

DEVELOPMENT CONTROL COMMITTEE

Thursday, 13th July, 2023
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 13th July, 2023 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.

Priority will be given to those who have registered to speak on an application. If you wish to attend the meeting we advise that you contact democracy@burnley.gov.uk in advance of the meeting.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 20

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

3. Additional Items of Business

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

4. Declaration of Interest

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

5. Exclusion of the Public

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

6. List of Deposited Plans and Applications	21 - 22
To consider reports on planning applications for development permission:	
a) FUL/2023/0296 - Unit 3 - Sandygate Hall, Sandygate Burnley	23 - 28
b) FUL/2023/0036 - 4 Lindsay Park, Worsthorne-with-Hurstwood, Burnley	29 - 46
c) FUL/2023/0302 - Cornfield Farm Fishery, Cornfield Grove, Burnley	47 - 54
7. Decisions taken under the Scheme of Delegation	55 - 68
To receive for information a list of delegated decisions taken since the last meeting.	
8. Appeals and other decisions	69 - 72
For information	

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)	Councillor Alan Hosker
Councillor Christine Sollis (Vice-Chair)	Councillor Beki Hughes
Councillor Gordon Birtwistle	Councillor Shah Hussain
Councillor Joanne Broughton	Councillor Jacqueline Inckle
Councillor Scott Cunliffe	Councillor Anne Kelly
Councillor Sue Graham	Councillor Neil Mottershead
Councillor John Harbour	Councillor Paul Reynolds
Councillor Bill Horrocks	Councillor Mike Steel

PUBLISHED

Wednesday, 5 July 2023

This page is intentionally left blank



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 8th June, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly, G Birtwistle, J Broughton, S Cunliffe, J Harbour, B Horrocks, B Hughes, S Hussain, P Reynolds and C Sollis (Vice-Chair)

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Erika Eden-Porter	– Principal Planner
Carol Eddleston	– Democracy Officer
Mollie Boothman	– Legal Assistant

1. Apologies

Apologies for absence were received from Councillors Graham, Inckle and Steel.

2. Minutes

The Minutes of the last meeting held on 13th April 2023 were approved as a correct record and signed by the Chair.

3. Declaration of Interest

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

4. List of Deposited Plans and Applications

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

5. FUL/2022/0136 - Former Dexter Paints Site, Gannow Lane, Burnley

Town and Country Planning Act 1990

Proposed residential development comprising 36no elderly bungalows, landscape, access and associated works

Former Dexter Paints, Gannow Lane, Burnley

Decision

That the application be approved subject to the following conditions:

Conditions and Reasons

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 below:

- Application form received 4th March 2022
- Location Plan received 4th March 2022
- Existing site Plan 03 received 4th March 2022
- Street Views Plan 07 received 4th March 2022
- Proposed Sections 12 received 13th June 2022
- Access Layout J1409 Access Fig 1 received 13th June 2022
- Amended Proposed Plans and Elevations 03A received 6th October 2022
- Amended Proposed Plans and Elevations 04B 05B received 22nd Jan 2023
- Amended Proposed Site Plan DWG 02 B received 22nd Jan 2023
- Planning and Design and Access Statement received 4th March 2022
- Preliminary Ecological appraisal received 4th March 2022
- Preliminary Risk Assessment received 4th March 2022
- General Road Layout ref R02a received 20th April 2023
- Road Construction Details R01 received 20th April 2023
- Road Adoption Area Plan received 20th April 2023

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

3. The development hereby approved shall be restricted to over 55s accommodation only.

Reason: Acceptability of the development is in accordance with the occupancy of the units being over 55s only in accordance with the provisions of the Burnley Local Plan and the National Planning Policy Framework.

Materials

4. Prior to their use in the development hereby approved, details of the materials to be used for the external walls, roofs and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The materials shall then be retained as agreed for the duration of the development.

Reason: In the interest of visual amenity and the securing a high quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Contamination condition

5. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - i. The Preliminary Risk Assessment carried out by Worms Eye has identified potential risks to future site users.
 - ii. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provision of the National Planning policy Framework.

Highways

6. No part of the development hereby approved shall be occupied until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The scheme shall be fully implemented and completed in accordance with the approved scheme prior to the occupation of the development hereby approved.

Reasons: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway. in accordance with the provisions of Policies IC1 and SP5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Note: The applicant is advised to obtain a technical approval for all estate street details from the local highway authority prior to the submission of such approved details to the local planning authority for condition discharge.

8. 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.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
- Measures to control the emission of dust and dirt during construction.

- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours.

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

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

9. Deliveries to the approved development shall only be accepted between the hours of 9:00am and 3:00pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

10. 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: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

11. Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for a highway surface water drainage scheme.

The development should be undertaken in accordance with the agreed details and the scheme shown on the approved drawing shall be constructed in accordance with the approved details and retained thereafter.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

12. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works. in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Adaptable homes

13. Prior to the occupation of the development hereby approved, evidence shall be provided to and approved in writing by the Local planning Authority which demonstrates that at least 20% of the houses hereby approved have been built to current adaptable homes standards (Part M4(2) of the building Regulations 2010).

Reason: In the interest of providing adaptable homes to support the changing needs of occupiers over a lifetime in accordance with Policy HS4 of the Burnley Local Plan.

Lead Local Flood Authority

14. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy (surface water and foul water drainage strategy incorporating an assessment of flood risk, Rev A, October 2022, Reford) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the existing on-site surface water drainage systems to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

15. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- i. Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- ii. Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

16. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
- i. A timetable for its implementation;

- ii. Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- iii. Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- iv. The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- v. Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- vi. Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- vii. Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

17. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Landscaping /levels and implementation

18. Prior to the occupation of the first dwelling houses hereby approved, full details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:
 - i. Proposed finished levels or contours
 - ii. Means of enclosure
 - iii. Car parking layouts
 - iv. Other vehicle and pedestrian access and circulation areas
 - v. Hard surfacing materials
 - vi. Minor artefacts and structures (e.g seating/signs etc)
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, manholes etc)

viii. Bin store hedge surrounding planting

Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants, plant sizes and proposed numbers/densities where appropriate.

All hard and soft landscaping shall be carried out in accordance with the approved details no later than the first available planting season following occupation of the first dwelling house or in accordance with the programme prior agreed in writing with the local planning authority

Reason: In the interest of securing a quality finish to the development in accordance with the provisions of Policies SP5 and HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Canal conditions

19. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) should be provided to the local planning authority for approval in writing to include measures detailing how materials will be stored on site and how the canal will be protected from dust and site laden runoff.

Reason: In the interest of protecting the integrity of the canal during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Coal

20. No development shall commence until;

- i. A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- ii. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance in accordance with the timetable agreed with the local planning authority.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

21. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

United Utilities

22. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - ii. (A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - v. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Greater Manchester Ecology Unit

23. No removal or works to any hedgerows, trees, shrubs or brambles shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority for written approval.

Reason: In the interest of the protection of protected species in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provision of the National Planning Policy Framework.

24. Prior to occupation, a lighting design strategy for areas to be lit externally shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- i. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- ii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- iii. Provide details of light levels and spillage

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interest of the protection of biodiversity and ecology on the site in accordance with Policy NE1 of the Burnley Local Plan and in the interest of highway safety and residential amenity in accordance with policies SP5 and IC1 of the Burnley Local Plan, and in accordance with the provisions of the of the National Planning Policy Framework

25. A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall be agreed in writing with eh Local Planning Authority) and shall be retained thereafter.

Reason: In the interest of the enhancement of biodiversity on the site in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the National Planning Policy Framework.

Environmental Health

26. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.

Reason: in the interest of protecting residential amenity in accordance with policies HS4 and NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

27. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

- All noise mitigation measures to be instated for the eastern boundary of the development (as per the planning and design access statement) and for the windows/external fabric of the dwellings (as per the noise impact assessment dated 27th September 2022).
- The lighting scheme should comply with Environmental Zone E3 (small town centres or suburban locations) of the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Reason: To demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation in accordance with Policy NE5 of Burnley`s Local Plan and 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 Local Plan.

28. Prior to the first use of the development hereby approved the hedge surrounds shown on the site layout at the front of the properties shall be installed and available for use for the storage of bins. The bin storage areas shall remain in place for the duration of the development and for the use of storage of bins only.

