably impact on local amenity, including public rights of way; do not have an unacceptable impact on ecology, geology, water resources or flood risk; minimise waste; and, avoid the loss of, or loss of productive use of, the best and most versatile agricultural land (with a

preference for large scale projects to be located on previously developed and non-agricultural land that is not of high environmental value. Policy CC1 does not therefore, in principle, exclude areas of open countryside from renewable and low carbon energy development subject to consideration of the potential impacts listed in the policy. These should be considered together with other material considerations, including the impact of the proposal on traffic, mining legacies and archaeology.

Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. Where proposals are likely to have a significant effect on a European Site (SAC/SPA), either individually or cumulatively, it should be subject to an Appropriate Assessment and where development is considered to adversely affect the integrity of a European Site it will not be permitted. Development proposals will also not be permitted where there is likely to be an adverse effect on sites of national importance or on sites of local or regional importance for biodiversity/geology.

There are no statutory designations on the application site but the site is located immediately to the southern edge (within 50m) of the following national and international statutory designations:

- South Pennine Moors Phase 2 Special Protection Area (SPA)
- South Pennine Moors Special Area of Conservation (SAC)
- South Pennine Moors Site of Special Scientific Interest (SSSI)

In additional, a non-statutory regional designation is located less than 0.1km to the west of the site edged red:

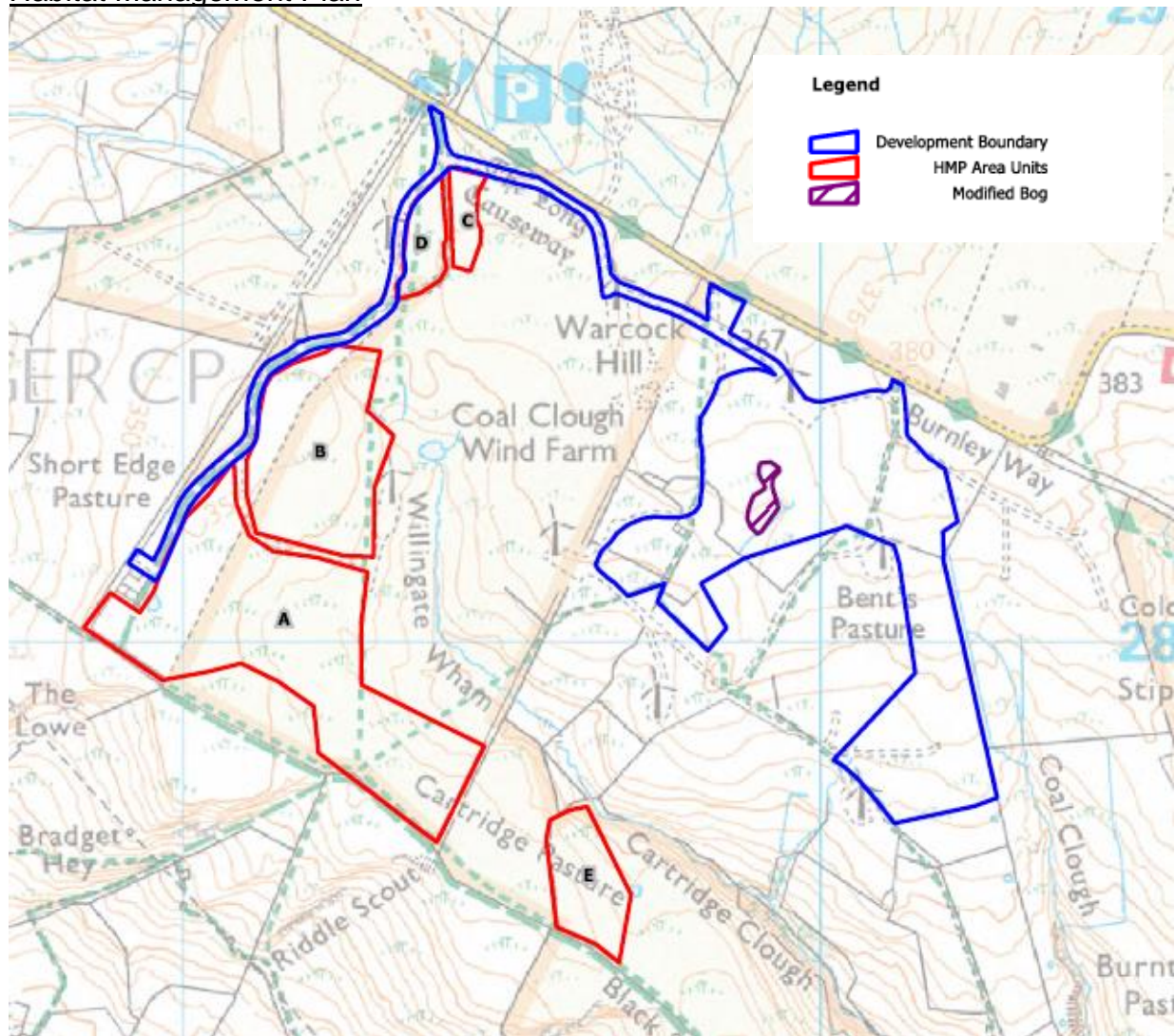
- Long Causeway Mire Biological Heritage Site (BHS)

The likely significant impact of the proposed development has been considered on the integrity of the above designations following the submission of surveys and assessments, including reports to inform a Habitats Regulation Assessment (HRA) and Appropriate Assessment. These requirements are set out in the “Habitats Regulations”.

The main issue is whether the loss of habitat from the application site as a result of a coverage of PV panels over approximately 14ha of land and the disturbance created from construction and operation of the development would have a likely significant effect (LSE) on the National Site Network (NSN) which in this case is the SPA/SAC/SSSI designations. The SPA consists of 21,000ha of unenclosed moorland that supports internationally important assemblages of breeding and moorland birds. A key consideration is whether the land comprising the development site has a functional link with the protected NSN. The submitted report to inform a HRA utilises findings from surveys of upland birds carried out in 2019 and 2021. As a result of these surveys, the proposed area for development has been reduced to exclude areas where a lapwing was confirmed breeding and areas where Golden Plover have been detected (although not breeding) using the land for foraging. Natural England is a statutory consultee for the application and accept that the site is unsuitable for nesting golden plover. Surveys also found that there were low numbers of Curlew but that the low numbers involved is indicative of lower value habitat to other areas and this could be compensated by off-site habitat improvements. No functional link was detected for

other SPA qualifying species such as snipe and merlin. Short-Eared Owl were found to breed in the wider area with the nearest nest location greater than 500m from the site. A Habitat Management Plan (HMP) is appended to the submitted revised Ornithological Impact Assessment which is aimed at compensating for the loss of nesting and foraging resources for breeding birds. This involves rush Management

Habitat Management Plan



over 21.2ha (Units A – E inclusive shown on the plan above) which would compensate for the loss of suitable breeding habitat from within the development boundary. The Modified Bog which is within the proposed development boundary (highlighted in the plan above) would be improved by removing grazing pressures. The HMP provides for monitoring of the measures for the full period of the site’s operation.

In terms of the Special Area of Conservation (SAC) this contains features such as dry heath, wet heath, blanket bog, old sessile wood. There would be no direct habitat loss or disturbance within the SAC and habitats within the Site have limited potential for supporting value. The impact on the SAC has not been found to be significant.

The report to inform the HRA concludes that all Likely Significant Effects (LSE’s) have been screened for all qualifying features of both the SAC and SPA and associated potential impacts. LSE’s have been identified for Golden Plover and Short-Eared Owl in relation to construction disturbance. All other potential impacts to features of the

SAC and SPA are sufficiently unlikely or of low enough magnitude not to have a LSE. 'Appropriate Assessment' has been carried out to assess mitigation to avoid the identified Likely Significant Effects (from construction).

The proposed mitigation is set out in an Outline Construction Environmental Management Plan (CEMP). It involves restrictions on working hours between 15th March and the 30th June to prevent construction works from two hours prior to sunset to two hours after sunrise. Additional measures to protect Short-Eared Owls involve further surveys to confirm their status and nest location. The Appropriate Assessment concludes that with the full adoption of the proposed mitigation measures, there will be no Likely Significant Effect on the NSN sites (SPA, SAC). The comments from GMEU (set out in the Consultation responses section) conclude that subject to the full implementation of the mitigation measures, no harm will be caused to the special interest of the designated sites and that the Council can adopt the HRA (which is necessary to fulfil the Council's duties to carry out this assessment under the Habitat Regulations). Natural England has provided their final comments on the understanding that the Council adopt the Shadow HRA. In view of the expert advice of GMEU, the Council adopts the HRA. The conditions outlined in the response from Natural England are necessary to ensure that there are no significant effects from the proposal on the protected SPA and SAC.

In terms of other ecological impacts arising from the proposed development, GMEU advise that following further bat and great crested newt surveys, that conditions are recommended to require precautionary measures. Other conditions are also recommended (similar to Natural England) and further conditions to prevent harm to mammals and other fauna, a detailed mitigation/compensation strategy for breeding birds, control on lighting, and measures to avoid harm to nesting birds. With these provisions, GMEU is satisfied that there would be no significant adverse impact on the adjacent Long Causeway Mire BHS and the adjacent SPA, SCA and SSSI. Given that there will be less pressures from grazing and substantial habitat management, there is the opportunity for the proposal to enhance the biodiversity of the site. This would therefore comply with Policy NE1. The off-site habitat management works would be carried out close to the development site but outside of the red edge area of the application site. A s106 Agreement would be necessary to secure these.

Visual Impact

Policy CC1 permits renewable and low carbon energy development where, amongst other things, it would not have a significant visual impact. Policy NE3 states that the Council will expect development proposals to respect and where possible, enhance and restore landscape character, as appropriate to their nature and scale. A Landscape and Visual Appraisal has been submitted to consider this issue. There are no landscape designations within 2km of the site which is moorland fringe. The proposed development would take place on an existing windfarm site. The proposed solar array would be low-lying within this area and no equipment or associated building would be over 3.4m. Within the setting of the windfarm, the dark hues of the solar array would recede into the landscape and retain the openness of the site as a whole. The submitted Appraisal concludes that the site has a low sensitivity to change and can accommodate the development. It is also noted that the landscape effects from the apparatus and associated equipment would be removed after the operational lifetime of the development (30 years), in which case the impacts on the landscape are reversible.

Extract from Landscape & Visual Appraisal

Viewpoint 3: Mount Lane, Looking West



Whilst, therefore, there will be a visual impact from the development of the proposed solar array and accompanying BESS, due to its scale, the impact is likely to be in the closer surroundings and relatively low. The proposal would not therefore conflict with Policies CC1 and NE3.

Impact of traffic

Policy IC1 seeks to promote sustainable travel and safe access. A Transport Statement has been submitted to assess the potential traffic impacts of the Development over a likely 9 month construction period. The proposed access to the site is the existing access that serves the windfarm site on The Long Causeway.

It is expected that over the peak month of construction, 45 vehicle movements to the Site will occur per day, consisting of 40 car movements and 5 HGV movements. Operational traffic is expected to be minimal and would be conducted by smaller vehicles. These levels of traffic are likely to have only a negligible impact on traffic on local roads. A Traffic Management Plan is required to manage construction traffic during the construction and decommissioning stages. LCC Highways has no objection with this provision.

There is a network of Public Footpaths and a Public Bridleway that are affected by the proposals. The routes of the designated rights of way would not be altered but there would be sections of some paths that would be edged with mesh fencing to secure the solar array and equipment. This is likely to have a minimal impact on the enjoyment of these rights of ways. An informative is recommended to advise the applicant of the need to apply for a temporary diversion order, if needed, during the construction phase. The proposal would not conflict with Policy IC1.

Other issues

Local amenity

There are no immediate neighbours to the site, although there are isolated properties in the surrounding area. There is little noise associated with the operational use of the proposed development and a glint/glare assessment indicates that the PV array would not have a significant impact on receptors.

Archaeology

The area within which the site is located is known to have a high (relative to most of the UK) concentration of Mesolithic sites dating from the period between the retreat of the glaciers and the spread of temperate woodland after the last Ice Age (c. 8,000

B.C.) and the introduction of farming to the British Isles (c. 4000 B.C). A condition to secure a programme of archaeological investigation, monitoring and recording is recommended to ensure that any potential artefacts are properly recorded.

Ground conditions

The site is affected by past surface coal mining activity. Whilst the proposal would involve minimal intrusive works, the Coal Authority recommend a condition to require a further assessment.

Conclusion

The proposal is located within an upland area that is currently an operational windfarm site. The use of the site to provide a solar array and battery energy storage system (BESS) would be beneficial in generating further renewable energy and utilising existing infrastructure. The visual impact of the proposal would be contained and limited and no significant impacts have been identified on local amenity subject to controlling traffic during construction. The site is located adjacent to sites of national and international importance for its conservation value and this has been subject to Habitat Regulations Assessment and Appropriate Assessment. Subject to conditions to require mitigation and precautions to protect upland birds and a s106 Agreement to provide compensatory habitat close to the development, the proposal would not have a likely significant effect on the integrity of these designations or the site's ecology. The proposal complies with the development plan and there are no material considerations which outweigh this finding.

Recommendation: Delegation to approve subject to s106 Agreement to secure off-site habitat management and appropriate planning conditions

JF
23rd June 2022

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2022/0141

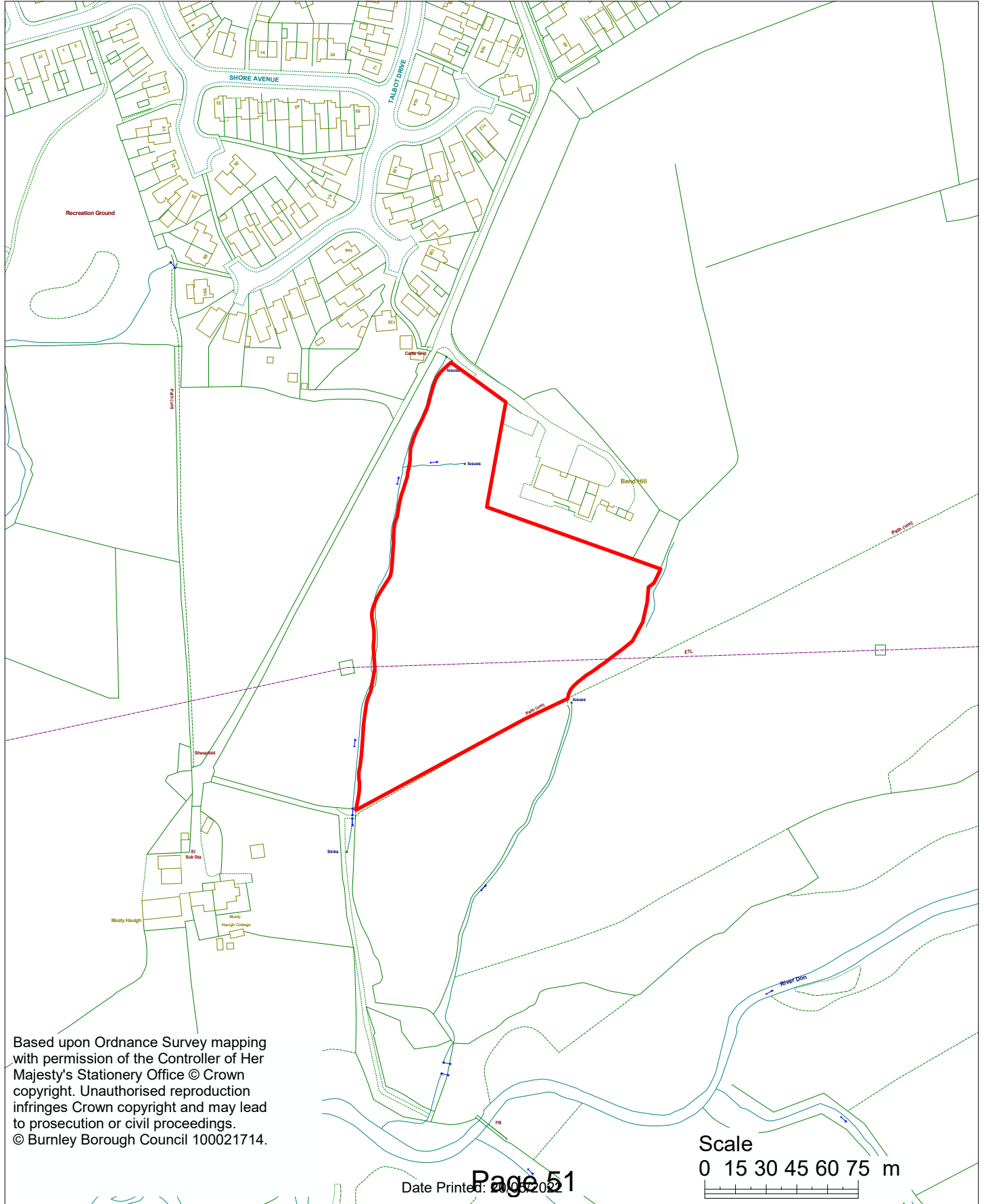
Paul Gatrell Head of Housing and Development

Location:

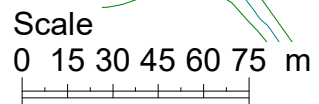


Land To The South Of Granville Street, Burnley

1:2500



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



This page is intentionally left blank

**Application Recommended for Approve with
Conditions
Briercliffe**

FUL/2022/0141

Town and Country Planning Act 1990

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

Land To The South Of Granville Street Briercliffe Burnley

Reason for Committee decision: Objections have been received

Background:

The application site is an open field (approximately 3.98 acres) located outside the settlement boundary within the open countryside in which policy SP4 of Burnley's adopted Local Plan applies.