Reason: In the interest ensuring a quality development in accordance with Policy SP5 of the Burnley Local Plan.

Informatives

1. The developer is advised to consider the comments from Lancashire Fire and Rescue, Canal and Rivers Trust, Highways Authority, Lead Local Flood Authority and United Utilities comments available online prior to the commencement of development.
2. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
3. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
4. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

6. LBC/2023/0027 - Town Hall, Manchester Road, Burnley

Application for Listed Building Consent
Restoration of Ceiling to Council Chamber (Retrospective)
Town Hall, Manchester Road, Burnley

Decision

That the application be approved subject to the following conditions.

Conditions and Reasons:

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than to the specifications as indicated on the approved drawings except where modified by the conditions of this consent. The approved drawings are: Y91/200 (Proposed Works: Council Chamber Roofspace) received 16 January 2023.

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

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

Reason: In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with Policy HE2 of Burnley's Local Plan (July 2018).

4. Any works of making good to the retained fabric, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile, except where indicated otherwise on the drawings hereby approved

Reason: In order to safeguard the special architectural and historic interest of the listed building and to comply with Policy HE2 of Burnley's Local Plan (July 2018).

7. HOU/2023/0246 - 15 Wasdale Close, Padiham

Town and Country Planning Act 1990
15 Wasdale Close, Padiham, Burnley, Lancashire, BB12 8NJ
Proposed bay window extension to front elevation, front dormer extension (width 900mm) and cladding, re-roof with smooth tiles. Installation of external insulation to all elevations with a k-rend finish.

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

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

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

2. The development shall be carried out in accordance with the submitted application form received 24th April 2023 and the following submitted Drawings:

Drawing No. 616/01 - Existing plans, received 24.04.23

Drawing No. 616/02, - Existing elevations, received 24.04.23

Drawing No. 616/03, - Proposed plans, received 24.04.23

Drawing No. 616/04, - Proposed elevations, received 24.04.23

Drawing No. 616/05, - Site plans, received 24.04.23

Drawing No. 616/06, - Location plan, received 24.04.23

Reason: To ensure continued compliance with the Development Plan.

3. The new window opening on the side elevation facing No. 17 Wasdale Close shall be obscurely glazed and shall thereafter be retained with obscure glass. No new windows shall be installed in this elevation without a further planning permission being granted.

Reason: To protect the privacy of the occupiers at No. 17 Wasdale Close and in the interest of residential amenity, and to accord with Local Plan Policies SP5, HS4 and HS5.

4. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the submitted application form and the approved plans, and so retained.

Reason: 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.

Article 35 Statement:

The Local Planning Authority has acted positively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework by assessing the proposal against relevant planning policies and all material considerations. The nature of the proposal has not necessitated any liaison with the applicant prior to determining to grant planning permission in accordance with the presumption in favour of sustainable development.

Informative Notes:

1. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These

features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. May I also bring to your attention the requirements of the Building Regulations 2010 which is a separate statutory approval that may relate to your development. The Council's Building Control Team can offer advice on your project and will provide you with detailed guidance in relation to all Building Regulation matters. They will also provide a fee proposal for undertaking a formal submission. Please refer to:
Building Control - burnley.gov.uk

8. FUL/2022/0697 - Broadfield Specialist School (Former Hameldon Community College), Coal Clough Lane
--

Town and Country Planning Act 1990

Improvements to access arrangements to front and rear of the school and modifications to the existing car park

Broadfield Specialist School, (Former Hameldon Community College), Coal Clough Lane, Burnley, BB11 5BT

Decision

That the application be approved subject to the following conditions.

Conditions and reasons

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.

- Drawing No. 217105-AFL-XX-00-A-00002 C3 – existing site plan, received 29.11.2022
- Drawing No. 217105-AFL-XX-00-A-00003 C4 – demolitions plan, received 29.11.2022
- Drawing No. 217105-AFL-XX-00-A-00004 C5 – proposed site plan, received 29.11.2022
- Drawing No. 217105-AFL-XX-00-A-00005 C4 – proposed car park plan, received 29.11.2022
- Design & Access Statement, received 20.11.2022

3. Notwithstanding details shown within the approved application, details of surface water drainage shall be submitted to, approved in writing and duly implemented prior to creation of additional impermeable surfacing.

Reason: In the interests of proper drainage of the site and to accord with the provisions of the NPPF.

9. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 30th March 2023 to 25th May 2023.

10. Appeal Decisions

Members received for information an update on appeal decisions received between 31st March 2023 and 31st May 2023.

11. Planning Enforcement Plan

Members received for information the council's revised Planning Enforcement Plan. They commended it as an excellent plan and thanked officers for their work on it.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

13th July 2023

Housing and Development Control

This page is intentionally left blank

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2023/0296

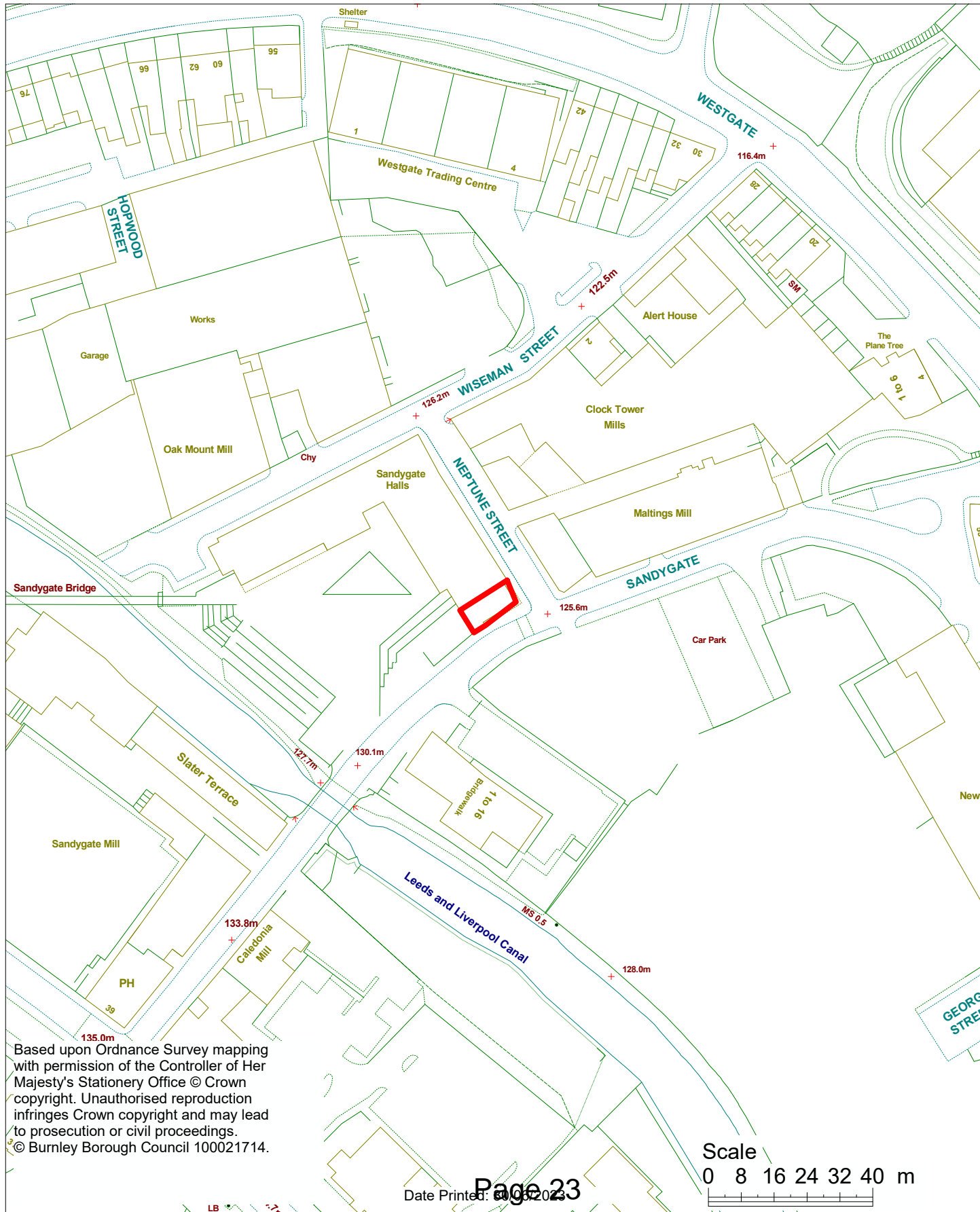
Paul Gatrell Head of Housing and Development

Location:

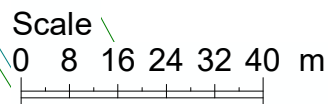


Unit 3, Sandygate Hall, Sandygate, Burnley

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

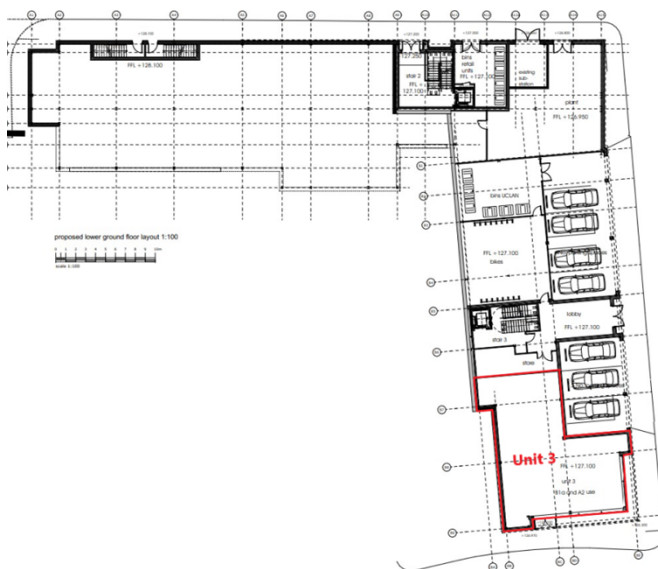
Application for Planning Permission
Proposed post 16 educational use (Class F1)
UNIT 3 SANDYGATE HALL SANDYGATE BURNLEY BB11 1EX

Applicant: Burnley Borough Council

Site and Surrounding Area:

The application relates to a vacant ground floor commercial unit at Sandygate Halls which occupies a prominent position at the junction of Sandygate and Neptune Street. The four storey mixed-use building was granted planning permission under APP/2019/0001 (varied under VAR/2020/0362) and provides student accommodation (136 no. bedrooms) with ancillary facilities and car parking; and three commercial units. The L-shaped building encloses Sandygate Square and is connected to the pedestrian bridge linking the UCLan campus.

The commercial unit subject to this application, Unit 3, is a recessed corner retail unit located at lower ground floor level with its entrance fronting Sandygate. The unit provides 143sqm of gross internal floorspace permitted for office use including financial and professional service uses. The unit remains vacant, not having been brought into occupation since completion, and as such its permitted uses have yet to be implemented.



Lower Ground Floor Layout (VAR/2020/0362)

Unit 3 highlighted in red (Image c. Google Maps)

The application site is located within the development boundary for the settlement of Burnley, as defined in Burnley's Local Plan. It lies on the edge of the town centre, within easy walking distance of town centre facilities, services and shops as well as town centre car parks, and public transport. The immediate area is characterised by a mix of uses, predominantly commercial and educational (UCLan campus) set in an historical urban industrial landscape. It is considered to be a highly sustainable and accessible location.

The site is situated within the Canalside Conservation Area, in an area known as the Weavers' Triangle, which is considered to be one of the best preserved Victorian industrial districts within the northwest. It is a focus for heritage led regeneration, a long term process of change utilising the

canal, historic buildings and location close to Burnley Town Centre to create a quality environment for new business investment, employment and leisure, living and learning opportunities that will have a lasting and significant impact on the economic future of the borough.

Proposal:

This application seeks permission for the use of the vacant commercial unit for educational use (Use Class F1). The proposed use being a post-sixteen classroom delivering a range of educational activities to enable pupils to study towards vocational qualifications alongside practical work experience in the coffee shop (Unit 2). There will be twelve pupils and five staff based in the classroom which will operate Monday to Friday (08.45hrs to 15.15hrs).

The proposal makes no provision for on site parking.

No physical external alterations or adverts/signage are proposed. If subsequently required by the occupier, this would form the basis of separate applications.

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

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

TC5: Uses within the Weavers' Triangle

HE2: Designated Heritage Assets

IC1: Sustainable Travel

IC3: Car Parking Standards

IC5: Protection and Provision of Social and Community Infrastructure

The National Planning Policy Framework (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Planning History:

The following applications are inter-related to this proposal:

VAR/2020/0362: Application to vary Conditions 2 (Approved Drawings), 12 (Archaeological Watching Brief), 13 (Student Car Park), 16 and 17 (Off Site Highway Works) and 19 (Travel Plan) from planning permission APP/2019/0001 – Granted - This permission restricted the occupation of Unit 3 to Use Class A2 or B1(a) through the submission of revised plans.

CND/2020/0133: Discharge of condition 3; 8; 10; 11; 12; 16 and 19 of APP/2019/0001 – Partial discharge

APP/2019/0001: Demolition of locally listed Neptune Inn; construction of new 4 storey mixed use building to provide student accommodation (136 bedrooms); ancillary communal areas to include laundry room, gym, reception, study/resources room and student hub; part ground floor car parking; provision of 3 commercial units (Class A1, A2, A3 or B1); and associated landscaping, together with provision of new car park off Wiseman Street for 35 vehicles – Granted.

Consultation Responses:

LCC Highways: Raise no objection to the proposal.

Publicity: No responses received.

Planning and Environmental Considerations:

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

- Principle of development
- Impact on designated heritage assets
- Impact on the amenity of neighbouring occupants and adjacent land users
- Highway safety and parking

Principle of Development: Whether the proposed use is acceptable

The Local Plan's Spatial Vision specifically notes the role of education and training in making the borough a desirable place to live and that the creation of a vibrant cultural and educational offer centered on the Weavers' Triangle will be critical to establishing Burnley as a hub of educational excellence with quality training and apprenticeship opportunities.

Local Plan Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth within the development boundary through the efficient use of land and buildings; and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling in accordance with the development strategy in Policy SP4.

The application site is considered to be in a sustainable location being well located in relation to an adequate range of existing services and facilities; and accessible by public transport, walking and cycling. It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its sustainable location within the defined development boundary. Moreover, the use is supported by Policy IC5 which permits the development of social and community infrastructure in this location where it would satisfy other relevant plan policies.

For the reasons set out above, the proposal is considered to be acceptable in principle subject to meeting with other relevant plan policies as set out in detail below.

Impact on Designated Heritage Assets

The application site falls within the Canalside Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confers upon the local planning authority a duty to "have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area." In this case, no external alterations are proposed and as such the proposal would preserve the character and appearance of the conservation area in its entirety. Moreover, the re-use of vacant floorspace within the building is likely to have a positive impact on the conservation area. The proposal therefore satisfies the relevant statutory duty.

Impact on the Amenity of Neighbouring Occupants and Adjacent Land Users

Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users including by reasons of noise and disturbance.

The site is situated in an area where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day. Accordingly, some degree of noise and

disturbance would not be unreasonable. Having regard to the nature of the proposed use and the current levels of amenity, the development would not result in an unacceptable increase of noise and disturbance in the locality over and above the existing situation and would therefore comply with Policy SP5.

Highway Safety and Parking

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

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

Taking into account the scale and nature of the proposal and highly sustainable location, it is considered that the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Conclusion:

The proposal will introduce an appropriate and beneficial use for the vacant commercial unit that is compatible with the mix of uses within Sandygate Hall. Moreover, the proposal does not raise any significant concerns in terms of neighbouring amenity. It is also considered acceptable in relation to highway safety and parking. Subject to conditions the development is considered to accord with the Local Plan and represents a sustainable form of development and there are no material considerations which would outweigh this finding.

Recommendation: Approve subject to conditions.

Conditions and Reasons:

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

Reason: Required to be imposed 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: Drawing No 001S (Proposed Key Plans – Lower Ground Floor at 1:100 Scale) received 04 July 2023.