The site is accessed off Granville Street along a single unadopted lane which serves several residential properties around Musty Haulgh.

This application is a resubmission of FUL/2022/0141 which was refused for the following reason;

The proposed dog walking field together with its field shelter, parking area, gates and associated equipment would afford a greater level of visual prominence that would contrast to the character and appearance of the open countryside location in which it sits. The proposals are therefore considered to contrary to policies NE3 and SP5 of Burnley's adopted Local Plan (July 2018)

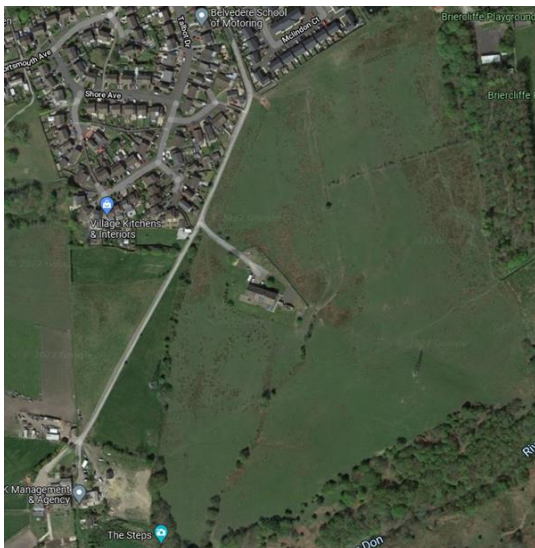


Photo 1: Google aerial extract



Photo 2: View from track to the east



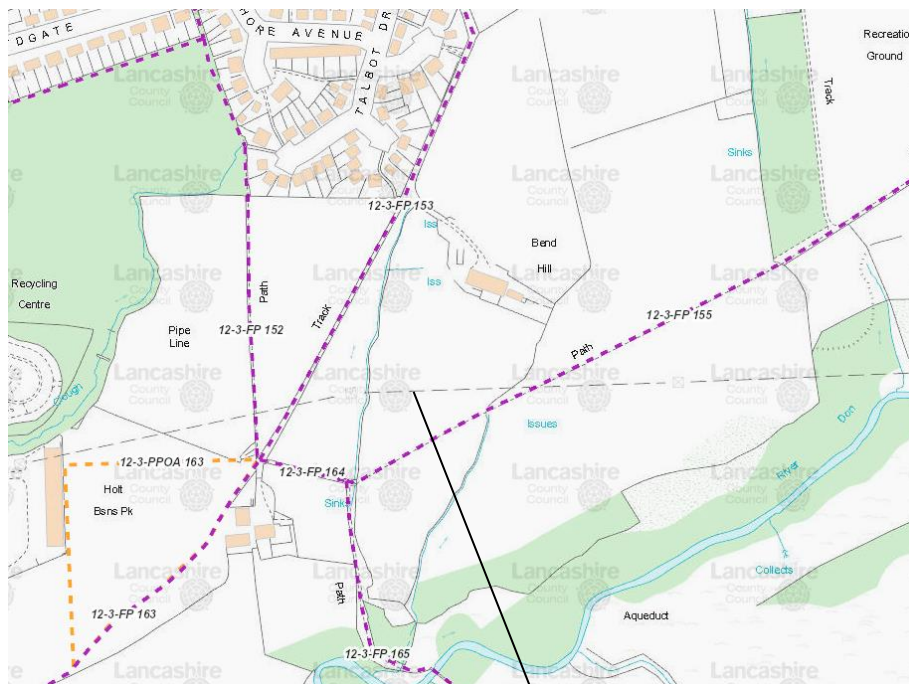
Photo 3: View of the site from the access track looking south east with Musty Haigh in the distance

The nearest properties to the site are;

Bend Hill which is a C2 residential institution and has a common boundary to the north, approximately 20m from the rear elevation to the proposed dog walking field.

Talbot Drive is located to the north east of the site. Properties 112 – 138 Talbot Drive back onto the access lane which is also a designated PROW Footpath No.153 and will be located approximately 30m away from the proposed car parking area.

Public Rights of Way (PROW)



PROW extract from www.mariomaps.co.uk

Footpath No. 153 is the access track which leads to the various properties around Musty Haulgh Cottage.

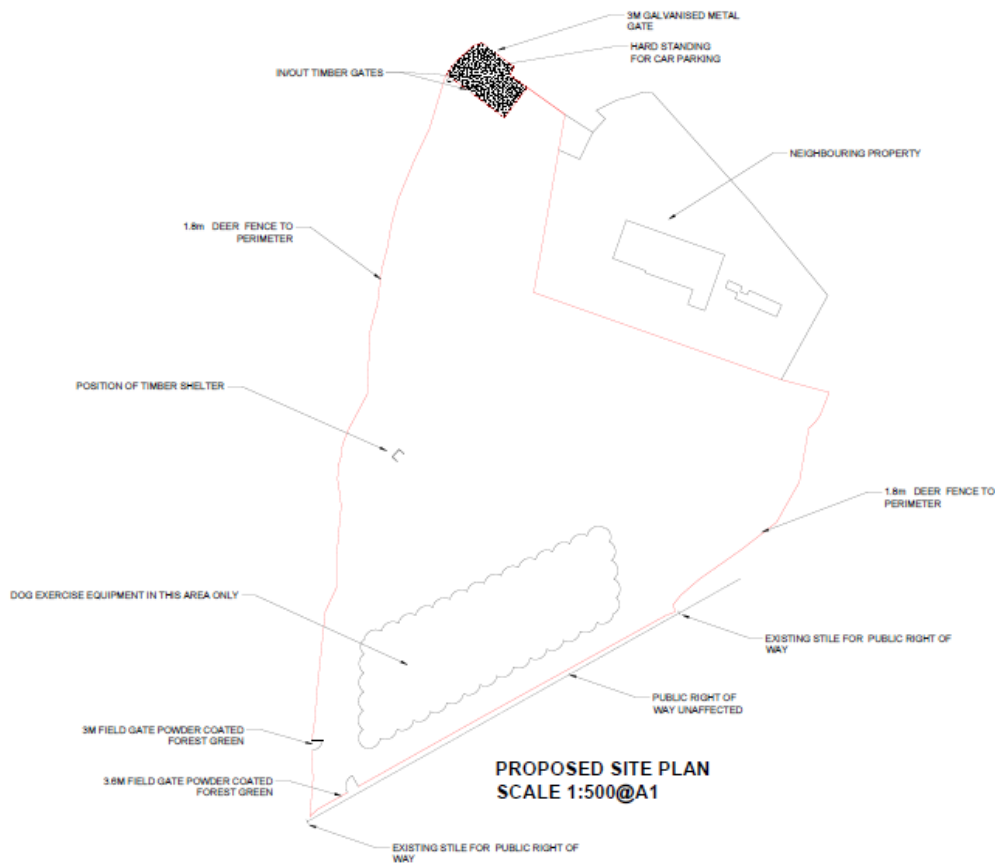
A second Footpath 155 crosses the field to the east of the site. In the previous application this came through the proposed exercise field which has now been altered and there is no diversion as part of this application.

Proposal

The application seeks consent for the change of use of an agricultural field to a dog walking field with the following elements:

Parking and hard standing area

Located to the northern edge of the application site and close to the top of the Lane, an area of hard standing will be created measuring 21m in length and 11m in width. The parking area shall be enclosed by a 1.8m high deer fence and internally will have 2, 1,2m wide gates for entry and exit to the field. The main vehicle access gates are 3m wide and 1.8m in height.



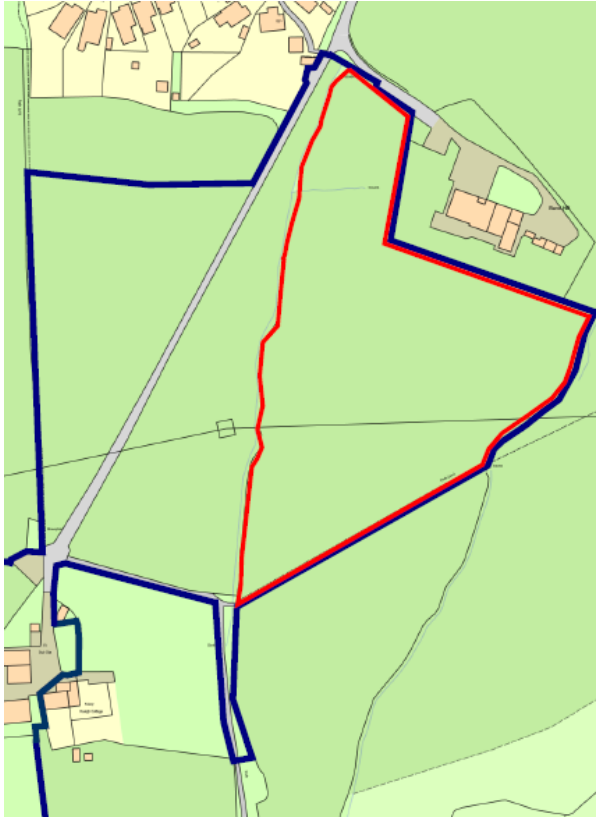
Plan extract: site of the proposal

Main exercise field

The exercise field will be enclosed by a 1.8m high deer fence which will consist of a 2m high timber posts with 1.8m high mesh inbetween. Further gates are also proposed for to the southern edge of the site which will enable the applicant to access the land with larger vehicles for maintenance.

The previous application put forward a plastic bus shelter as the main form of shelter to serve the proposed use. This was not considered to be appropriate for the rural location. A timber shelter is now proposed which will measure 3.1m in length, 2m wide and 2.7m to the top of the ridge and will be located to along the western side, almost half way in the field. Whilst the shelter will still be visible within the landscape, the design is appropriate to the context of the site.

In the previous application a range of dog equipment was put forward across a large area, the area has been reduced in size and is now at the southern edge of the site in a more controlled space. Due to the rural location, and concerns about possible clutter of the associated equipment a condition will be placed that ensures the equipment is only kept in the designated area in the interests of visual amenity of the area.



Plan Extract: location of the field in red

Operations of the site

Access to the field will be via a coded gate located at the car park to the northern edge of the site. Each session will need to be booked online before visiting and will last 50 minutes. A maximum number of dogs per visit will be 4

In terms of the management of the use bookings would be made via an online facility. Each customer would be issued with a pin code for the gate.

Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- NE3 – Landscape Character
- NE5 – Environmental Projection

National Planning Policy Framework 2021

Site History:

Ful/2021/0734 - Change of Use from Agricultural Land to a Dog Walking Meadow including 1.8m perimeter fencing, car parking area, dog play equipment and shelter. Refused 1/2/22

Consultation Responses:

Highways – no objection

With respect to this application, we would not wish to raise any objections to the development.

Should you wish to support the application we would look for there to be a limit on the number of vehicles to the site at any one time. This is to limit the number of additional journeys to the site. It is not expected however that the number of vehicles visiting the site would be sufficient to require the provision of any passing places or other highways measures. We would look for the following condition to be added to your decision notice.

*a) Dog day care facilities - limit number of vehicles.
The number of vehicles shall be limited to 4 cars on the site.*

Reason: To ensure that any future changes to dog numbers and the operation of the business can be fully considered by the Local Planning Authority, in consultation with the Highway Authority, and in the interest of highway safety.

Environmental Health –

Further to your consultation regarding the above application, Environmental Health has no objection in principle to the proposed development of the site, regarding noise, light, dust or odour nuisance, but would recommend that the following conditions are included as part of the approval if granted:

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

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

Publicity

Parish Council – no objection but the following comments:

There are properties that live close by and have provided their own comments
The PC want assurances that the parking and use of the lane will not become a future in the future
Would like the applicants to maintain the fence and that equipment be kept within the fence

Neighbour comments 7 letters of objection

- agricultural occupancy close by for sheep, cattle and horses. Concern over the use and disruption this may cause
- Opening hours are too much 6am – 9pm 7 days a week
- who will be monitoring and managing the security of the site
- how can you insure the people using the site are going to supervise their dogs

- health and well being will be impacted by the proposal due to noise and general disturbance
- parking would be better placed at the bottom of the lane
- difficult in accessing the rear of our property if vehicles are going to be parked
- access track not sufficient to carry additional traffic
- existing track is used regularly as it's a PROW and leads to other PROW's
- poor condition of the existing road, no street lighting
- close proximity to residential properties who would be impacted on noise and increased traffic
- no passing bays on the existing access track
- noise generated from the site and impact on surrounding properties
- insufficient width for pedestrians along the lane if used by vehicles accessing the site
- impact on wildlife and ecology, nesting birds, deer, native hedgerow

Letters of support 80 in summary

- Welcome safe space to walk dogs
- Good addition to the community
- Controlled environment

Planning and Environmental Considerations:

The principle of development

Main issues

The main issues in the consideration of this application are;

- Design and appearance
- the impact of the development on residential amenity
- traffic/parking

Design and Appearance

The site is located within the open countryside in which policy SP4 states '*policy will be strictly controlled.*' The current field is open in nature and free from any fixed structures aside from fencing.

The main physical elements of the application include; the wooden field shelter, deer mesh style secure fencing and the hardstanding and fencing around the parking area. It is considered that the fencing is appropriate in the rural landscape and improvements to the design and materials of the field shelter are considered appropriate. The parking area is close to the existing lane and does not involve the creation of a longer track which would have a visual impact on the countryside location.

In summary the physical structures proposed across the site are not considered to have a detrimental impact on the character and appearance of the area and is in accordance with NE3 and SP5 of Burnley's adopted Local Plan (July 2018).

Residential Amenity

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

The nearest residential properties to the site are Bend Hill to the north (approximately 20m) and 138 Talbot Road approximately 30m to the proposed car park area.

The proposed use would potentially see more general activity with comings and goings to the site both in terms of vehicle movement and people with their dogs which will generate some noise impact. As there is some separation from the field to the nearby properties it is not considered that the noise from the use would be significant and with appropriate conditions to limit the number of users to the site is not considered that noise impacts from the dogs will be detrimental to surrounding residential properties. It is therefore considered that the site is in accordance with policy NE5 of Burnley's adopted Local Plan.

Traffic and Parking

Access to the field will be down the existing lane which serves a number of other properties around Musty Haugh. The track is also a public footpath and appears to be well used.

There are no current passing bays along the stretch and there are concerns with the additional pressures put on the lane with the proposed development. It may be that customers walk to the site but there are no guarantees to this. Whilst the highways authority has not made a formal objection, they suggest a condition to limit the number of users to 4, which seems a reasonable and necessary condition to place given the existing width of the lane and use as a PROW.

Conclusion

The use of a field for dog walking is acceptable in the rural area. Amendments to the application including the design of the field shelter, smaller space for the dog equipment and reduction in area which does not impact PROW no. 155 makes the proposals acceptable subject to conditions to control the intensity of the use both in terms of hours of operation and the number of people and their dogs using the site.

Recommendation – that the application is approved subject to the following conditions

Conditions

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

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

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

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

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

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

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

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

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

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

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

08:00 - 19:30 Mon - Fridays

08:30 - 18:00 Saturdays, Sundays and bank holidays

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

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

Part One Plan

Agenda Item 6c

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2022/0011

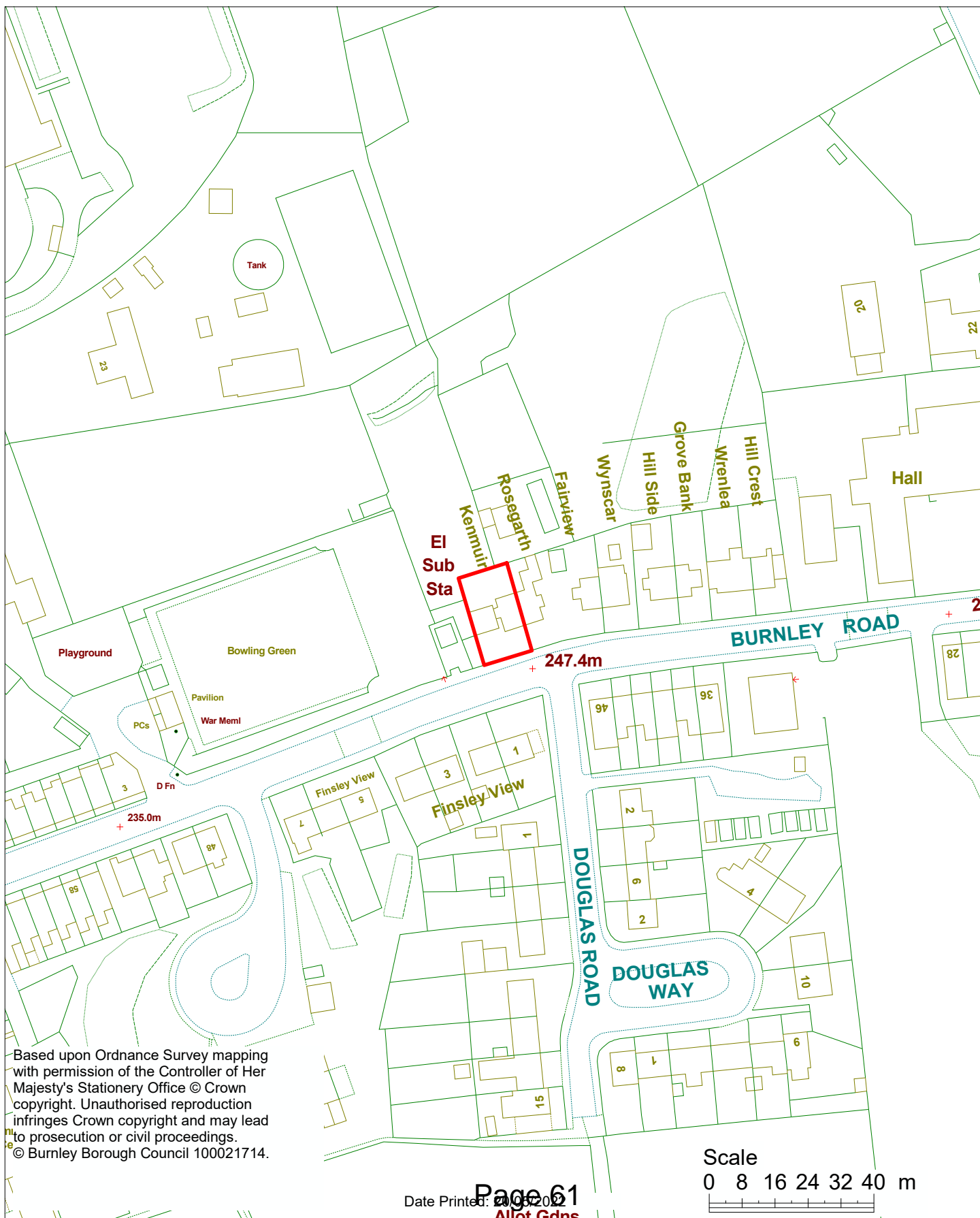
Paul Gatrell Head of Housing and Development

Location:

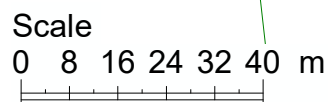


Kenmuir, Burnley Road, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



This page is intentionally left blank

**Application Recommended for Approval with
Conditions**
Briercliffe

HOU/2022/0011

Town and Country Planning Act 1990
Proposed Two Storey Side Extension and Rear Extension. Erection of rear dormer.
Kenmuir Burnley Road Briercliffe Lancashire

Background:



The application site relates to a semi-detached property located in Briercliffe.

The property benefits from a detached garage that is to be demolished and has a garden to the front and private garden to the rear. Due to the sloping nature of Burnley Road and the topography of the application site the property benefits from a basement level to the rear.

The application is the fourth application to be submitted at this property. All three previous applications were refused. The most recent refusal was dismissed at appeal.

The application has been brought to development control committee as an objection to the application has been received.

Proposed Development:

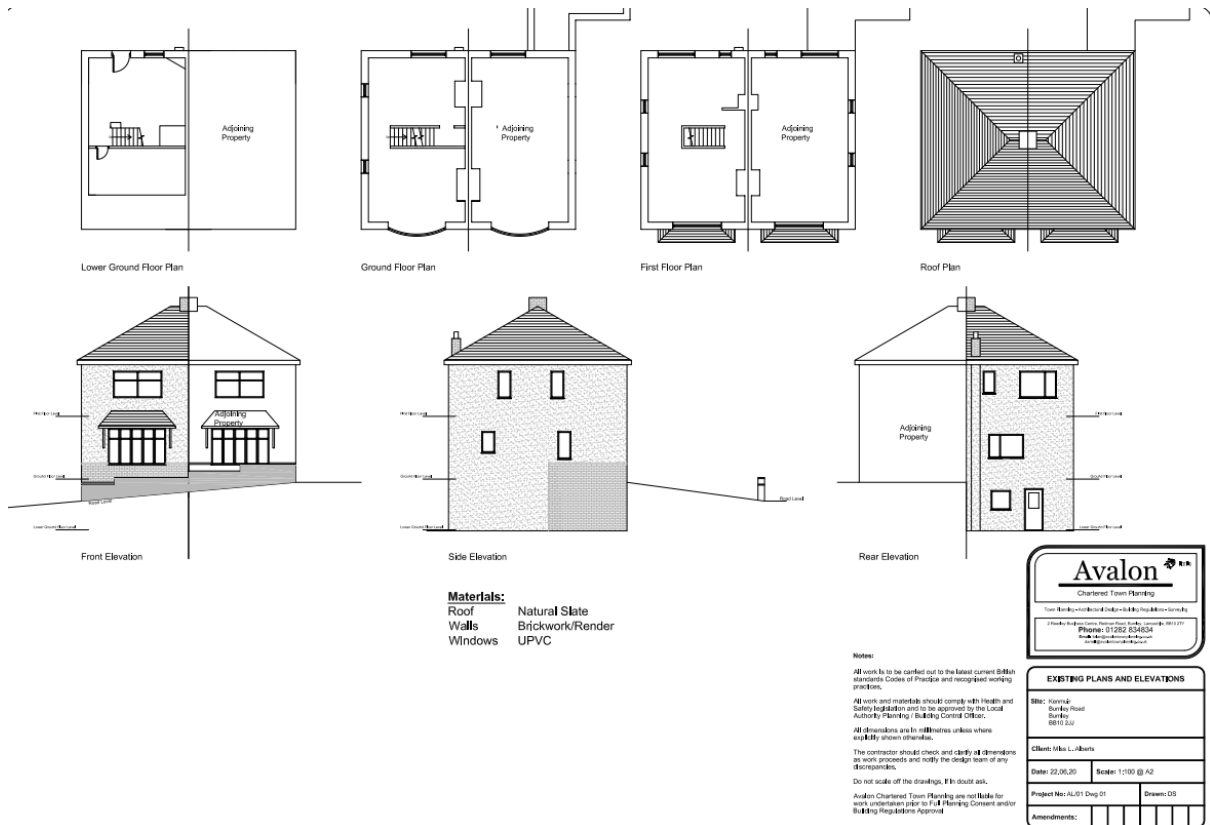
Consent is sought for the erection of a two storey side and two storey rear extension and the erection of a dormer to the rear.

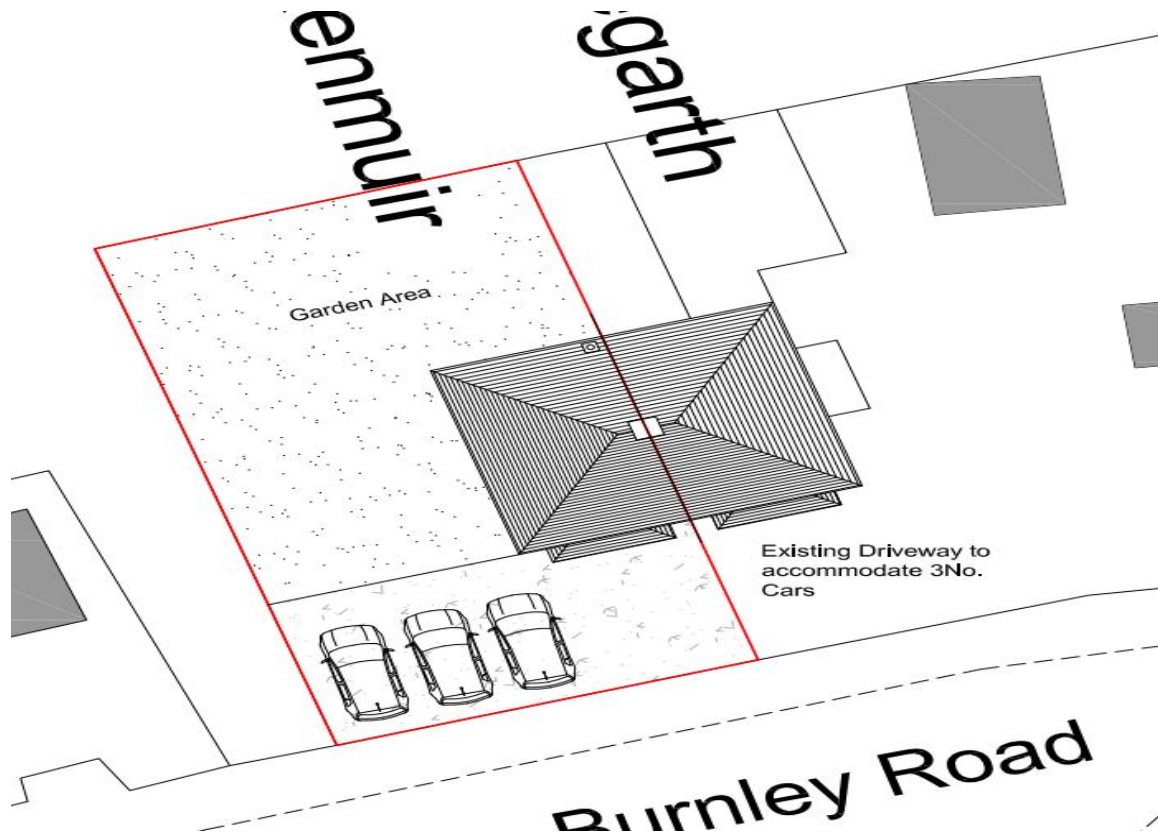
The two storey side extension proposes a sideward projection of 3.5m and connects to the rear extension measuring approximately 9.8m in length. The extension proposes a hipped roof matching the eaves of the main dwelling and proposes to be set down from the ridge. To the front of the side extension a single storey lean to roof canopy is proposed and steps are proposed to access the ground floor of the property. The rear extension projects beyond the rear wall by 2.5m and measures 7.8m in width.

The dormer measures 3.1m by 4.4m and projects beyond the roof slope by 1.9m.

The proposed buildings materials for the extensions are to match the existing dwelling. The dormer will be faced with dark slate grey cladding.

Existing Plans:





Proposed Plans:

Notes:

All work to be carried out to the latest current British Standards Codes of Practice and recognised working practices.

All work and materials should comply with Health and Safety regulations and be approved by the Local Authority Planning Building Control Officer.

All dimensions are in millimetres unless where explicitly stated otherwise.

The contractor should check and clarify all dimensions on work drawings and notify the design team of any discrepancies.

Do not scale off the drawings, if in doubt ask.

Apply Chartered Trade Planning and not liable for work undertaken prior to Full Planning Consent and Building Regulations Approval.

Legend:

- Natural Stone
- Dark Slate Grey Chisling
- Sandstone
- UPVC

Proposed Plans and Elevations

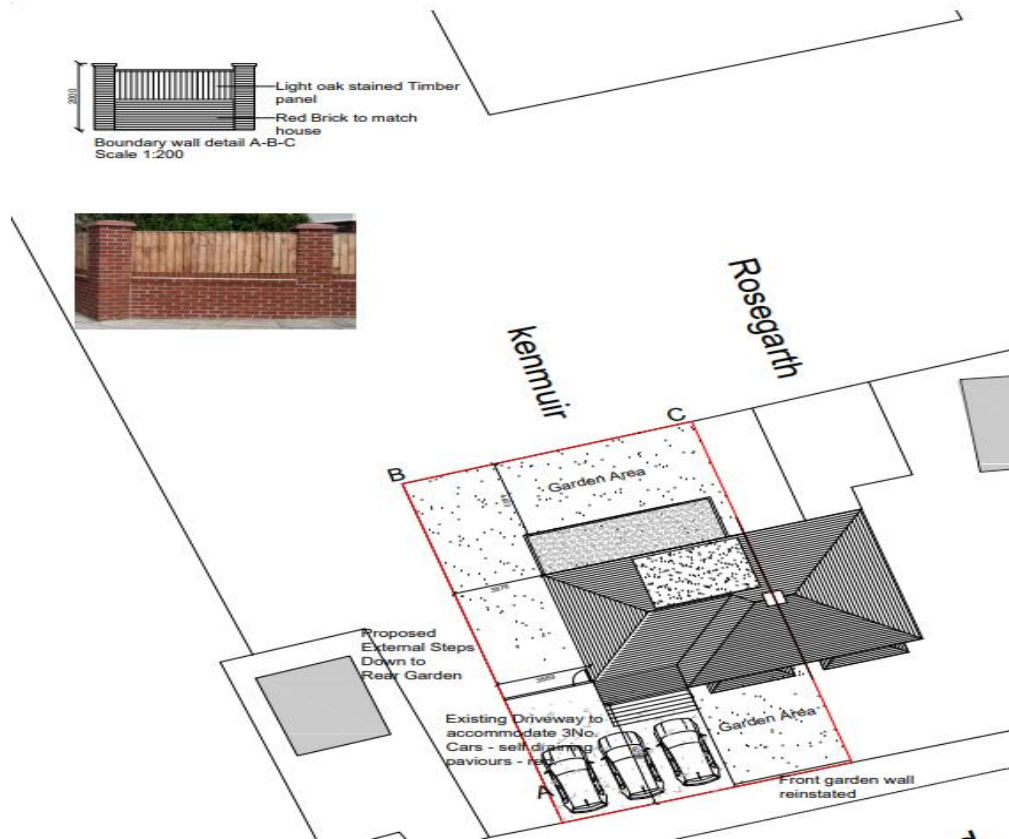
Site: Burnley Road, Burnley, BB10 2JL

Client: Mrs. A. Jones

Date: 16.03.22 Scale: 1:100 (B.A.)

Project No: AL01/22/005 Drawn: DS

Approved: [] [] [] [] [] [] [] [] [] []



Relevant Policies:

Burnley Local Plan

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS5: House Extensions and Alterations
- HS4: Housing Development
- IC3: Car Parking Standards
- National Planning Policy Framework

Site History:

App Number	Proposal	Status	Received Date	Decision Date
HOU/2020/0275	Proposed Three Storey Side Extension, Rear Dormer Extension and Internal Alterations	REF	24.06.2020	09.10.2020
HOU/2020/0493	Proposed three storey side extension, rear dormer and internal alterations	REF	21.10.2020	14.12.2020
HOU/2021/0006	Proposed three storey side extension, rear dormer and internal alterations	REF	05.01.2021	11.06.2021

Consultation Responses:

Highways - The Highways Depot (Burnley District)	No objections subject to conditions
--	-------------------------------------

Interested Party Comments:

The neighbour has concerns with the size of the extensions and considers the site an eyesore.

Planning and Environmental Considerations:

The key issues in relation to this application are:

- Principle of Development
- Visual Amenity / Design

- Residential Amenity

The Principle of Development:

The site is located within the development boundary of Burnley within the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Impact on Residential Amenity:

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

The only neighbour with potential to be affected by the development is the attached neighbouring property. The proposed two storey side extension will have minimal impact on this neighbour as the extension is located on the west elevation and this neighbour is on the east of the property. The two-storey rear extension will be sited adjacent to this neighbour. When assessed against the 45 degree rule the development would not result in the loss of light to this neighbour. No windows are proposed to face this neighbour and therefore the development would not result in loss of privacy or overlooking.

Impact on Visual Amenity:

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

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

When compared with the previous refusal the following changes have been made to try to overcome the reason for refusal. The width of the two-storey size extension has reduced from 4m to 3.5m and the porch to the side has been removed. The development also includes soft landscaping to the front whilst retaining the three off street parking spaces. A section of the front wall will be reinstated across the length of the soft landscaping. A two-storey rear extension is proposed to the rear of the property.

The proposed extension is set down at the ridge and set back from the front of the property. The adjacent site is heavily wooded, and this helps to screen the site from Burnley Road. It is considered that the reduced sideward projection and removal of the porch results in a scheme that would not result in a dominant addition that would unbalance the pair of properties when viewed from Burnley Road.

When viewed from the field at the back of the house, the rear elevation is partly screened by a garden tree and wooden fence, but the proposed extension, including the altered roof with box dormer, would be clearly visible. The box dormer would be positioned within the extended roofscape and would not appear particularly dominant when viewed from the rear. Although, the rear extension is two storeys due to the level of the land the extension has a lower basement level and ground level. Therefore, when viewed from this footpath the extension will not look out of keeping with the area as the neighbour benefits from a single storey flat roof extension.

With all of the above considered on balance the development is considered to have an acceptable relationship with the visual amenity of the area.

Highways:

The highways Development Control Technician had no objections to the development subject to conditions. The conditions require that the driveway be appropriately paved; the visibility splay shall maintain free of obstructions with a maximum height of 0.9m for any structures or planting etc. Finally, an electrical supply should be installed that is suitable to charge an electric vehicle.

Recommendation:

That planning consent be granted subject to conditions.