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

EEP (Principal Planner)

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2023/0036

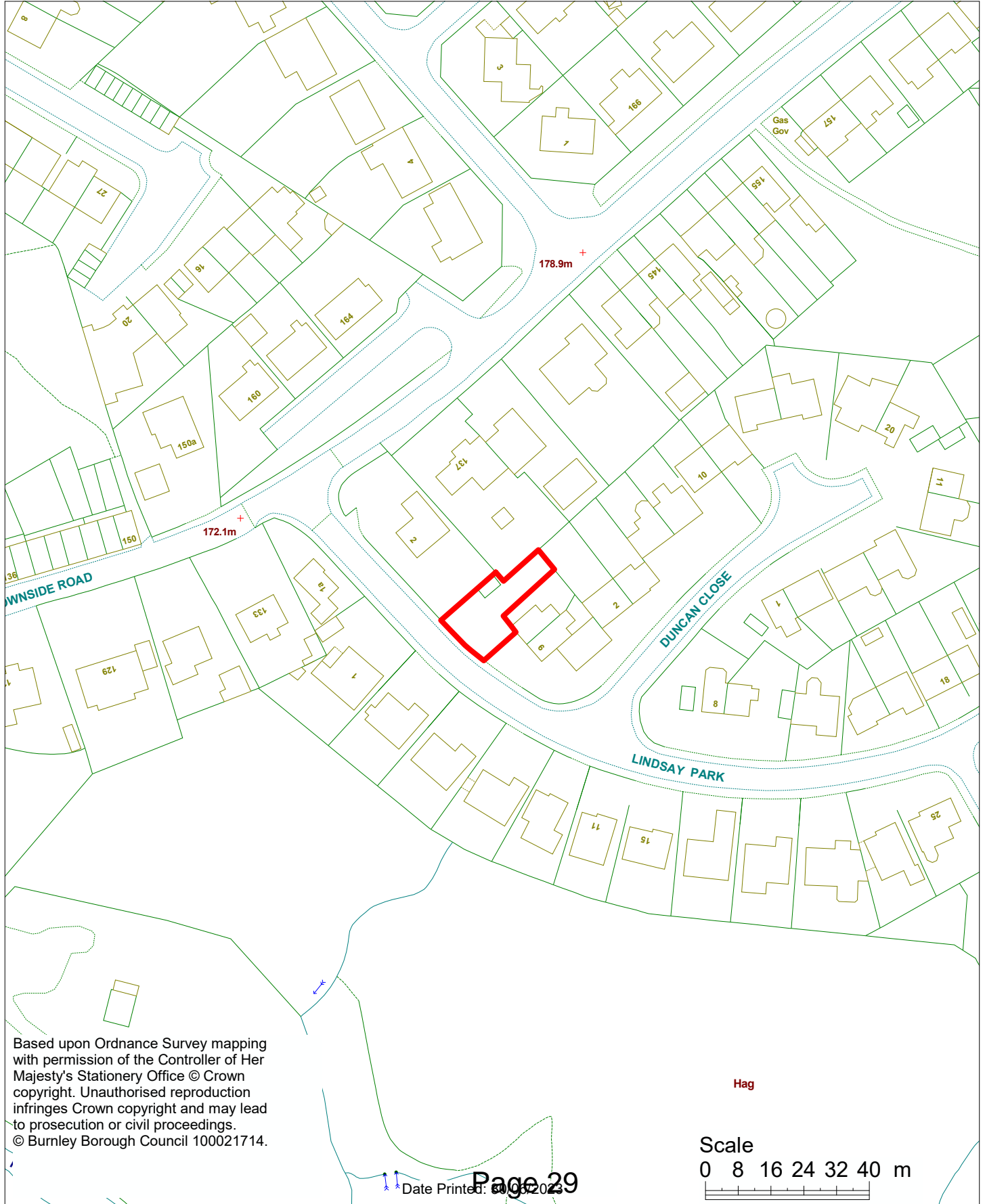
Paul Gatrell Head of Housing and Development

Location:

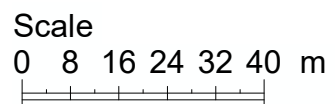


4 Lindsay Park, Worthorne-with Hurstwood

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
Cliviger With Worsthorne**

FUL/2023/0036

Town and Country Planning Act 1990

New build detached house to be built on land at number 4 Lindsay Park
4 Lindsay Park, Worsthorne-with-Hurstwood, Burnley BB10 3RR

Background:

The application is presented to committee as objections have been received.

The site is located in a residential area of mixed housing types, brick/render/concrete tile being the predominant materials. The site is currently the front and side garden and off street parking area of No. 4 Lindsay Park, itself a semi-detached dormer bungalow and the applicant's home address. The site is surrounded by housing/gardens to three sides and abuts the highway known as Lindsay Park to the front.

A proposal to build a four-bedroom, two storey dwelling on the site was the subject of a pre-application enquiry (PRE/2022/0362), which concluded thus:

'The principle of development on the site is acceptable. However, I am concerned about the size and bulk of the proposed house in relation to the amount of land available and juxtaposition of adjacent dwellings and their gardens.'

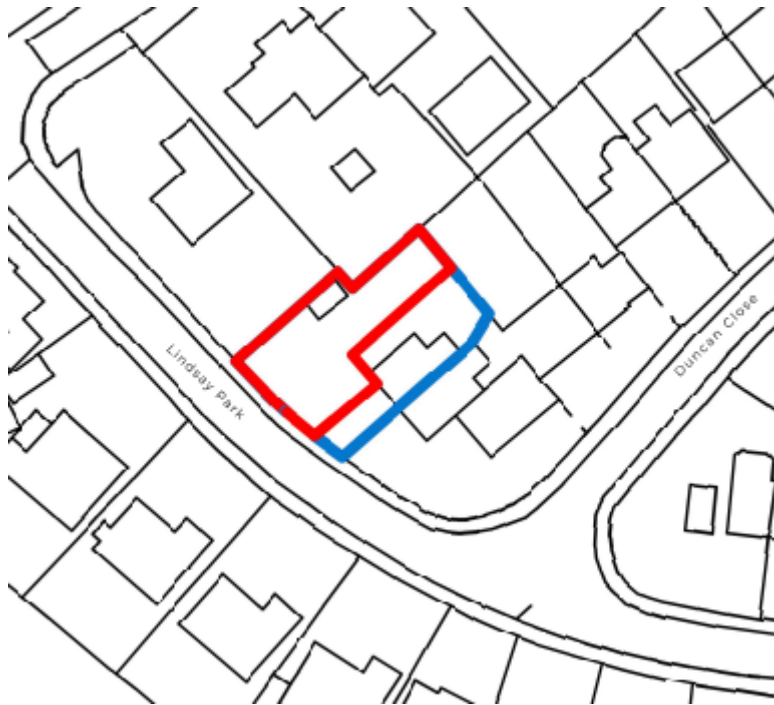
The site is within the urban boundary of Burnley as defined by the adopted Local Plan.

Proposal:

To construct a four-bedroom detached house with integral garage and off-street parking to front. Plus creation of two off street parking places in the front garden of No.4 to compensate for the loss of its existing parking provision. It is proposed to face the building with render/concrete tiles. The front elevation of the proposed house would project 5.0m further forward than that of No 4 Lindsay Park.

Amended plans have been received during the consideration of the planning application, the latest set (and those to be considered) received on 19th June 2023.