Conditions

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

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

6. Nothing shall be erected, retained, planted and/or allowed to grow at or above

a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay of the proposed parking area. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

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

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

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

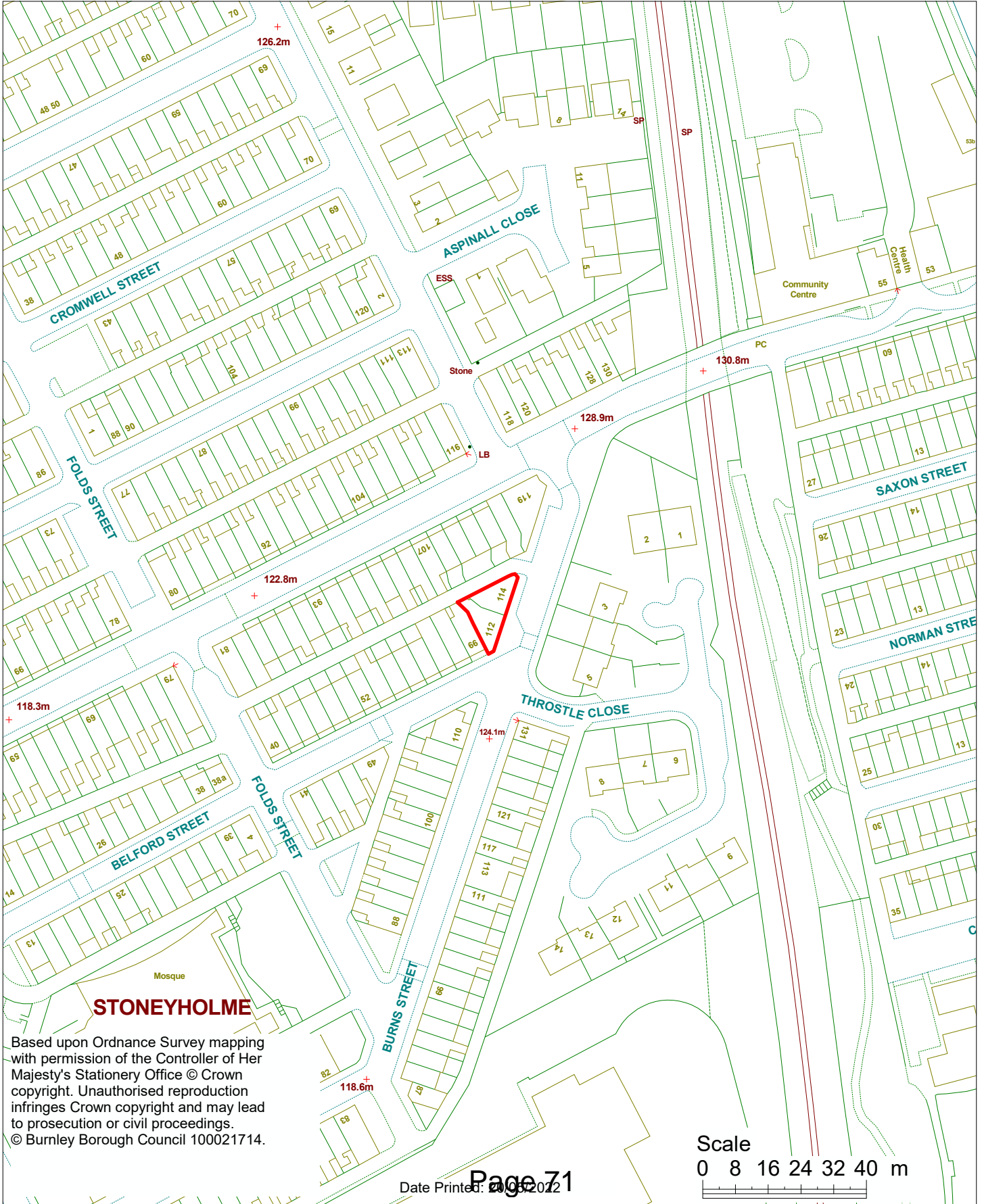
Paul Gatrell Head of Housing and Development

Location:



112-114 Burns Street, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



This page is intentionally left blank

Application Recommended for Approve with COU/2022/0166
Conditions
Daneshouse with Stoneyholme

Town and Country Planning Act 1990
Change of use from F1(f) Place of Worship to 4no. C3 One-Bed Self-Contained Residential Flats
Mosque, 112 - 114 Burns Street, Burnley, Lancashire BB12 0AJ

Background:

The property is a two storey, unusually shaped end-terrace building of traditional stone and blue slate construction, with its front elevation facing Burns Street, in Burnley. The property has a single storey extension of indeterminate age that occupies all of what would have been the external yard area. Until recently the property was used as a mosque, albeit without the benefit of planning permission. The attached property (No. 66 Belford Street) is currently used as an 'advice centre', again without the benefit of planning permission. It is assumed that both this and 66 Belford Street were dwellings originally.

Within development limits as defined by the adopted Local Plan.

Proposal:

It is proposed to convert the building into four self-contained flats, two on either floor.

GF Flat 1 – 48.68sq.m gross internal floor area, one bedroom.

GF Flat 2 – 43.08sq.m gross internal floor area, one bedroom.

1st F Flat 3 – 39.86sq.m gross internal floor area, one bedroom.

1st F Flat 4 – 37.48sq.m gross internal floor area, one bedroom.

All flats to have a separate access and separate, self-contained kitchen and bathroom facilities. No external amenity space provided. External alterations are restricted to creation of a new window at ground floor level to serve the kitchen of Flat 1. This window is notated as 'obscure glazed'.

The Design and Access Statement describes the intended tenure as '*supported housing for vulnerable people*'. The tenure however does not form part of the application for consideration. The Statement also states that doors and windows will be replaced, and that general repairs will be undertaken in addition to the conversion works.

Visuals:

Side (North) Elevation



Side (North East) Elevation



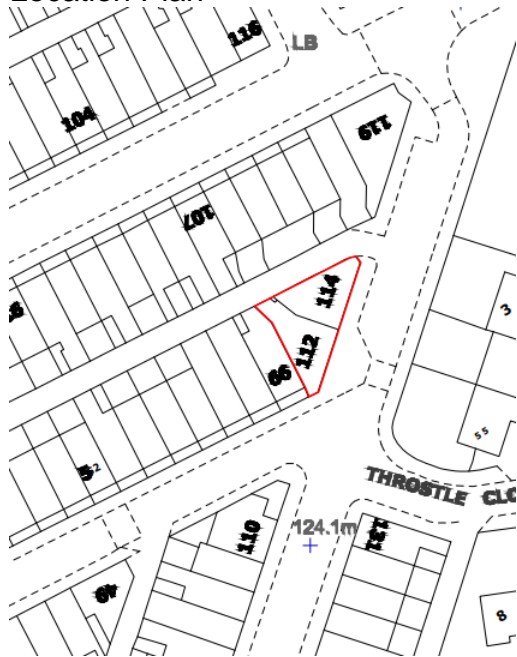
Front (East) Elevation



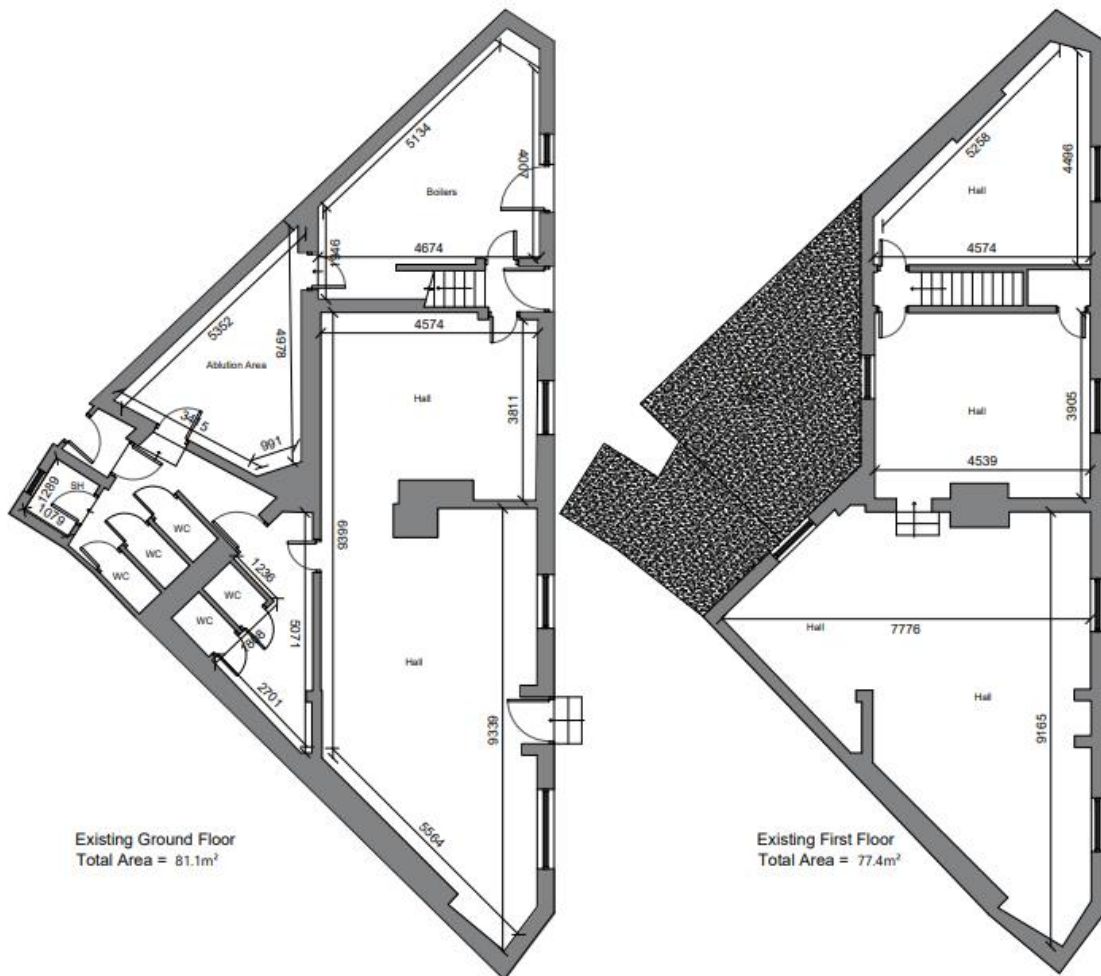
Side (South) Elevation



Location Plan



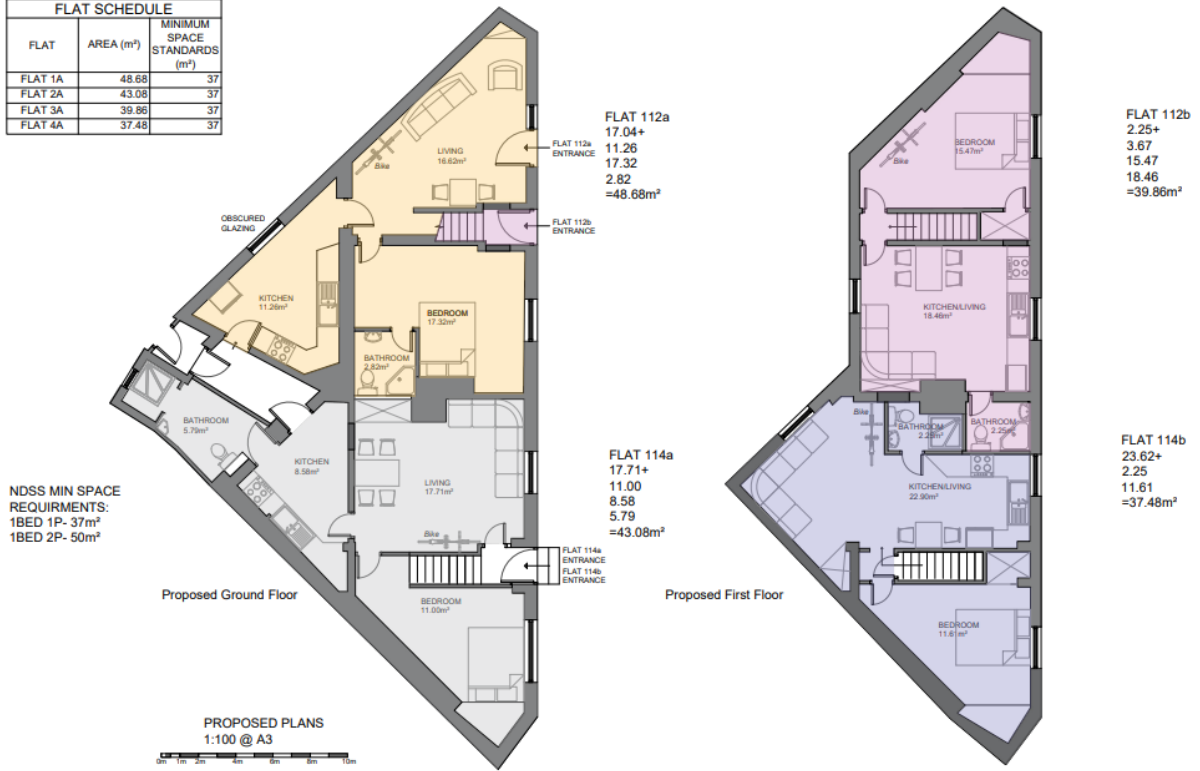
Existing Floorplan



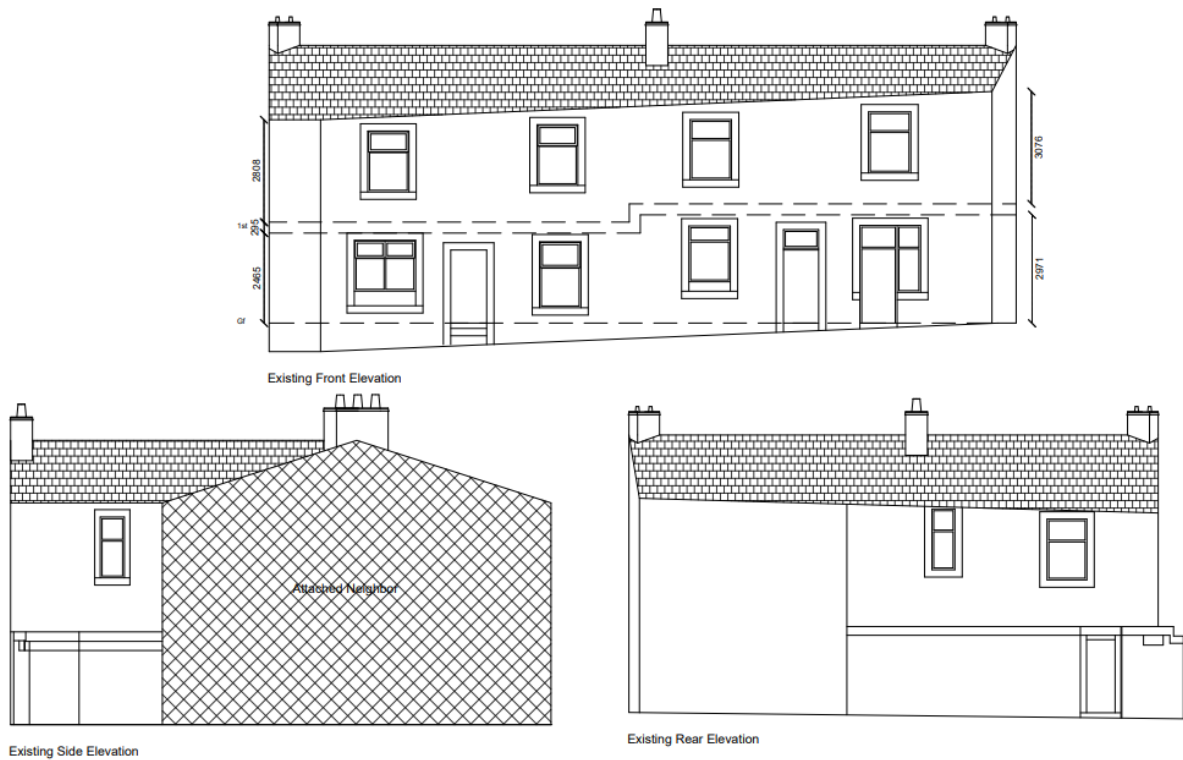
EXISTING PLANS

Proposed Floorplan (ignore scale bar as incorrect)

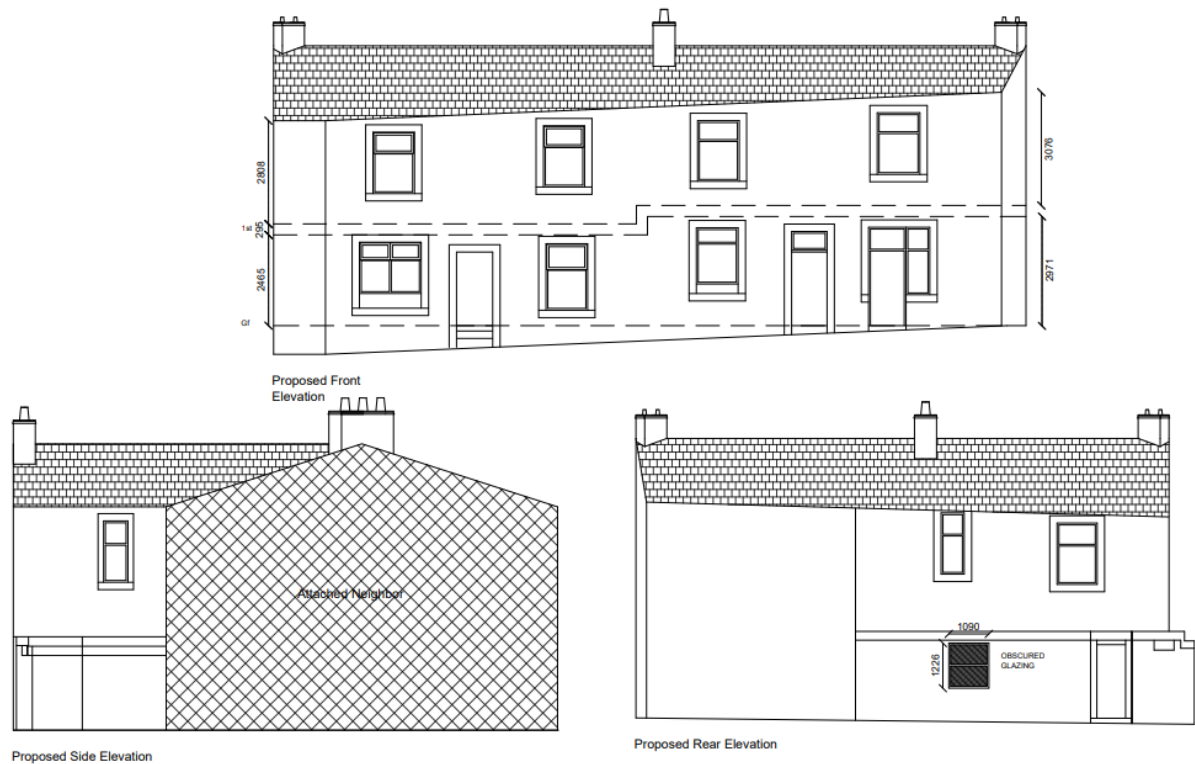
FLAT SCHEDULE		
FLAT	AREA (m ²)	MINIMUM SPACE STANDARDS (m ²)
FLAT 1A	48.68	37
FLAT 2A	43.08	37
FLAT 3A	39.86	37
FLAT 4A	37.48	37



Existing Elevations



Proposed Elevations



PROPOSED ELEVATIONS

Relevant Policies:

Burnley's Local Plan 2018

HS4 – Housing Developments
HS5 – House Extensions and Alterations
SP5 – Development Quality and Sustainability
IC3 - Parking

NPPF 2021

Site History:

None of relevance, bar the fact that the property was last used as a mosque. This use ceased following the recent opening of a purpose-built mosque within walking distance.

Consultation Responses:

Highways – no objection

StreetScene – not received to date (10.06.2022)

Public Comments:

Three letters of objection received, main points being:

Potential for increased noise and disturbance.
Potential parking issues.
Potential for an increase in crime.
Potential for anti-social behaviour.
Building should be used as a family home instead of flats.
Unsuitable tenants would create an 'unapproachable ghetto'.

Consideration:

The Principle of Development

The site is located within the development boundary of a Principal Town as identified within the adopted Local Plan. Policy SP4 states that within Burnley, development of an appropriate scale will be supported. This is an application to re-use dwellings once more, and the scale of the development remains consistent with the scale of development in what is primarily a residential area.

Main Issues

- Design and appearance
- Impact upon residential amenity
- Refuse storage
- Parking

Design and Appearance

Given that external alterations are limited to a single new window opening on the ground floor, I consider the proposal to accord with SP5 in terms of appearance. See HS4 for consideration of amenity of neighbouring occupants.

Policy HS4 requires that new housing development:

- a. Provides private and functional outdoor space for occupants. None is provided, but none can be provided in this location as no external space exists within the curtilage. If the principle of the development is accepted, then one must accept that no external space is provided.
- b. Be well laid out to ensure habitable rooms have adequate levels of daylight. In this instance each flat has a single bedroom and a kitchen/living area, and all rooms bar bathrooms and toilets have at least one window. The existing window in what will become the living room of flat one is small, however the front door will open directly into this room and it is assumed that this door will be glazed to provide additional daylight. Existing fenestration is re-used. The flats accord with NDSS minimum space standards for single bedroom dwellings.
- c. Provide appropriate levels of privacy and outlook for occupants and existing adjacent residents. Given that the building was designed as two dwellings, and one assumes used as such for the majority its life, it is difficult to argue that HS4 visibility distances between habitable room windows should apply rigidly in this instance.

To front (east) – habitable room windows faces the highway directly and the front elevation of dwellings on the opposite side of the street at approx. 18.0m. On balance acceptable given the juxtaposition of existing housing stock in the area.

To side (north) – habitable room windows face the back alley directly and the rear elevation of a terrace of houses at approx. 7.5m. The only proposed new window is the kitchen window in Flat 1 and this is proposed to be obscure glazed, so no additional detriment to residential amenity likely if the principle of re-use as dwellings is accepted.

To side (north east) – blank elevation. No conflict.

To side (south) – blank elevation. No conflict.

Despite not achieving the 20.0m minimum distances between habitable room windows required by HS4.3.c, on balance acceptable given the fait accompli.

Impact upon Residential Amenity

HS4 distances are discussed above.

Whilst not a requirement under the Local Plan, Nationally Described Space Standards (NDSS) can be applied to the proposal as a tool to assess the suitability of the building for conversion into two flats.

Flat 1 – 48.68sq.m. (NDSS requires 37sq.m for 1 bed, single storey with a shower room).

Bedroom size – 17.32sq.m. (NDSS requires 7.5sq.m)

Flat 2 – 43.08sq.m

Bedroom size – 11.0sq.m

Flat 3 – 39.86sq.m

Bedroom size – 15.47sq.m

Flat 4 – 37.48sq.m

Bedroom size – 11.6sq.m

In respect of NDSS, the GIFA and bedroom sizes are acceptable and the proposal can be said to meet HS5.2.h in this respect.

Refuse Storage

SP5 2.i requires *'adequate and carefully designed storage for bins and containers'*. The Design and Access Statement describes bin storage for the ground floor flats (access to the back alley) as:

'A secure enclosure for the ground floor flats refuse has been provided at the rear of the property where wheelie bins can be stored and then wheeled out to the back street for collection on the relevant days.'

I saw no evidence of this provision on my site visit, nor does the red line extend into the back alley. As a result the *'secure enclosure'* cannot form part of this proposal and is not for consideration. Other dwellings having access to the back alley place their wheelie-bins within it, and I feel that it is highly likely that this will occur in the case of the two ground floor flats.

The Design & Access Statement describes bin storage for the first floor flats (access to Burns Street) as:

'The first-floor flats will use a waste-bag system where the filled refuse and recyclable bin bags are placed at the front of the property on Burns Street on collection days. The applicant will set up collection services with the council prior to occupation.'

This suggests that large bags in lieu of wheelie-bins will be used and will appear on the pavement outside the building on collection days. This method of storage requires the retention of all waste within the first floor flats, and would in reality require sealed storage units to prevent odours. In my view this is a matter for the management company and potentially a matter for Environmental Health should the method of storage fail or be mis-used. Ordinarily placement of bags on the pavement would be a concern, however in this instance the pavement outside the building is unusually wide, so could easily accommodate bags without impeding pedestrians.

Given that no external storage space exists, that the building was originally two dwellings and the lack of an objection from StreetScene, I feel this to be acceptable on balance.

Parking

App.9 requires 1 space per dwelling. This proposal provides no off-street parking and is therefore contrary to IC3. However, none of the dwellings in the vicinity have any off-street parking due to the character of the area and the housing stock, so on balance acceptable. Note that Highways has not objected to the proposal nor requested any Conditions.

Recommendation: Approve subject to conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans and Statements listed below:

Drawing No. HAD3399-01 – Location Plan received 29.03.2022

Drawing No. HAD3399-02 – Existing Floorplans received 29.03.2022

Drawing No. HAD3399-03 – Roof Plan received 29.03.2022

Drawing No. HAD3399-04 – Existing Elevations received 29.03.2022

Drawing No. HAD3399-05 – Proposed Site Plan received 29.03.2022

Drawing No. HAD3399-06A – Proposed Floor Plans received 12.05.2022

Drawing No. HAD3399-07 – Proposed Elevations received 29.03.2022

Design and Access Statement dated 29.03.2022

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

This page is intentionally left blank

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2022/0186

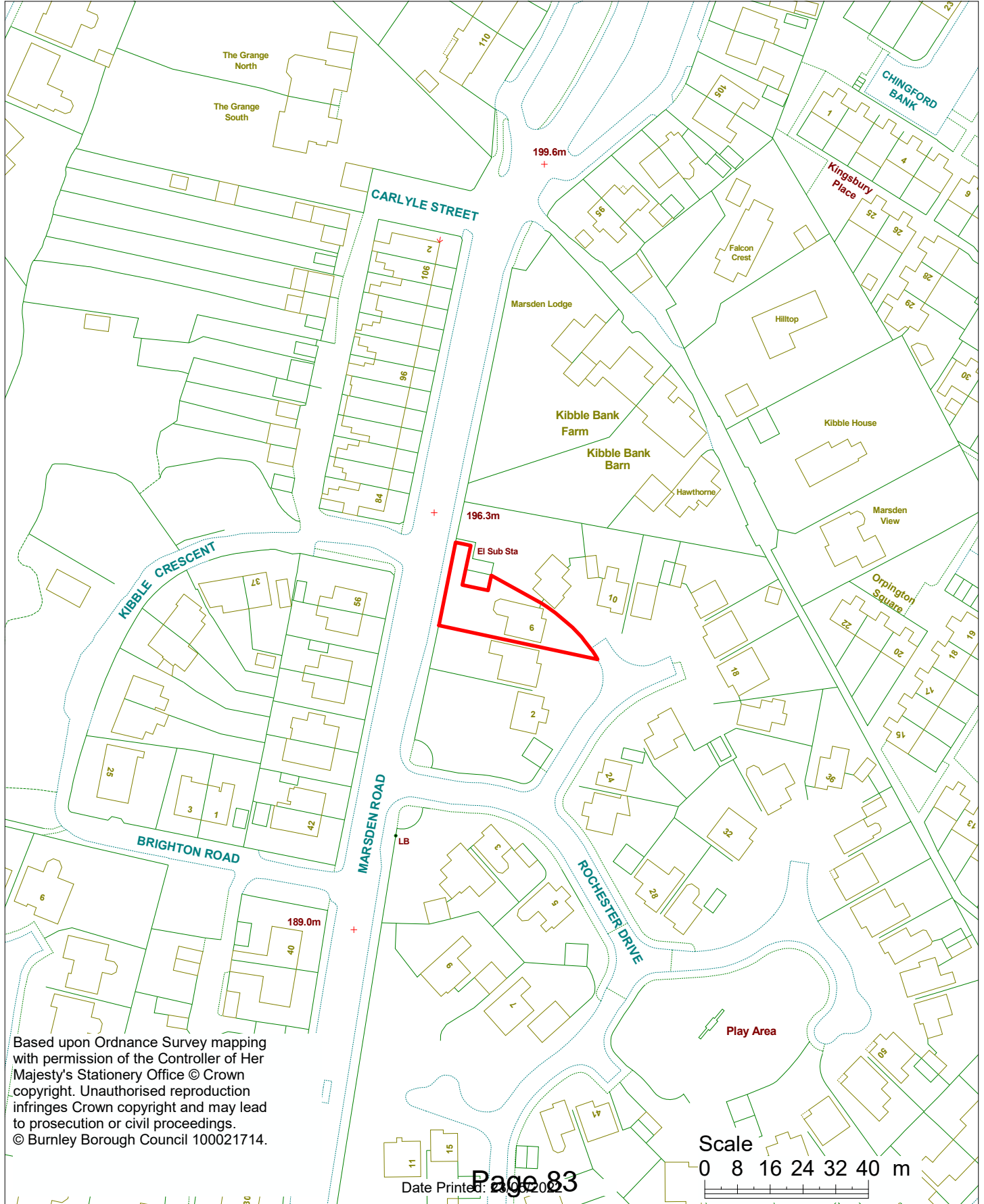
Paul Gatrell Head of Housing and Development

Location:



6 Rochester Drive, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



This page is intentionally left blank

Application Recommended for Approve with Conditions
Lanehead Ward

HOU/2022/0186

Town and Country Planning Act 1990

Retrospective application to retain detached timber shed in rear garden.
6 Rochester Drive, Burnley, Lancashire, BB10 2BH

Background:

This retrospective application is submitted following a conversation with an Officer and the applicant on 17th March 2022. The application form states that pre-application advice was sought, and advice given was that planning permission is necessary. This is the case on two grounds, firstly that permitted development rights do not exist for buildings within the curtilage of this dwelling and secondly that the highest point of the shed exceeds 2.5m within 2.0m of a boundary.

This wooden shed is located within the rear garden of a detached house, on a development of similar houses. The site is that of the former Marsden Hospital. Planning permission for the development was granted under Application No. 95/0348, which contained a Condition that permitted development rights be removed from certain of the Plots, including this one (Plot 3).

The rear garden backs onto Marsden Road. The boundary between the rear garden and the road is the old hospital boundary wall, a stone structure of considerable height.

Relevant Policies:

Burnley`s Local Plan July 2018.

HS5 – House extensions and alterations

HS4 – Housing Development

SP1 – Achieving sustainable development

SP4 – Development Strategy

SP5 – Development quality and sustainability

National Planning Policy Framework 2019

Site History:

App Number	Proposal	Status	Received Date	Decision Date
HOU/2021/07 56	Convert existing garage to sitting room with extension to front of 1.2m.	APP	14/12/2021	10/06/2022

TPO/2021/02 61	Application to fell one Ash tree	APP		27.09.2021
APP/2016/03 94	Application to remove 1 tree and crown reduce 2 trees	APP		16.11.2016
95/0348	50 dwellings	APP		17.10.1995

Consultation Responses:

None received.

Representations:

Main points being:

Aesthetics – the shed is visible from properties on the opposite side of Marsden Road, particularly during winter when there is no leaf cover.

The shed will be placing pressure upon the boundary wall, leading to a possible collapse and subsequent hazard to passing children and cars.

Shrubs have been removed and a tree adjacent to the shed has failed to leaf this year.

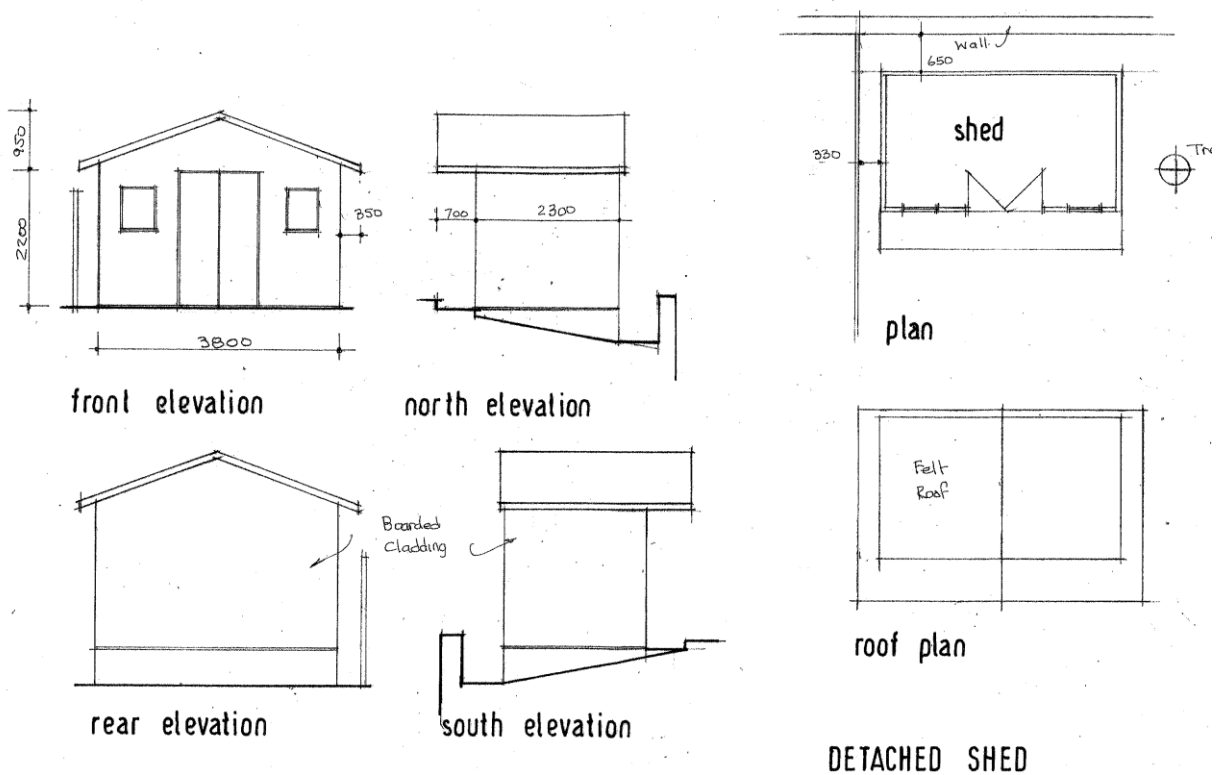
Uncertainty about whether the strip of land containing the shed formed part of the 1995 residential consent, or whether it was deliberately excluded to provide a 'buffer' between curtilages and Marsden Road.

Visuals:

Views from Marsden Road



Elevations



Block and Location Plans



Consideration:

Principle

The property is within the Development Boundary of a Principal Town (i.e. Burnley) as identified within the Adopted Burnley Local Plan. Subject to compliance with other Local Plan Policies, the principle of alterations to dwellings is acceptable if 'of an appropriate type and scale' in this area under Policy SP4. A shed in the rear garden can reasonably be considered an 'alteration' for these purposes.

Design

Policy SP5 requires 'high standards of design, construction and sustainability in all types of development.' This is reiterated in Policy HS5, which states 'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5'

The proposal is for a timber, pitch-roofed shed with the appearance of a 'garden room'. 3800mm wide, 3000mm deep by 3150mm to the ridge. It is considered this design and size of shed is ordinarily appropriate for the rear garden of a detached house. The juxtaposition of shed to boundary wall and the fact that the garden is elevated above Marsden Road needs to be taken into consideration, and the top of the shed is clearly visible from public vistas. This is not considered sufficient reason to refuse the application however as harm has to be demonstrable, and the applicant has agreed to mitigate the visual impact by painting/staining the shed in a dark, neutral colour and to screen and break up its outline by use of appropriate additional planting between it and the wall. On balance therefore it would be difficult to

substantiate a refusal on SP4 and SP5 grounds subject to Conditions requiring the above.