Visuals:



No.2

No.4



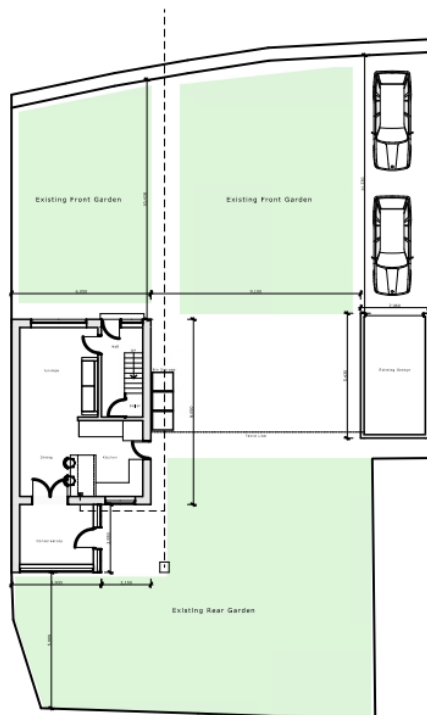
No.2

No.4

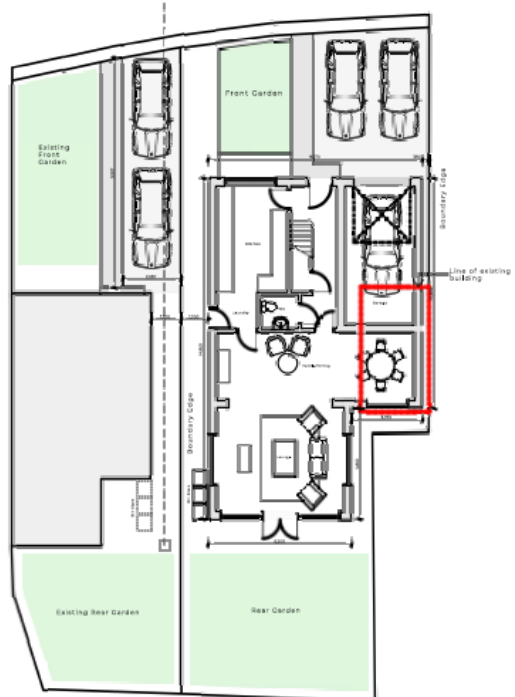
No.4



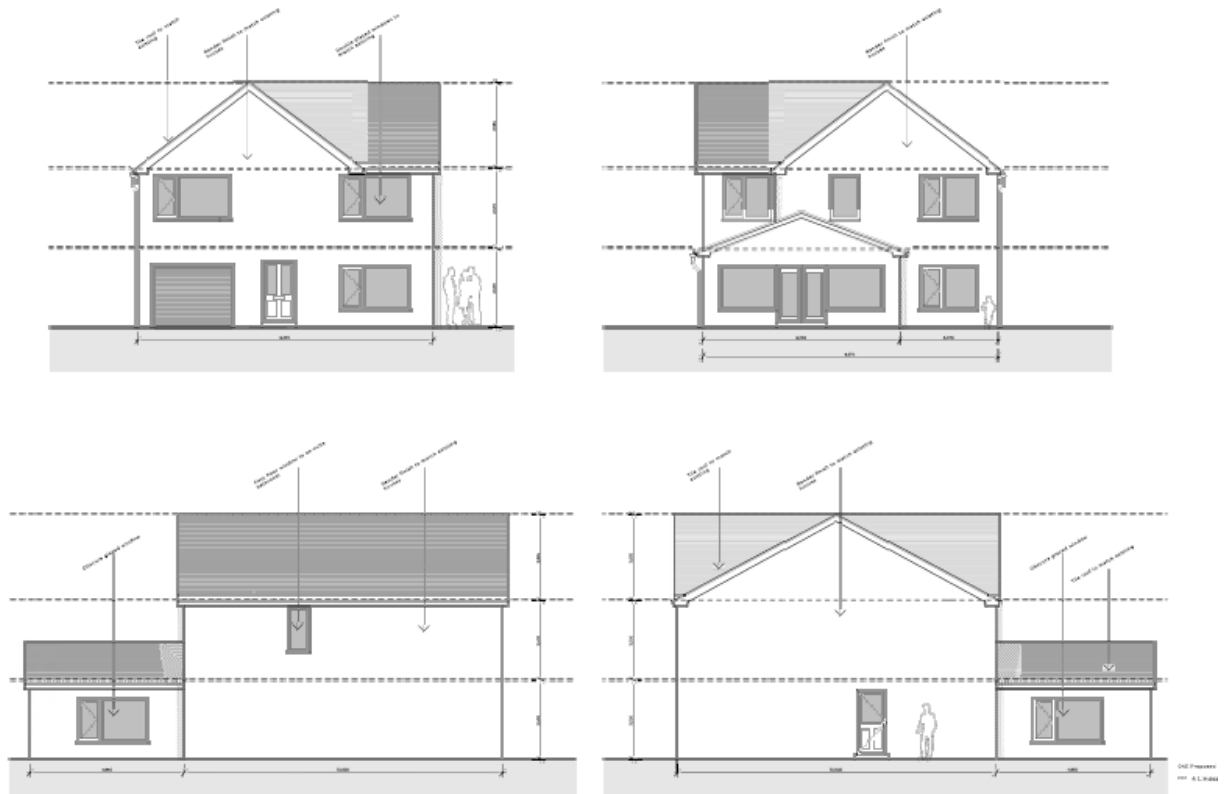
Existing Site Layout



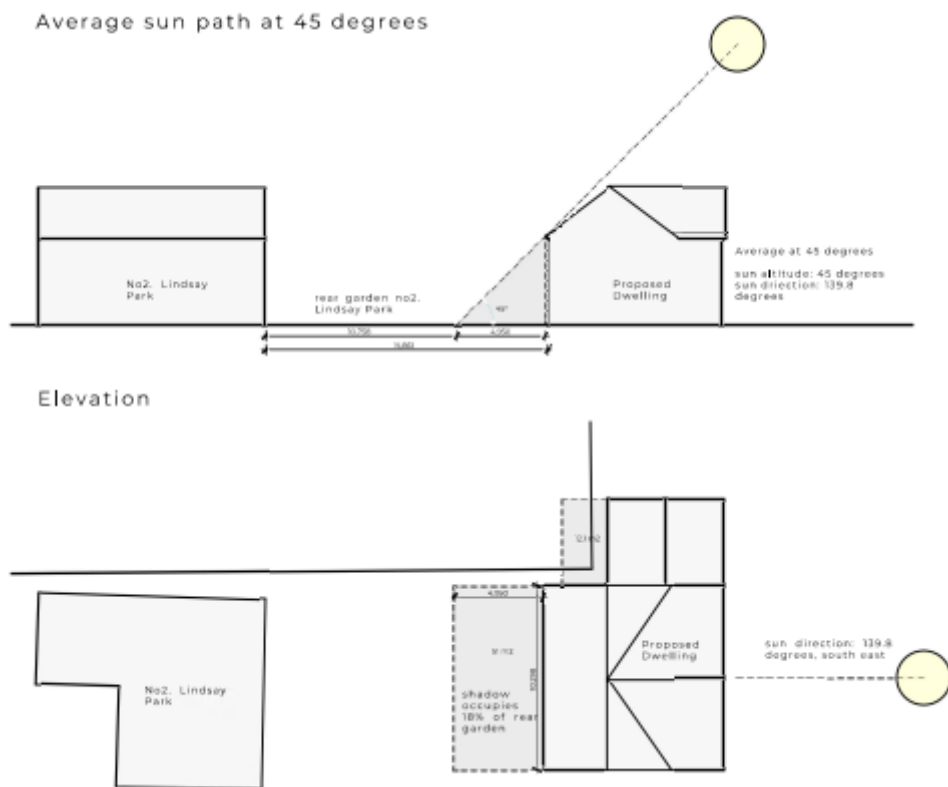
Proposed Site Layout



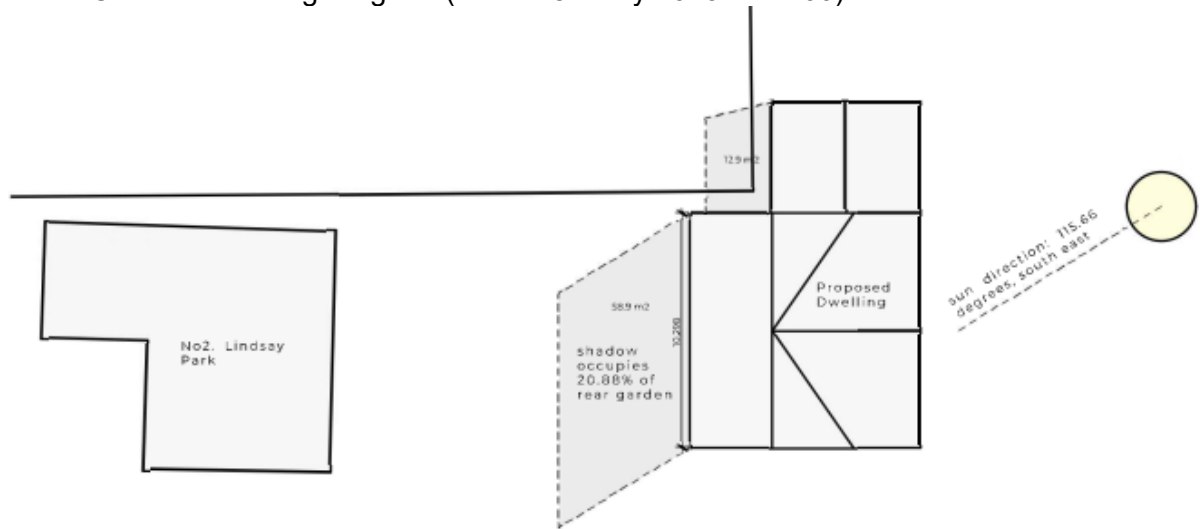
Proposed Elevations



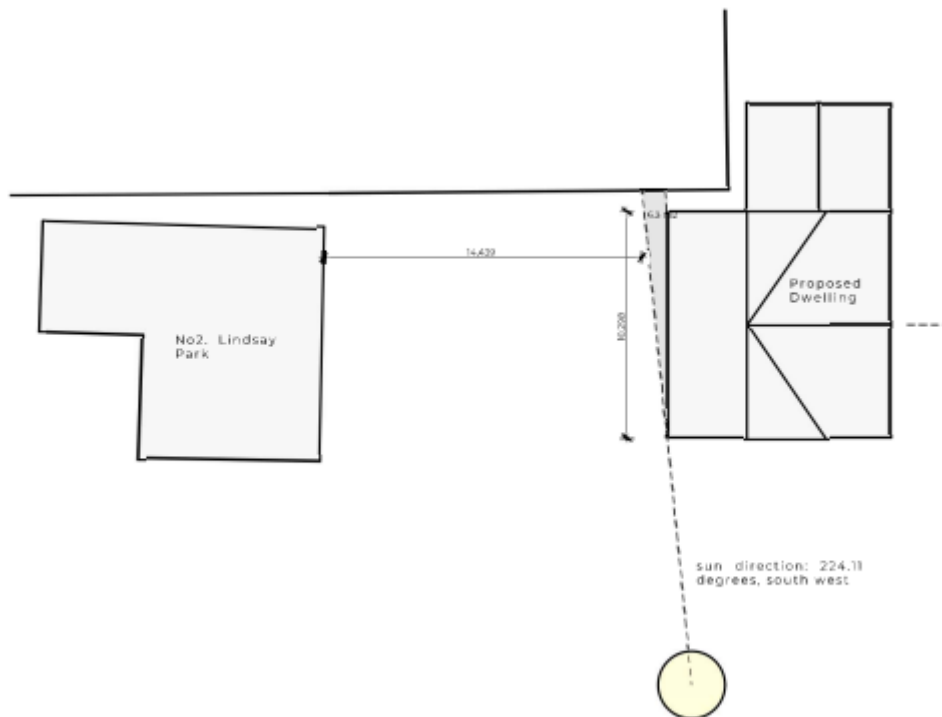
'Average' Shadowing Diagram



'Worst Case' Shadowing Diagram (as on 18th May 2023 at 12.00)



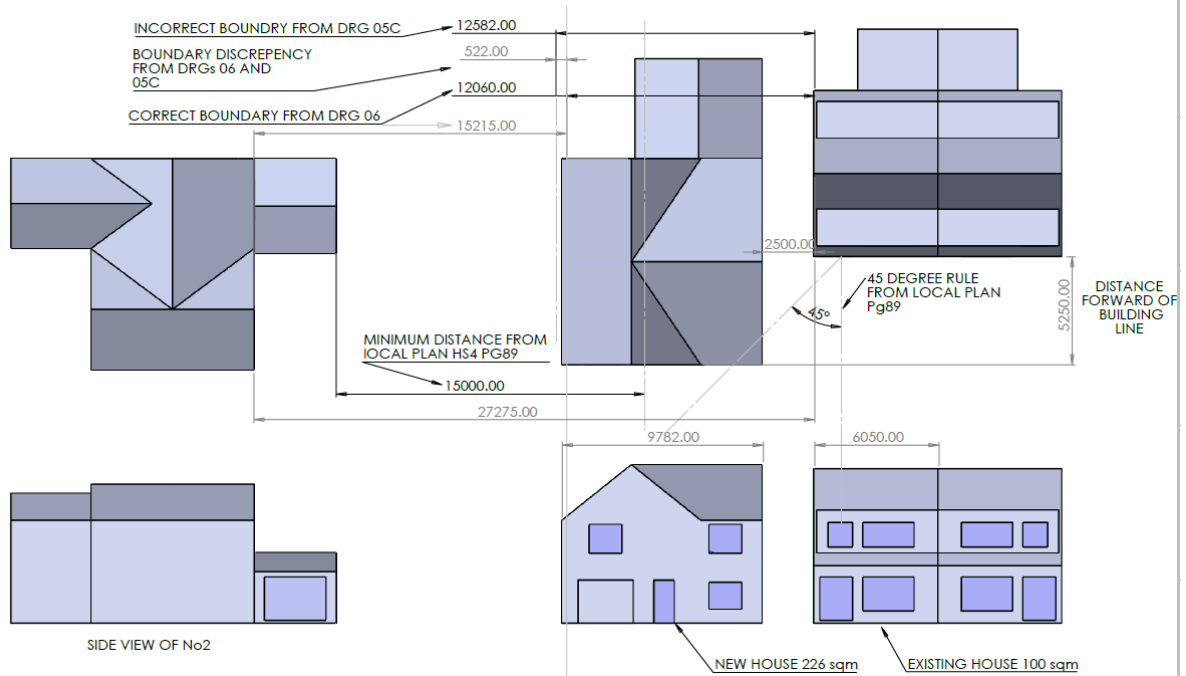
'Best Case' Shadowing Diagram (as on 18th May 2023 at 15.00)



Existing overshadowing of rear garden of No.2 taken when sun is in the east, i.e. in the morning (date and time unknown)



Objector's measurements



Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP2 – Housing Land Supply
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability

IC3 – Car Parking Standards

NPPF 2021

Site History:

PRE/2022/0362 as referred to above.

Consultation Responses:

Highways (dated 15th March 2023) – no objection in principle but objection to loss of off-street parking facility for No. 4. Note that this consultation response prompted an amended plan showing two off-street parking spaces at No.4 plus an extension of the red line to accommodate them.

Highways recommend a Condition requiring an electric vehicle charging point for the proposed house.

Streetscene (bins) – not received to date (26.06.2023)

Environmental Health – no objection subject to control of hours of building and no fires on site during construction works.

United Utilities – standard informative response provided. Note that the drainage hierarchy is expected to be followed in respect of surface water.