Neighbouring Amenity

With regard to the amenity of the adjoining neighbours it is considered that the shed does not cause any issues of over-looking, loss of light or loss of privacy. It is located at the rear of a rear garden and isn't considered a habitable room for purposes of Policy HS4. Gardens to either side have fences as boundary treatment, which obscure views.

Impact upon Trees

An objector has expressed concern about the condition of a tree adjacent to the shed. As the objector rightly points out, the tree does appear to be in poor condition and hasn't come into leaf this year. This tree was subject to a TPO application in 2021 (TPO/21/0261), and consent was granted to fell it due to its condition (ash die-back) on 27th September 2021. The approval contained a Condition requiring a replacement tree, and this will have to be planted in the first season following felling. It would be logical if the replacement tree were located away from any structure such as the shed or the wall.

Impact Upon Stability of the Wall

An objector has expressed concern about the potential implication of having a shed so close to a retaining wall that abuts a highway. No evidence has been submitted by either the objector or the applicant to demonstrate whether the wall is under undue pressure from siting of the shed, however it is anticipated that should damage occur, it will be noticeable from the highway and reported appropriately.

Conclusion

The proposal is acceptable on balance subject to Conditions containing measures to reduce its visual impact.

Recommendation:

That planning permission be granted subject to Conditions:

Conditions:

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

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

3. Notwithstanding details shown within the application, within 28 days of the date of this approval the shed shall be painted or stained a dark neutral colour, to be agreed in writing by the Local Planning Authority and so retained.
4. Notwithstanding details shown within the application, within 28 days of the date of this approval details of a scheme of planting (and maintenance thereof) shall

be submitted to and approved in writing by the Local Planning Authority. This planting scheme shall have the effect of breaking up the outline of the shed when viewed from public vistas. The planting scheme shall be implemented during the next available planting season and retained/maintained for the lifetime of the shed.

Reasons:

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



Housing & Development
Town Hall, Manchester Road

Ref.

COU/2022/0005

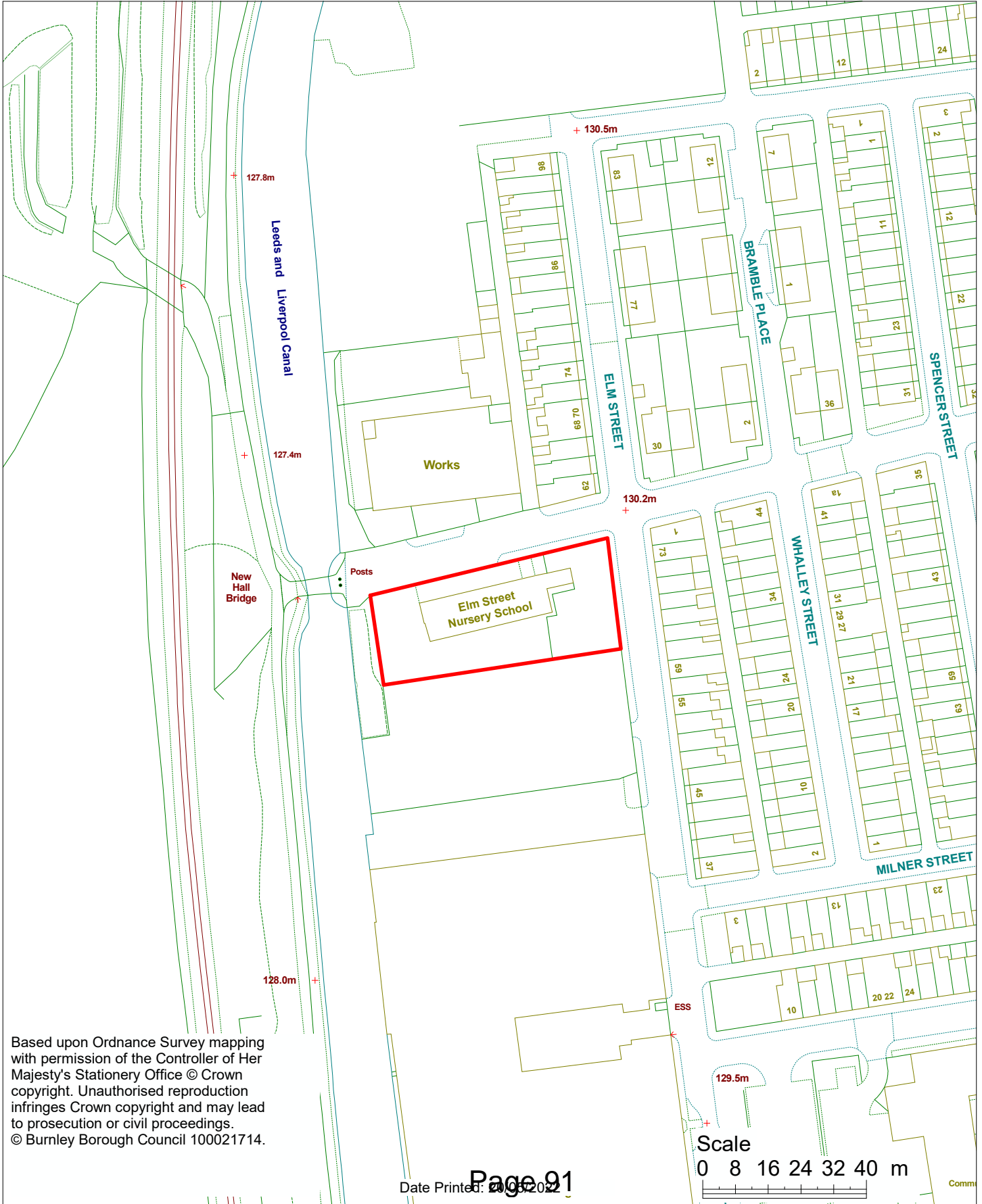
Paul Gatrell Head of Housing and Development

Location:



New Hall House, New Hall Street, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



Comm

This page is intentionally left blank

Application Recommended for Approve with Conditions

COU/2022/0005

Daneshouse With Stoneyholme

Town and Country Planning Act 1990

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

New Hall House New Hall Street Burnley Lancashire

Reason for committee: the application has been brought to committee as there has been an objection

Background:

The application site is situated off New Hall Street on the corner of Elm Street within the defined settlement boundary as designated in Burnley's adopted Local Plan. There are no other identified local plan constraints to the site, although the site is adjacent to, but not within a Biological Heritage Site (policy NE1) and also adjacent to but not within an area of Protected Open Space (policy NE2).

The site previously contained a single storey children's nursery (footprint 92.2sqm) with an existing vehicular access point from New Hall Street. The nursery has been demolished in last 18 months. The site is enclosed by a 2.5m high mesh fence and has an approximate site area of 1,433sqm and has little change in gradient across the site.

The surrounding context to the site is very mixed in nature. To the north are existing workshop units which have direct access from New Hall Street. The gable of No. 62 Elm Street faces the site, approximately 11m from the boundary fence of the site. To the east is a traditional terraced row along Elm Street, approximately 10m from the boundary of the site to the front elevation of the row. To the south is a car park associated with Northbridge commercial premises further to the south. The Leeds and Liverpool Canal lies to the east of the site approximately 6m away, the gap consists of a landscape strip including some mature and semi mature trees. Access can be gained from New Hall Street to the canal tow path.



Photo 1 Corner of the site taken from the Canal



Photo 2: New Hall Street commercial premises on the left of the photo, existing nursely site located to the right of the photo



Photo 3: gable of No. 62 Elm St to the right



Photo 4 frontage along Elm St to the east



Photo 5: www.google.co.uk showing the junction of Elm Street and New Hall Street

Proposal

The application seeks consent for the change of use of the land for car sales with a portacabin site office.

There will be 2 full time members of staff and the opening hours would be; Monday- Saturday 9am – 5pm and 9am – 4pm on Sunday. There will be a total of 45 cars on the site with some visitor parking to the western boundary.

Existing fencing will remain in place. Amended plans have been sought during the determination of the application to include 3m wide landscape buffer at the western edge of the site.

The supporting statement describes the operation of the business as being;

'Sales will be carried out using the click and collect service with viewings strictly by appointment only to minimise traffic and congestion to the surrounding buildings and residents.'

The application has been supported with the following documents:

Coal Mining Risk Assessment and Mining Report
Design and Access Statement
Planning Statement
Noise Assessment



Burnley Local Plan

SP1 – Achieving Sustainable Development
SP3 – Employment Land Requirement 2012 - 2032
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
EMP3 - Supporting Employment Development
IC3 – Car parking standards

National Planning Policy Framework 2021

Site History:

FUL/2020/0015 - Demolition of existing nursery building to make way for a purpose built warehouse building housing 7 individual units for B1/B2/B8 with associated on-site parking provision for 17 cars Approved

PRE/2019/0415 – Pre application for creation of commercial units

APP/2009/0526 - Proposed change of use of former nursely into office space and extension plus alteration to car park Approved with conditions 16/10/09

NOT/2004/0123 - Erection of 2.4m high securifor 3D security fencing to the school site
Granted 26/2/04

Consultation Responses:

Health and Safety Executive: HSE does not advise on safety grounds against the granting of planning permission.

Environmental Health: no comments received

LCC Highways

Following on from concerns, amended plans were received by the Council on the 10/5/22.

The following conditions have been recommended:

a) Hardstanding surface water drainage. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

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

entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

c) *Wheel washing / mechanical road sweeping. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period. Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.*

d) *Car Parking. No building or use hereby permitted shall be occupied or the use commenced until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times. Reason: To allow for the effective use of the parking areas.*

Coal Authority

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.*

Publicity - 1 letter of objection

- The use will bring extra traffic into the area. It is already congested and dangerous for children in the area.
- There are existing parking issues in the area and this use will make the situation a lot worse.
- Loss of the open green space on the site – not environmentally friendly and would harm the look of the area.
- The outlook from their house would be poor and they would be looking at the vehicles or portacabin.

Planning and Environmental Considerations:

The principle of development

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. Furthermore, Policy EMP3 of the Local Plan supports the expansion and upgrading of businesses where they do not have an unacceptable negative impact on surrounding uses, residential amenity or the environment, or have an unacceptable impact on the townscape.

Main issues

The main issues in the consideration of this application are;

- design and appearance
- the impact of the development on residential amenity
- traffic/parking

Design and Appearance

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

The context to the site is mixed in nature with residential properties and business premises.

The proposed use will not alter the visual appearance of the immediate area given that the presence of parked vehicles will be enclosed within the established boundary fence to the site. The positioning of the portacabin will be viewed along New Hall Street which have more of a relationship with the industrial units adjacent rather than to residential properties.

The proposed cabin and use of the site is not considered to cause any harm, and as such will be in accordance with policy SP5 and NE5 of the adopted Local Plan.

Residential Amenity

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

The application states that there will be 45 spaces for sales with 3 visitor and 2 staff spaces. The site is already adjacent to establishes businesses, therefore a certain amount of activity is accepted in and around the site. There has been some concern from a highways perspective which is linked to the general activity in and around the area which could have an impact on residents, however relevant conditions have been placed including hours of opening.

On balance it is considered that there will be no detrimental impact on the amenity of surrounding residents and appropriate conditions have been attached to ensure that the operations are controlled.

Noise

A supporting noise assessment has been submitted, which follows on from the previous approval at the site FUL/2020/0015 for 7 industrial units. The applicant has chosen to get an update view on the noise assessment in line with the current proposals. The report comments;

'the primary noise sources associated with this use will comprise of intermittent car movements and occasional deliveries of vehicles. With regards to deliveries, we are informed that whilst some vehicles may be delivered on a flat-bed type goods vehicle the majority of cars will likely be driven to the dealership straight from auction. Noise from the office use within the portacabin will likely have a negligible contribution.'

Environmental Health have not made any comments on this application and in line with the specialist report, it is not considered that there will be any impact from the development on noise.

Traffic and Parking

LCC highways have provided various comments during the determination of the application. Initial concerns for the existing entrance have been addressed with amended plans showing a set back of 5m from New Hall Street which will create a safer area for deliveries to pull into without blocking the street.

Concerns regarding the access, the position of the gates, the provision of the staff and visitor's car parking have also been addressed. It was not considered necessary for a condition on wheel washing to be added as the site has already been cleared.

Conclusion

The site is within a mixed use area with existing commercial premises adjacent, it is recommended that the application be approved subject to the following conditions:

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

09:00 - 17:00pm Mon - Saturday
09:00 - 16:00 Sundays and bank holidays

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

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

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

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

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

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2022/0051

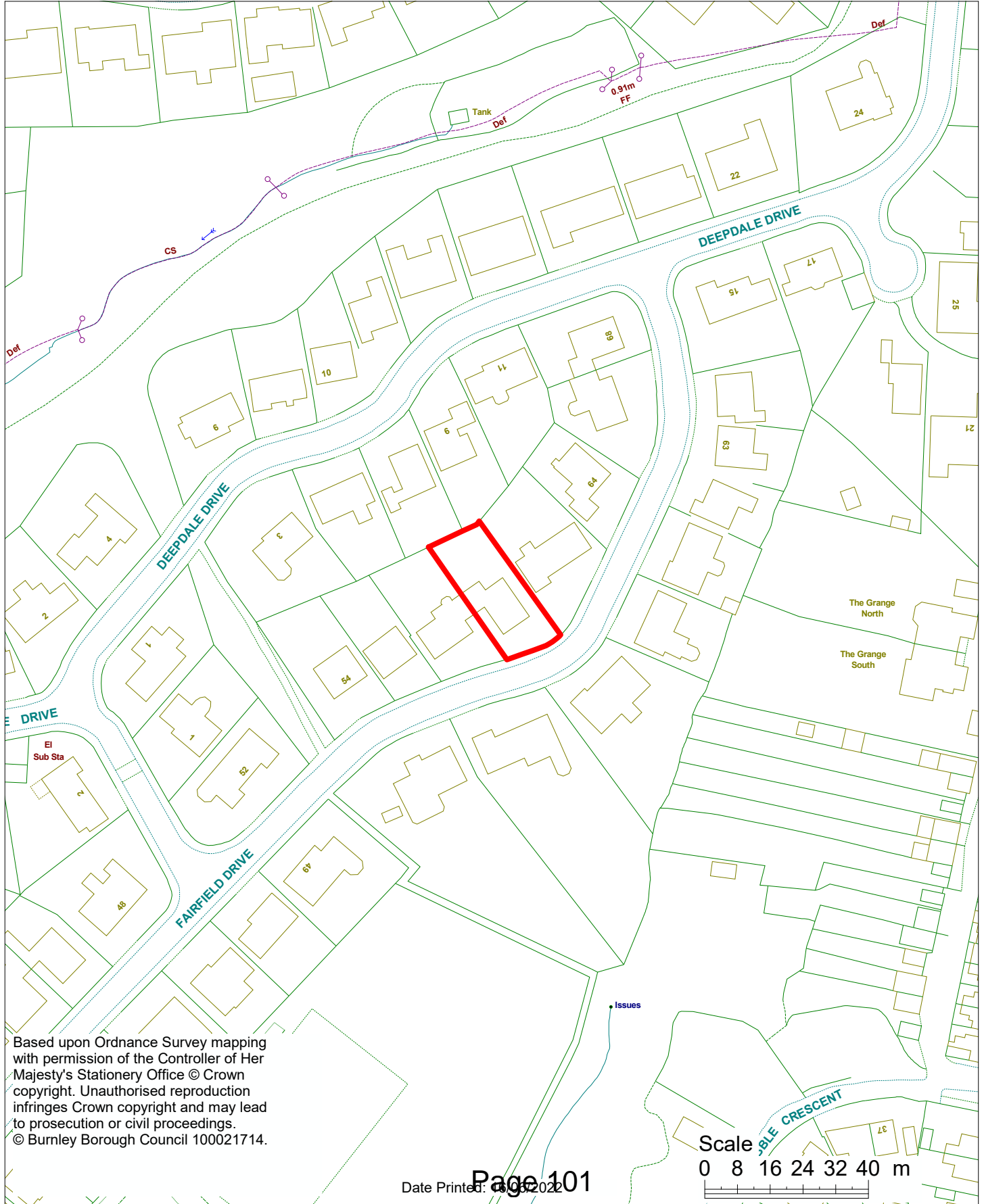
Paul Gatrell Head of Housing and Development

Location:

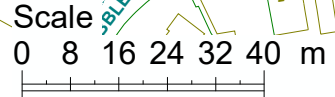


60 Fairfield Drive, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Burnley Borough Council 100021714.



This page is intentionally left blank

**Application Recommended for Approve with
Conditions**
Lanehead

HOU/2022/0051

Town and Country Planning Act 1990
Proposed bedroom and wet room rear extension
60 Fairfield Drive, Burnley

Background:

The property is a bungalow within a residential area; a single-storey extension is proposed to the rear.

An objection has been received in respect of drainage concerns.

Relevant Policies:

Burnley's Local Plan July 2018:

SP1 – Achieving Sustainable Development
SP4 - Development Strategy
SP5 – Development Quality and Sustainability
HS5 – House Extensions and Alterations
IC3 – Parking Standards

National Planning Policy Framework (NPPF)

Site History:

None.

Consultation Responses:

Highway Authority – Have no objections to the proposals as the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

Resident Objection - concerned about any drainage issues which may arise as a result of the building and would contribute to flooding in their garden. *(The foul and rainwater will be drained and connected appropriately into the existing mains system and will not therefore be an issue).*

Five letters of support have been received from residents.

Planning and Environmental Considerations:

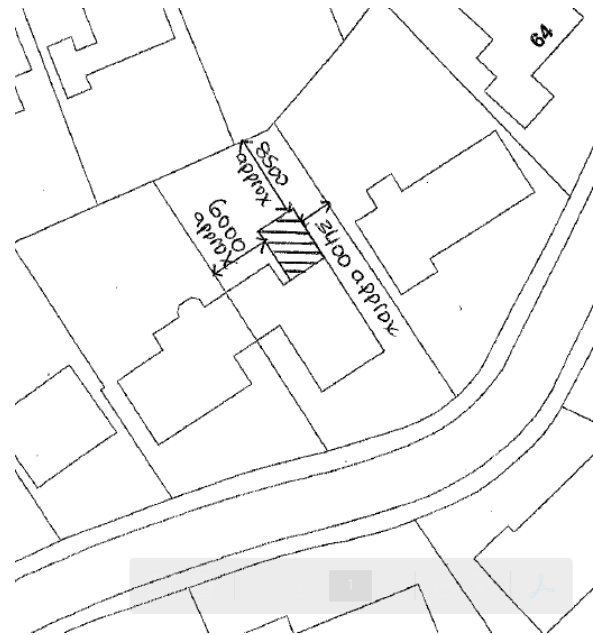
The property is located within the Development Boundary where development is acceptable in principle.

The proposal involves the erection of a single storey rear extension and the reconfiguration of the internal room arrangements in order to provide a larger bedroom with an adjoining wet room.

The main considerations are design/materials, privacy/outlook and highway issues.



existing rear of the bungalow



proposed extension



no.60 Fairfield Drive

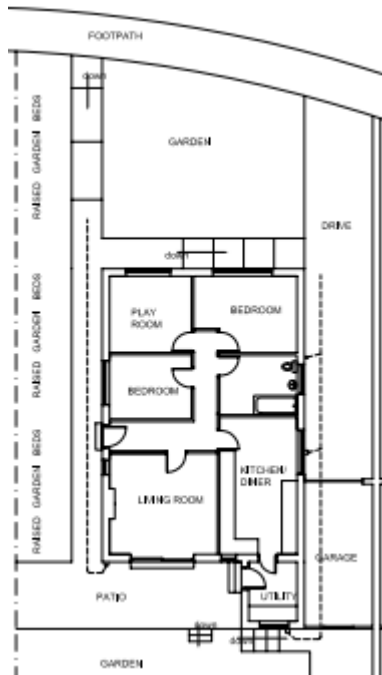
no.62

Design/materials

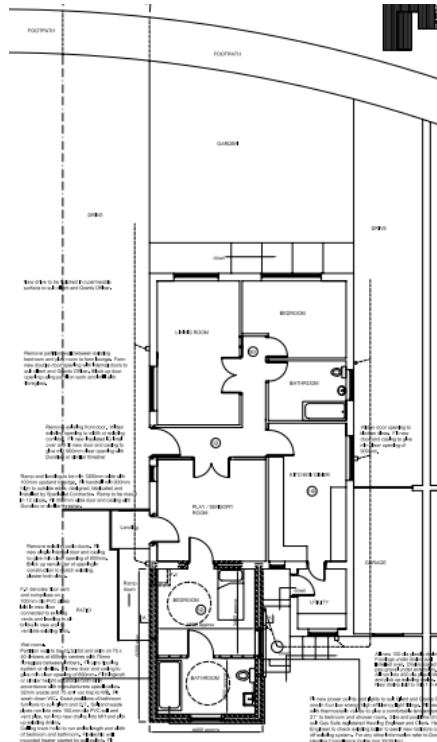
The proposed single-storey extension is 6m in length and 4.4m in width (see plan on next page). The extension has a gabled roof and is 3.2m to the eaves and 4.5m to the ridge of the roof. There is a window proposed on the side elevation facing no.58 and a window on the rear elevation. A new door is proposed on the side elevation of the existing living room (which will be converted to a play room) with a ramp down to a patio area and the rear garden.

The proposed materials are render with brickwork at a low level (the existing bungalow is brick) and concrete roof tiles to match the existing.

The design and materials are considered to be acceptable.



existing layout



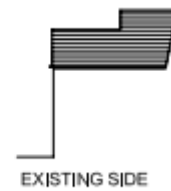
proposed layout



EXISTING SIDE ELEVATION
SCALE 1:100



EXISTING SIDE ELEVATION
SCALE 1:100



EXISTING SIDE ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100

Notes:
Roof finished in concrete tiles to match existing.
Wall finished in render and facing brick to match existing. New windows and doors to be white PVC to match existing.



PROPOSED SIDE ELEVATION
SCALE 1:100

Notes:
Roof eaves, stepped lead flashing and coping to match existing roof and existing wall.



PROPOSED SIDE ELEVATION
SCALE 1:100

Notes:
New 60mm cl. RPP and new 100mm cl. PVC on roof and vertical to match existing roof and existing wall.

side elevation (facing no.62)

rear elevation

side elevation (facing 58)

existing/proposed elevations

Privacy/outlook

The property is set at a lower level than no. 62 and at a higher level than no.58 due to the slope of the land.

With regards to the extension in relation to no.62, the extension will be 3.4m away from the boundary between the two properties. There was a bedroom window proposed on the side elevation facing towards no.62; there is a window on the side elevation of no.62 which although it would not have been directly opposite the proposed window, there could have been some overlooking from no.62 towards the bedroom window due to no.62 being set at a higher level than no.60. The applicant was therefore asked to re-look at the internal layout/window position in order to alleviate any such issues. An amended plan has now been submitted with the

bedroom window moved to the opposite side elevation facing towards no.58; this side elevation is approx.6m away from the boundary between no. 58 and the application property and will not cause any privacy issues.

The proposals are now considered to be acceptable in terms of privacy and outlook.



looking towards no.62



looking towards no.58

Highway issues

The submitted plans show the creation an additional driveway to the right-hand side of the dwelling to provide easier access to the main door at the side of the bungalow. A footway crossing will be required at the front of the dwelling in order to gain access to the driveway.

The proposals do not result in any additional bedrooms and there is adequate off-road parking available. The additional driveway will provide additional off-road parking.

The Highway Authority have no objections to the proposals on highway grounds.

Conclusion

Following the receipt of an amended plan in respect of the repositioning of the bedroom window, the proposed extension is now considered to be acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

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

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

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

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking or re-

enacting that Order with or without modification), no windows shall be constructed in the elevation of the extension which faces towards no.62 Fairfield Drive without Planning Permission obtained from the Local Planning Authority.

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

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

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

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

Reason: In the interests of pedestrian safety and accessibility

This page is intentionally left blank

Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6h

Ref.

HOU/2022/0224

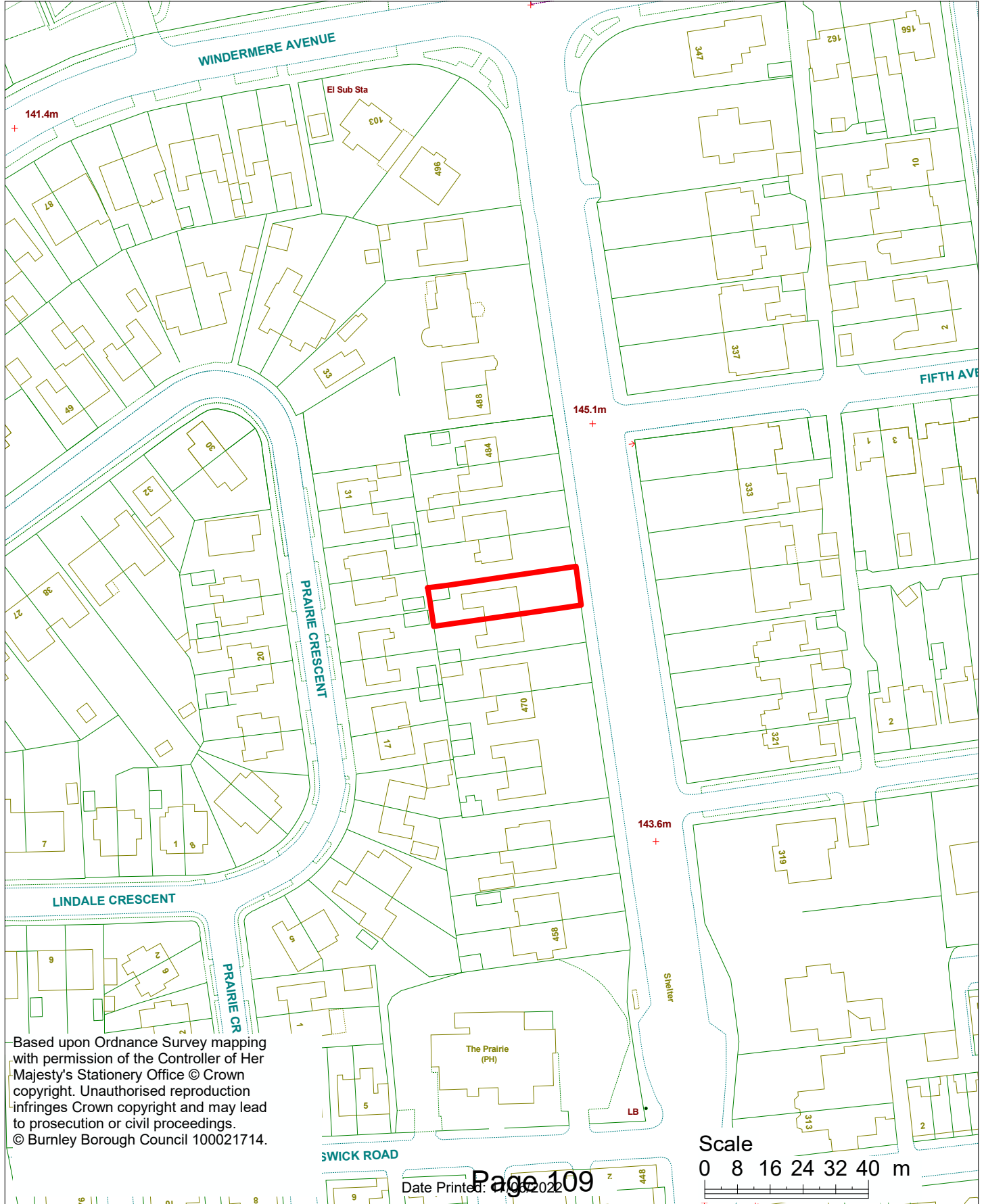
Paul Gatrell Head of Housing and Development

Location:



476 Colne Road, Burnley

1:1250



This page is intentionally left blank

Town and Country Planning Act 1990

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

Background:

Two storey part stone, part render & blue slate traditional 'ribbon development' pre-war semi-detached house on a road containing similar properties. Within development limits. This application is submitted following refusal of HOU/2021/0454 (larger extensions) on 28.09.2021 for the following reasons:

- 1. The proposed development, by virtue of its size, siting and design would result in an incongruous, discordant and unsympathetic addition that would detract significantly from the character and appearance of the host building and the visual amenities of the locality. It is further considered that the development would result in the introduction of a highly prominent addition resulting in the visual detriment of the host property and the character and visual amenities of the area. The development is therefore contrary to Policy SP5 of the Local Plan and the NPPF.*
- 2. The level of development proposed would be of significant detriment to the character and appearance of the existing dwelling and surrounding area, insofar that the proposed development, when considered cumulatively, would undermine the inherent character of the existing building and imbalance a pair of semi-detached properties. Contrary to Policy SP5 of the Local Plan and the NPPF.*
- 3. The proposed development would be of significant detriment upon the residential amenities of the existing occupiers of No. 478 Colne Road and No. 25 Prairie Crescent by virtue of its size, scale, mass and siting which would result in separation distances creating an overbearing over dominant impact resulting in a loss of outlook, light and privacy, contrary to Policies SP5 and HS5 and the NPPF.*

The current proposal attempts to address the reasons for refusal.

The Proposal:

The proposal is to extend to the side and rear by construction of a two-storey element to the side, and a combination of two and single storey elements to the rear. The side extension would project 1.9m from the existing side elevation, and the rear elements would project 4.8m from the existing rear elevation.

The proposal has been further amended as part of the determination process at the request of the case officer, to show a reduction in projection of the rear elevation of the first floor, and removal of a Juliet balcony.

Relevant Policies:Burnley`s Local Plan July 2018.

HS5 – House extensions and alterations

HS4 – Housing Development

SP1 – Achieving sustainable development

SP4 – Development Strategy

SP5 – Development quality and sustainability

IC3 - Parking

National Planning Policy Framework 2021

Site History:

HOU/2021/0454 – two storey side and rear extension, with single storey rear extension and associated internal alterations. Refused 28.09.2021.

Consultation Responses:

Highways – no objection as parking policy met within the site.

Objections/Comments

One received:

Concerns have been expressed about overlooking and loss of privacy.

Visuals:

Front Elevation



Side Elevation



Rear Elevation



View between existing properties on Prairie Crescent to the West

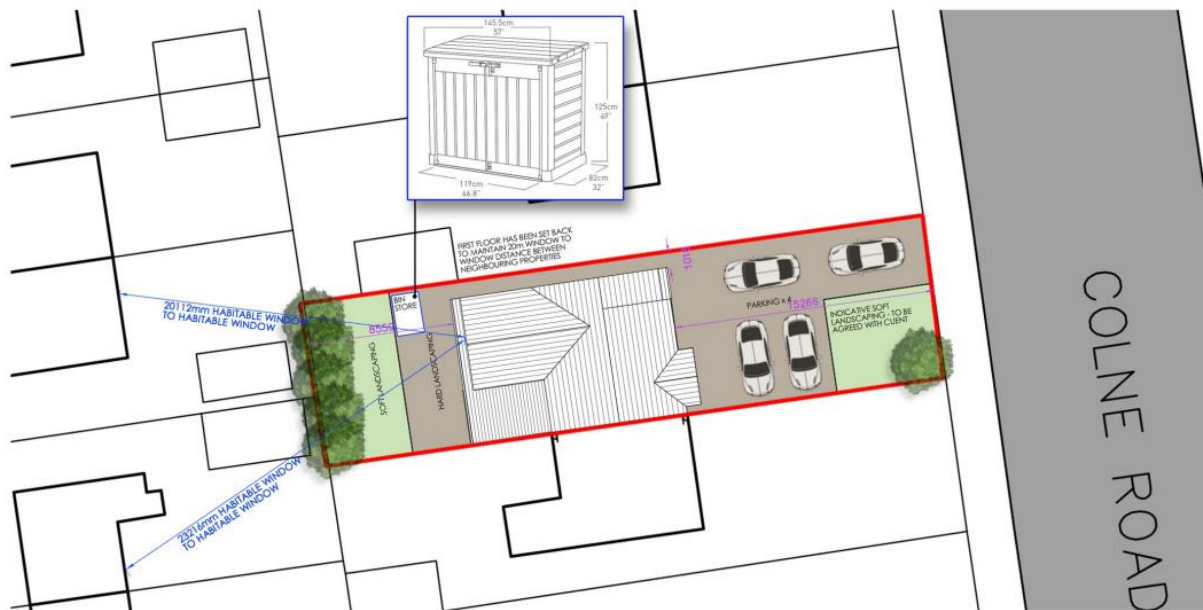


Existing Site Plan

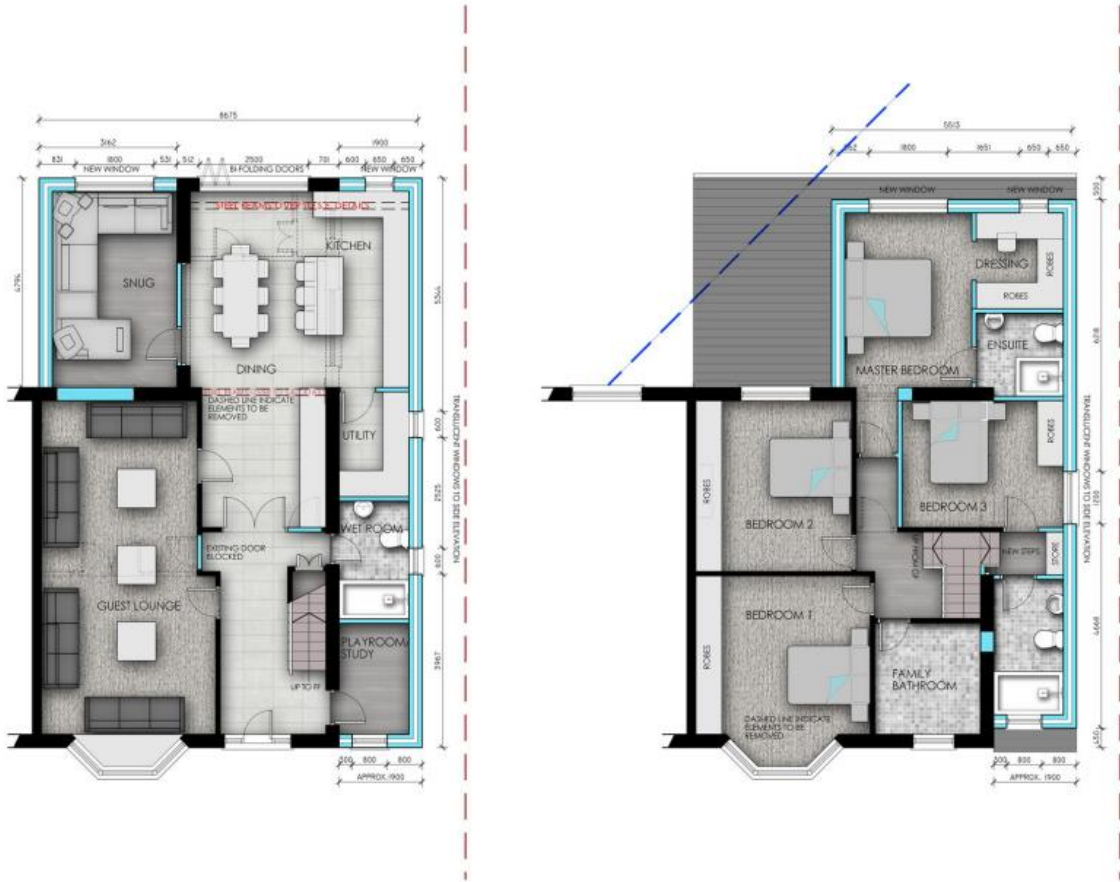


Proposed Site Plan

PROPOSED SITE/BLOCK PLAN [1:200 at A3]