Coal Authority – does not fall within defined risk area. No objection.

Objections:

Objections received from ten individuals, points being:

Lindsay Park is already congested in terms of on-street parking and the proposal will compound the problem, plus associated hazards. People on Brownside Road have to park on Lindsay Park presently due to a lack of useable off and on-street parking.

Loss of privacy due to direct overlooking of gardens and habitable room windows at 2 Lindsay Park and 2 & 4 Duncan Close.

Loss of daylight and sunlight due to overshadowing.

Noise and other disturbance during construction works.

House sits forward of others on the street so will be incongruous.

House sits within 45 degree line when taken from front window of No. 4 Lindsay Park.

Too close to No.4 and to the rear garden of No.2 Lindsay Park.

Landing window will overlook the rear garden of No.2 Lindsay Park directly.

Inaccuracies in measurements on submitted plans.

No provision for scaffolding should build take place.

Detracts from character of the area.

Potential impact upon drainage services in area.

Village infrastructure overstretched already.

Would set unfortunate precedent.

Other Representations:

Four further representations received from members of the public, three in support and one neither supportive nor an objection.

Article 35 Statement:

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Planning and Environmental Considerations:

Principle:

The site is located within the development boundary of Burnley as identified within the adopted Local Plan, in which appropriate development is supported in principle.

Housing Land Supply:

Policy SP2 sets out the Borough's dwelling requirement with an indicative average of 194 net additional dwellings p.a. and identifies the sources of supply that will contribute towards meeting this requirement and significantly boosting the supply of homes. The Local Plan housing trajectory identified that the Council had over 8 years supply of deliverable sites (5 years is required) and more than sufficient developable sites to meet the overall plan requirement in numerical terms (108%).

The Council's most up-to-date Housing Land Supply Assessment (October 2022) demonstrates that housing development in the Borough is in a very healthy position. Housing supply, from net additional dwellings and the re-occupation of empty homes, for the Local Plan period (since 2012) is in a surplus and the five year supply calculation shows that the Council has in excess of 10 years supply. In addition to this, the most recent monitoring for the year 2022/23, set out in the Housing Statistics Release June 2023, shows that during that year there were a further 256 net additional dwellings and 517 additional permissions.

If approved therefore the site would be considered 'windfall' from a SP2 perspective.

Design and Appearance:

Local Plan Policy SP5 states:

The Council will seek high standards of design, construction and sustainability in all types of development. Proposals will be expected to address the following minimum requirements, as appropriate to their nature and scale:

2) Design and Layout

- a) *Respect existing, or locally characteristic street layouts, scale and massing;*
- b) *Contribute positively to the public realm and avoiding unnecessary street clutter;*
- c) *Maximise the benefits of any waterfront locations, and at canal-side locations optimising views and natural surveillance of the canal and opportunities for public access to it;*
- d) *Provide for new open space and landscaping which enhances and/or provides mitigation against loss of biodiversity and assists with the physical and visual integration of new development;*
- e) *Have respect for their townscape setting and where appropriate, landscape setting;*
- f) *Be orientated to make good use of daylight and solar gain;*
- g) *Ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking;*
- h) *Not result in unacceptable conditions for future users and occupiers of the development;*
and
- i) *Provide adequate and carefully designed storage for bins and recycling containers. These should be located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.*

To consider the proposal against each point in turn:

a) Respect existing, or locally characteristic street layouts, scale and massing

The proposal is for a dwelling on an existing residential street, and as such it meets Policy. Its front elevation would be forward of that of the host property, but this is typical of houses on streets that are not straight. What is of greater relevance to the street scene however is the distance from the front elevation to the back edge of the footway, which in this instance is 6.0m whereas a distance of between 7.0 and 11.0m is typical on this estate.

In terms of scale and massing, the proposed house would be detached and two storey, 9.270m wide (as amended) and 10.0m deep where two storey, with a further single storey element on the rear elevation having the appearance of an extension of 4.850m projection. These dimensions, whilst larger than the footprint of No.4 and than the common footprint of houses on this (northern) side of the road, are typical of the footprint of detached houses on the opposite (southern) side of the road.

The site is 11.12m wide (as measured by the Case Officer) and the same depth as other houses on the northern side of Lindsay Park. It is wider than many plots on the northern side, albeit many of these are semi-detached. Detached houses on the southern side of Lindsay Park typically have plot widths of between 11.0 and 14.0m wide, so in this sense the proposal is not untypical of other houses on this estate.

The submitted plans identify facing materials as 'render finish to match existing houses' and 'tile roof to match existing'. Use of similar materials to those found in the immediate locality is acceptable, however if approved I would suggest a Condition requiring details of render colour to ensure that both the material and colour are sympathetic.

The estate contains mixed house types and plot sizes, so very much on balance acceptable in this respect.

b-e

Not applicable

f) Be orientated to make good use of daylight and solar gain

The house would have main elevations facing south west and north east. The shape of the site in relation to the highway dictates this, but in any event it does ensure solar gain.

g) Ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking

Front (south west) – elevation containing habitable room windows to face front garden, highway and the front elevation of dwellings beyond at approx. 25.0m. Note that the proposed house will project 5.0m further forward than the applicant's own property, No.4 Lindsay Park. Whilst the proposed house will not bisect a line drawn at 45 degrees from the centre of the closest habitable room window on the ground floor, it will bisect such a line if projected from the closest bedroom window at 1st floor level. Given the orientation of the respective buildings in relation to the sun (i.e. that the proposed building will be to the west so overshadowing of an upper floor window is unlikely to occur to an unacceptable degree) and the fact that it is a window in the host property, on balance acceptable.

Rear (north east) – elevation containing habitable room windows to face rear garden of No.2 Duncan Close at approx. 7.60m at ground floor level and approx. 12.5m at 1st floor level. The boundary is delineated by a 1.8m high fence. The fence will prevent direct overlooking from windows at ground floor level but not from bedroom windows at 1st floor level, which will enable views downwards into the neighbour's garden. However, the part of the neighbour's rear garden closest to the house is overlooked by windows in the 1st floor of the rear elevation of No.4 Lindsay Park already as well as by its adjoining neighbour, so the net impact upon the amenity of occupants of No.2 Duncan Close would, on balance, not be sufficient reason to refuse the planning application.

The question of potential overshadowing of the rear garden of No. 2 Duncan Close needs to be considered, and the juxtaposition of proposed dwelling to rear garden means that there will be an element of overshadowing. However, and very much on balance it is the view of officers that this isn't a sustainable reason for refusal as the existing boundary feature is likely to cast shadow over the rear portion of the garden presently, and the 7.6m distance at ground floor level and 12.5m at first floor level between the rear of the proposed dwelling and the boundary will minimise loss of amenity.

Side (south east) – elevation containing a secondary 'orangery' window (lounge), to face the blank side elevation of No.4 Lindsay Park at a distance of 2.5m plus the rear garden. On balance this is acceptable given the window is not the primary source of light into a habitable room and that the latest amended plan contains a note describing this window as 'obscure glazed'. A condition requiring this window to be obscure glazed to at least Pilkington III standard, and be so retained is recommended to prevent intrusive views into the garden of No. 4.

Side (north west) – elevation containing two windows.

- i. A secondary 'orangery' (lounge) window at ground floor level facing the boundary with the rear garden of No.137 Brownside Road at 3.88m distance. The latest amended plan contains a note describing this window as 'obscure glazed'. A condition is recommended requiring this window to be obscure glazed to at least Pilkington III standard, and be so retained to prevent intrusive views into the garden of No.137.
- ii. A bathroom window at 1st floor level to face the rear garden of No. 2 Lindsay Park at 0.290m distance to boundary. Whilst it is highly likely that this window would be obscure glazed as a matter of course, it is recommended that a condition requiring this window to be obscure glazed to at least Pilkington III standard, and be so retained is imposed to prevent intrusive views into the garden of No.2.
- iii. Given the proximity of the proposed dwelling to the rear garden of No.2 Lindsay Park, a condition is recommended to prevent further openings in the building.

The rear elevation of No.2 Lindsay Park contains habitable room windows that will face the side elevation of the proposed dwelling at approx. 15.6m distance (as measured by the Case Officer), which accords with SP5 and HS4.

Policy HS4 3c of the local plan requires that new developments should “provide appropriate levels of privacy and outlook for occupants and for existing adjacent residents unless an alternative approach is justified to the Council’s satisfaction” and sets out the required minimum distances for different scenarios. In this case to satisfy the policy the distance to the side of the new dwelling and the rear of 2 Lindsay Park should be a minimum of 15 metres.

An extension to the rear elevation of No.2 is presently under construction. This extension contains openings that appear to be for habitable room windows in the elevation facing the proposed new house, at approx. 11.60m thereby contrary to the HS4 requirement. Prior to the construction of the extension and at the time of submission of the application, HS4 would have been met.

The extension does not have planning permission; however it is likely to be permitted development as it projects 4.0m from the rear elevation of a detached dwelling (as measured by the Case Officer) and whilst its finished height is unknown presently, it is assumed to be single storey. Building Regulation Approval was granted for a single storey extension in this position on 26.07.2019 under FP/2019/5017. The works were not commenced within 3 years from the date of approval, so the Consent lapsed on 26.07.2022. However, construction began this spring with the agreement of Building Control, using its discretion given difficulties in obtaining builders during COVID. The first recorded Inspection was on 13.04.2023.