Proposed Floor Plans



Existing Elevations



KISTING FRONT ELEVATION [1:50 of A1 or 1:100 of A3]

EXISTING SIDE ELEVATION [No. 478] [1:50 of A1 or 1:100 of A3]

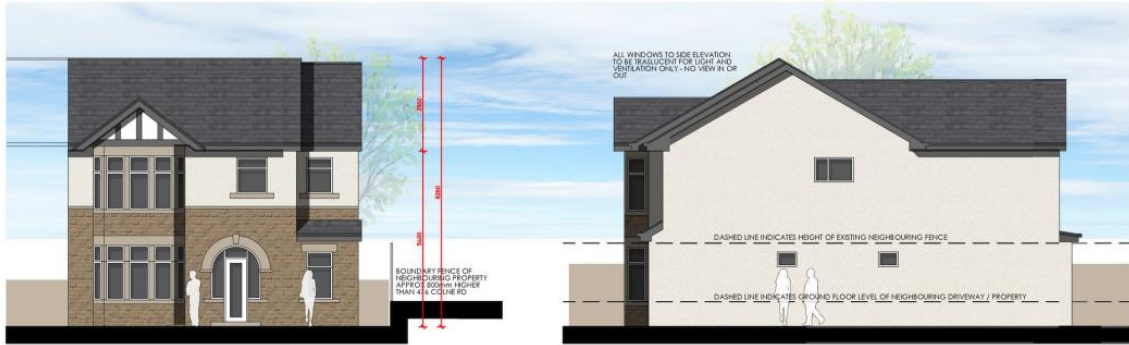


KISTING REAR ELEVATION [1:50 of A1 or 1:100 of A3]

EXISTING SIDE ELEVATION [No. 474] [1:50 of A1 or 1:100 of A3]



Proposed Elevations



PROPOSED FRONT ELEVATION [1:50 of A1 or 1:100 of A3]

PROPOSED SIDE ELEVATION [No.478] [1:50 of A1 or 1:100 of A3]

MATERIAL NOTE:-
 PROPOSED GREY WARE L-TRIM OR SIMILAR APPROVED TO EXISTING WALL - FROM SUBGRADE TO FRONT ELEVATION TO MATCH EXISTING
 PROPOSED NATURAL SLATE TILE TO MAIN ROOF TO MATCH EXISTING
 PROPOSED DARK GREY CONCRETE BE BENCH TO BE ASSESS TO WEST EXTERIOR - BETWEEN DRIVEWAY TO BE ASSESS WITH A
 PROPOSED GREY UPVC WINDOWS AND DOORS
 DARK GREY ALUMINIUM FRAMED SLIDING FOLDING DOORS FROM REAR EXTERIOR TO PARK AREA
 PROPOSED COMPOSITE FRONT DOOR ROCK DOOR OR SIMILAR APPROVED



PROPOSED REAR ELEVATION [1:50 of A1 or 1:100 of A3]



PROPOSED SIDE ELEVATION [No. 474] [1:50 of A1 or 1:100 of A3]



Refused Proposed Elevations for Comparison



PROPOSED FRONT ELEVATION [1:50 of A1 or 1:100 of A3]

PROPOSED SIDE ELEVATION [No.478] [1:50 of A1 or 1:100 of A3]

MATERIAL NOTE:-
 PROPOSED GREY WARE L-TRIM TO EXISTING WALL - FROM SUBGRADE TO FRONT ELEVATION TO MATCH EXISTING
 PROPOSED NATURAL SLATE TILING
 PROPOSED DARK GREY CONCRETE BE BENCH TO BE ASSESS TO WEST EXTERIOR - BETWEEN DRIVEWAY TO BE ASSESS WITH A
 PROPOSED GREY UPVC WINDOWS
 DARK GREY ALUMINIUM FRAMED SLIDING FOLDING DOORS FROM REAR EXTERIOR
 PROPOSED COMPOSITE FRONT DOOR ROCK DOOR OR SIMILAR APPROVED



PROPOSED REAR ELEVATION [1:50 of A1 or 1:100 of A3]



PROPOSED SIDE ELEVATION [No. 474] [1:50 of A1 or 1:100 of A3]



Planning and Environmental Considerations:

The main issues for consideration in the determination of this application include:

- Principle
- Design and impact upon the area
- Impact upon neighbouring amenity
- Parking/Access

Principle

The property is within the Development Boundary of a Principal Town (i.e. Burnley) as identified within the Adopted Burnley Local Plan. Subject to compliance with other Local Plan Policies, the principle of alterations to dwellings is acceptable if *'of an appropriate type and scale'* in this area under Policy SP4.

Design

Policy SP5 requires *'high standards of design, construction and sustainability in all types of development.'* This is reiterated in Policy HS5, which states *'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5'*

The 2021 proposal was refused in part due to the non-subservient and overbearing nature of the proposed two storey element. The current proposal has addressed this by a marginal reduction in ridge height, setting back of the first storey elements on both the front (450mm) and rear (500mm) elevations, and creation of a gap between the side extension and the boundary between the host property and the dwelling to the immediate north (478 Colne Road) of 1.0m, thus reducing the visual impact of the proposal and its impact upon neighbouring property. The proposed side extension will protrude 1.9m from the existing side elevation, and the proposed single and two storey rear extensions will protrude 4.8m from the existing rear wall at ground floor level and less at 1st floor level. It is considered that the present design does respect the local street layout in terms of scale and massing.

The proposed side extension will have its front elevation faced in a combination of stone and render to match the host property. All other extended elevations will be faced in render, again to match the host property. Roofs will be pitched and covered in natural slate, again to match the host property. Note that it is proposed to change window frames and doors from brown as they are currently, to grey. The proposed materials are considered acceptable.

Neighbouring Amenity

With regard to the amenity of neighbours and to the provisions of Policy HS5 and HS4 3.c:

To the front (east) – study and bathroom windows will face the front garden, Colne Road and the front elevation of properties on the opposite side at approx. 55m. No conflict.

To the rear (west) – habitable room windows will face into the rear garden, the boundary fence/hedge between the host property and adjacent gardens at approx. 8.6m, and beyond this garages and rear gardens of dwellings on Prairie Crescent. The distance

from habitable room windows in the ground floor of the proposed extension to habitable room windows in the rear elevation of dwellings at Prairie Crescent is approx. 19.5m when measured horizontally, and this view is obstructed by boundary features. The distance between proposed 1st floor habitable room windows to existing 1st floor habitable room windows in the rear elevation of the closest house in Prairie Crescent is 20m, this as a result of setting back the rear wall of the first floor element of the two storey extension in response to a minor Policy shortfall. HS4.3.c requires a minimum distance of no less than 20.0m between facing windows of habitable rooms, and HS5.1.c refers specifically to HS4.3.c. No conflict.

To the side (north) – blank two storey elevation set back 1.0m from the boundary with No. 478, leaving a gap of approximately 5.0m between two facing gables. Whilst a 4.0m distance was considered to be too close under HOU/2021/0454, It is felt that the present proposal is acceptable on balance, particularly given that the 1st floor elements are reduced also. It should be noted that No. 478 has a marginally higher floor level than the host property and that the ridge of No. 478 is higher, further lessening the impact of the proposed two storey element. The facing elevation of No. 478 contains a habitable room window at ground floor level. A strict interpretation of HS5 requires reference to distances stated in HS4 3.c, which require a minimum of 15m between a blank gable and a habitable room, and the proposed relationship is only 5.0m. Note that a large hedge exists between the two properties, and that the hedge dramatically restricts light and views presently. The proposed two storey element will be visible when looking upwards above the hedge and the proposal is strictly contrary to HS4 and HS5 as a result. However, the side window is secondary to the main window in that room which faces out into the rear garden, and as such the degree of loss of amenity is significantly less than it otherwise would have been if it were the only window. On balance this is acceptable and a condition is recommended to be imposed preventing further openings in the north-facing elevation.

To the side (south) – blank single storey mono pitch elevation to abut but not touch the boundary with No. 474. This is, on balance, considered acceptable as it would project 4.8m from the original rear wall of the host dwelling plus 2.6m to eaves and 3.6m to flashing. This is the same as the single storey element considered acceptable in the previous refusal. On balance it is not considered to be an issue under the current proposal subject to a condition preventing openings in the southern facing elevations. Note that this element taken in isolation would be permitted development under Schedule 2 Part 1 (A.1) of the GPDO.

Parking/Access

At present the host property has three bedrooms and a single garage plus space on the driveway to park a number of cars. The proposed extension would create a fourth bedroom and would lose the garage. Policy IC3 App.9 Parking Standards requires 3 spaces per dwelling for dwellings with 4 bedrooms. The proposal incorporates sufficient off-street parking for at least three cars, which is acceptable under IC3. It should be a condition of approval that provision for three cars is made prior to occupation of the extensions and so retained, and that an electric charging point be provided.

Conclusion

It is considered that the revised proposal is acceptable as the proposed extensions will not detract from the character or appearance of the dwelling or the surrounding area. Whilst the relationship between the proposed side extension and number 478 is not in strict accordance with local plan policies HS4 and HS5; given that No.478 is at a higher

level than the host property, that the side window is hidden by existing boundary features and that the room it serves has its main window facing into the garden, on balance the relationship between the properties is considered acceptable.

Recommendation:

That planning permission be approved subject to the following Conditions:

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

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

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

Drawing No. 2030 03C – Block plan received on 08.06.2022

Drawing No. 2030 04 – Existing floor plans received on 08.06.2022

Drawing No. 2030 05C – Proposed floor plans received on 08.06.2022

Drawing No. 2030 06 – Existing elevations received on 08.06.2022

Drawing No. 2030 07C – Proposed elevations received on 08.06.2022

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

Drawing No, 2030 100 – Location plan received 19.04.2022

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

Reasons:

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

BURNLEY BOROUGH COUNCIL DEVELOPMENT CONTROL COMMITTEE

REPORTS ON PLANNING APPLICATIONS



Photograph McCoy Wynne

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

30th June 2022

Housing and Development

This page is intentionally left blank

List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0650	Mr Q Azam	148 Casterton Avenue Burnley BB10 2PE	Single storey rear extension with garage conversion	Approve with Conditions	13th June 2022
FUL/2021/0729	David Howell	Westgate Mill Sandygate Burnley BB11 1RW	Proposed change of use and conversion from childrens party venue to 13 residential apartments	Approve with Conditions	27th May 2022
FUL/2021/0720	Northern Letting Services Ltd	12 - 14 Burnley Road Padiham BB12 8BX	Proposal external staircase and door to rear to provide private access to first floor apartment and associated renovation work.	Approve with Conditions	30th May 2022
HOU/2022/0014	Lewis Spencer	725 Briercliffe Road Burnley BB10 2EZ	Proposed two storey side extension and single storey rear extension and associated site works.	Approve with Conditions	27th May 2022
ADV/2022/0032	Mr Nik Puttnam	Reel Cinema (Existing) Manchester Road Burnley BB11 2EG	1no. Free standing internally illuminated totem sign, 2no. internally illuminated fascia signs, 1no. non-illuminated free standing entrance sign, 3no. externally illuminated billboards, 1no. non-illuminated poster sign	Approve with Conditions	14th June 2022
ADV/2022/0076	Mr C Durkin	Land To The West Of Briercliffe Road Burnley General Hospital Burnley BB10 2PQ	Display of hoarding around site boundaries consisting of 2.4m x 20m and 2.4m x 24.6m hoarding to the internal hospital road, 2.4m x 90m hoarding at Briercliffe Road, and 4.8m hoarding at corner elevation	Approve with Conditions	6th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
TPO/2022/0105	Mr Craig Macmillan	5 Keats Fold Padiham BB12 6PJ	Application to fell T1 covered by the Burnley (Lytton Street, Burnley) Tree Preservation Order 1994	Approve with Conditions	27th May 2022
ADV/2022/0151	Mr Simon Parr	Waterloo Pub 39 Trafalgar Street Burnley BB11 1RA	Application for advertisement consent to display 2no. hanging signs with external static illumination, vinyl to windows and frosted vinyl to door fanlight	Approve with Conditions	30th May 2022
HOU/2022/0096	Ms Asiya Khanin	464 Colne Road Burnley BB10 1TW	Proposed double storey kitchen, lounge and bedrooms extension to front side and rear of property	Refuse	8th June 2022
HOU/2022/0033	Mr & Mrs N. Ruddy	564 Brunshaw Road Burnley BB10 4HP	2 Storey side extension	Approve with Conditions	9th June 2022
LBC/2022/0169	Mr Tom Stott	74 Manchester Road Burnley BB11 1HN	Internal alterations and associated refurbishment works to facilitate conversion of the existing building to a 6 bedroom House in Multiple Occupation.	Approve with Conditions	27th May 2022
FUL/2022/0163	Mr James Coates	J G Coates Burnley Ltd Celtique Mill Trafalgar Street Burnley BB11 1TH	Demolish remaining sections of collapsed boundary wall and rebuild wall to new height 1.25 metre within the Canalside CA.	Approve with Conditions	9th June 2022
HOU/2022/0178	Mrs Ruksana Begum	1 Brighton Road Burnley BB10 2BP	Double storey side extension and single storey rear extension	Refuse	13th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2022/0125	Mr Jason Tattersall	224 Rossendale Road Burnley BB11 5DE	Formation of new driveway and new vehicular crossing to highway	Approve with Conditions	8th June 2022
PAH/2022/0175	Mr _ Mrs Gareth And Gemma Ashworth	6 Kingsway Hapton Burnley BB11 5RB	Addition of new storey to existing dormer bungalow (maximum height 8.9 metres.)	Prior Approval Granted	13th June 2022
HOU/2022/0183	Miss Felicity Ackroyd	14 Lindisfarne Close Burnley BB12 0TX	Proposed conservatory/orangery at the rear of the property. Double extension at the side of the left-hand side of the property, over part of the driveway.	Approve with Conditions	7th June 2022
HOU/2022/0184	Mr Andy Perry	1 Torver Close Ightenhill Burnley BB12 8UH	First floor extension to side	Approve with Conditions	10th June 2022
HOU/2022/0091	Mr Trevor Hartley	155 Coal Clough Lane Burnley BB11 4NJ	Proposed external balcony (as fire escape) to front of dwelling	Refuse	14th June 2022
CEA/2022/0226	Environment Agency	Land At Bendwood Close / River Calder Padiham BB12 8RT	Flood defence walls associated with the Padiham Flood Risk Management Scheme	Lawful Dev Cert issued	7th June 2022
FUL/2022/0225	Mrs Gail Harvey-Clapham	Morecambes Lodge Cemetery Lane Burnley BB11 5QB	Replacement of existing septic tank with new treatment plant and erection of detached two-toilet block	Approve with Conditions	9th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2022/0230	mr Mark Wilkinson	The Isaac Centre Harrogate Crescent Burnley BB10 2NX	Discharge of Condition 9 (Construction Management Plan) of planning permission FUL/2021/0264 for residential development	Conditions part discharged	13th June 2022
HOU/2022/0241	Mr David Bridge	84 Low Bank Burnley BB12 6PP	Retrospective consent for replacement of amateur radio antenna	Refuse	8th June 2022
NMA/2022/0231	Mr Matthew Evans	Hare And Hounds Public House 1 - 3 Halifax Road Briercliffe BB10 3QH	Application for non-material amendment to planning consent FUL/2020/0421 - change of material for proposed balustrade from glass to metal railings.	Non-Material Minor Amendment Granted	6th June 2022
HOU/2022/0232	Mr Watson	29 Inchfield Worsthorne-with-hurstwood BB10 3PS	Single storey pitched roof rear extension (Resubmission of HOU/2021/0455)	Approve with Conditions	7th June 2022
HOU/2022/0191	Lesley-Anne Savage	Cockden House Farm Todmorden Road Briercliffe BB10 3QQ	Enlargement of the kitchen including single storey extension to the front elevation.	Approve with Conditions	7th June 2022
PAG/2022/0307	Mr And Mrs Riley	Lower Micklehurst Farm Rossendale Avenue Burnley BB11 5PZ	Erection of an agricultural storage building.	Prior Approval not required accept	13th June 2022

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CEA/2022/0266	Miss Julie Roberts	9 Honister Road Burnley BB10 2PX	Provision of electric cantilever metal driveway gate to Honister Road (max. 1 metre in height), manual metal driveway gate to Highfield Avenue (max. 1 metre in height) and side metal gate (max. 2 metres in height).	Lawful Dev Cert issued	1st June 2022

This page is intentionally left blank