Therefore, it must be considered in this scenario whether the HS4 15m distance should be strictly applied to the juxtaposition of buildings before or after the extension was commenced as once completed there will be a policy shortfall of 3.4m.

Policy HS4 allows some discretion if an alternative approach can be justified. In this scenario, the neighbours extension is half the width of the rear of the house and will face towards the rear portion of the new house, at a slightly oblique angle it will look over towards the rear garden. Notwithstanding this, given that a garage exists on the site in the same position and taking into consideration the prevailing pattern of development, orientation of the properties and boundary treatment which already casts some shadow over the garden it is not considered that the new dwelling would have an overbearing or oppressive impact on the dwelling as extended and that the facing distance would not result in a loss of privacy or overshadowing. Considering the above and taking a balanced view, officers consider that the proposal would maintain appropriate levels of privacy and outlook for existing and proposed dwellings.

Potential overshadowing of the rear garden of No.2 Lindsay Park also needs to be considered. The application contains diagrams that estimate levels of overshadowing, and they do indicate that approx. 20% of the rear garden of No.2 will be affected by shade-cast in the worst case scenario. The new dwelling lies to the East and the impact will diminish as the sun moves throughout the day.

If the amount shown on the diagrams is correct, the cast will be on the rear part of the garden only and very much on balance not of sufficient detriment to warrant refusal of the planning application. It should be noted that the application has been amended since submission from one with a conventional gable facing no.2 Lindsay Park to one with a hipped roof facing No.2, specifically to reduce potential overshadowing of the back garden.

h) Not result in unacceptable conditions for future users and occupiers of the development

The proposed house does appear to provide acceptable living standards for occupants in all respects.

i) Provide adequate and carefully designed storage for bins and recycling containers

The application (as amended) does show bin stores to the side of the proposed house plus a gap of 1.2m between proposed house and boundary with No.4 Lindsay Park. A 240l wheely bin is 0.6m wide. Acceptable.

Parking:

The proposed house has four bedrooms plus three parking spaces (including an integral garage) therefore meets IC3. The proposal would result in the loss of No.4's off-street parking provision, so two off street parking spaces are shown in its front garden. No.4 has three bedrooms, therefore the two new space proposed accord with IC3 also. If approved, I would suggest a Condition requiring creation of the two spaces within the front garden of No.4 prior to commencement on the new house, to prevent an increase in on-street parking. I would also suggest a pre-commencement Condition requiring submission/approval/adherence to a Construction Management Plan to avoid potential conflict. The applicant has given written consent for such a Condition should the application be approved.

Drainage:

The application indicates that both foul and surface water will drain to public sewers. United Utilities in its standard consultation response suggests that principles of sustainable drainage need to be applied. If approved, I would suggest a Condition requiring drainage details to be submitted and approved. Note that should hydrological overloading occur presently, attenuation with controlled discharge may be required, however it will be the responsibility of the applicant to ensure that the house and site can drain properly.

Comments on Points of Objection:

Lindsay Park is already congested in terms of on-street parking and the proposal will compound the problem, plus associated hazards. People on Brownside Road have to park on Lindsay Park presently due to a lack of useable off and on-street parking. In amended form meets IC3 and Highways Consultee's concerns. It is appreciated that an additional driveway will remove a potential parking space, however on balance it is considered acceptable given that it will also mean fewer cars parked close to the junction of Lindsay Park and Brownside Road.

*Loss of privacy due to direct overlooking of gardens and habitable room windows at 2 Lindsay Park and 2 & 4 Duncan Close. **Addressed within this Report.***

*Loss of daylight and sunlight due to overshadowing. **Addressed within this Report.***

*Noise and other disturbance during construction works. **A condition requiring a Construction Management Plan is recommended including hours of delivery to site and to prevent burning of material.***

*House sits forward of others on the street so will be incongruous. **Addressed within this Report.***

*House sits within 45 degree line when taken from front window of No. 4 Lindsay Park. **Addressed within this Report.***

*Too close to No.4 and to the rear garden of No.2 Lindsay Park. **Addressed within this Report.***

Landing window will overlook the rear garden of No.2 Lindsay Park directly. Amended plan shows this as a bathroom window. A Condition is recommended to ensure that it be obscure glazed and so retained.

Inaccuracies in measurements on submitted plans. The Case Officer checked disputed dimensions on site and an amended plan was subsequently submitted.

No provision for scaffolding should build take place. This is not a material planning consideration

Detracts from character of the area. Addressed within this Report.

Potential impact upon drainage services in area. A condition requiring details of drainage is recommended.

Village infrastructure overstretched already. No evidence of this presented.

Would set unfortunate precedent. This is not a material planning consideration

Conclusion:

The scheme has evolved during the application process, to a point where all matters of contention that can be designed-out, have been. It is accepted that it remains a contentious proposal, particularly in terms of perceived impact upon the residential amenity of neighbours.

Applying the presumption in favour of sustainable development and on balance considering the relevant local plan policies and material considerations; it is the view of officers that, subject to the recommended conditions the proposal is acceptable and should be approved.

Recommendation:

Grant planning permission 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 below:

- Drawing No. 01B – Location plan, received 12.06.2023
- Drawing No. 02A – Existing floor plans and elevations, received 12.06.2023
- Drawing No. 03D – Amended floor plans, received 19.06.2023
- Drawing No. 04E – Proposed elevations, received 19.06.2023
- Drawing No. 05D – Site plan, received 19.06.2023
- Drawing No. 06 – Existing site plan, received 12.06.2023
- Drawing No. 07C – Roof plan, received 19.06.2023
- Drawing No. 08 – Shadow plan, received 11.04.2023
- Drawing No. 09 – Shadow plan, received 11.04.2023
- Drawing No. 10 – Shadow plan, received 12.06.2023
- Drawing No. 11 – Shadow plan, received 12.06.2023
- Drawing No. 12 – Average shadowing plan, received 12.06.2023

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

3. Notwithstanding details shown on submitted plans, the dwelling shall not be rendered until the colour of said render has been agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwelling is rendered in a colour that is sympathetic to its surroundings, in the interests of visual amenity.

4. Construction of the approved dwelling shall not commence until the two car parking spaces shown on the approved plan in the front garden of No.4 Lindsay Park have been completed and are available for use of occupants of and visitors to No.4 Lindsay Park. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with No.4 Lindsay Park.

Reason: To ensure 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, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

5. The dwelling hereby approved shall not be occupied until the two car parking spaces shown on the approved plan have been completed and are available for use by its occupants and visitors. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with the dwelling hereby approved.

Reason: To ensure 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, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

6. The dwelling hereby approved shall not be occupied until the integral garage shown on the approved plan has been completed and is available for use by its occupants and visitors. The integral garage shall thereafter remain available for parking of vehicles associated with the dwelling hereby approved.

Reason: To ensure 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, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

7. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed; and shall thereafter be maintained. 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 and be fitted with a universal socket that can charge all types of electric vehicles.

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

8. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

9. There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

10. Notwithstanding details shown on submitted plans, the windows facing north-west and south-east in the single storey element to the rear of the dwelling, plus the window identified as 'bathroom' in the north-west facing elevation shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration. And those windows shall remain so glazed (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition).

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

11. 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 door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without Planning Permission obtained from the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

12. Notwithstanding details shown within the application, the dwelling shall not be occupied until details of both foul and surface water drainage have been submitted to the Local Planning Authority, approved in writing by the LPA and have been implemented in full. The elements of drainage so implemented shall be retained thereafter to the satisfaction of the Local Planning Authority. For the avoidance of doubt the site shall be drained utilising a separate system for foul and surface water, and surface water shall be discharged in a sustainable manner in accordance with the Hierarchy of Drainage Options stated below:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

Reason: For the avoidance of doubt and to ensure satisfactory drainage in accordance with Policies CC4 and CC5 of the adopted Burnley Local Plan, National Planning Practice Guidance and the NPPF.

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:

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 where necessary.

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, where necessary.

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 because of construction.

Measures to control the emission of dust and dirt during construction.

Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.

Construction vehicle routing.

Delivery, demolition, and construction working hours.

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

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

Notes

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on highways@lancashire.gov.uk to ascertain the details of such an agreement. More information can be found on Lancashire County Council's website at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2023/0302

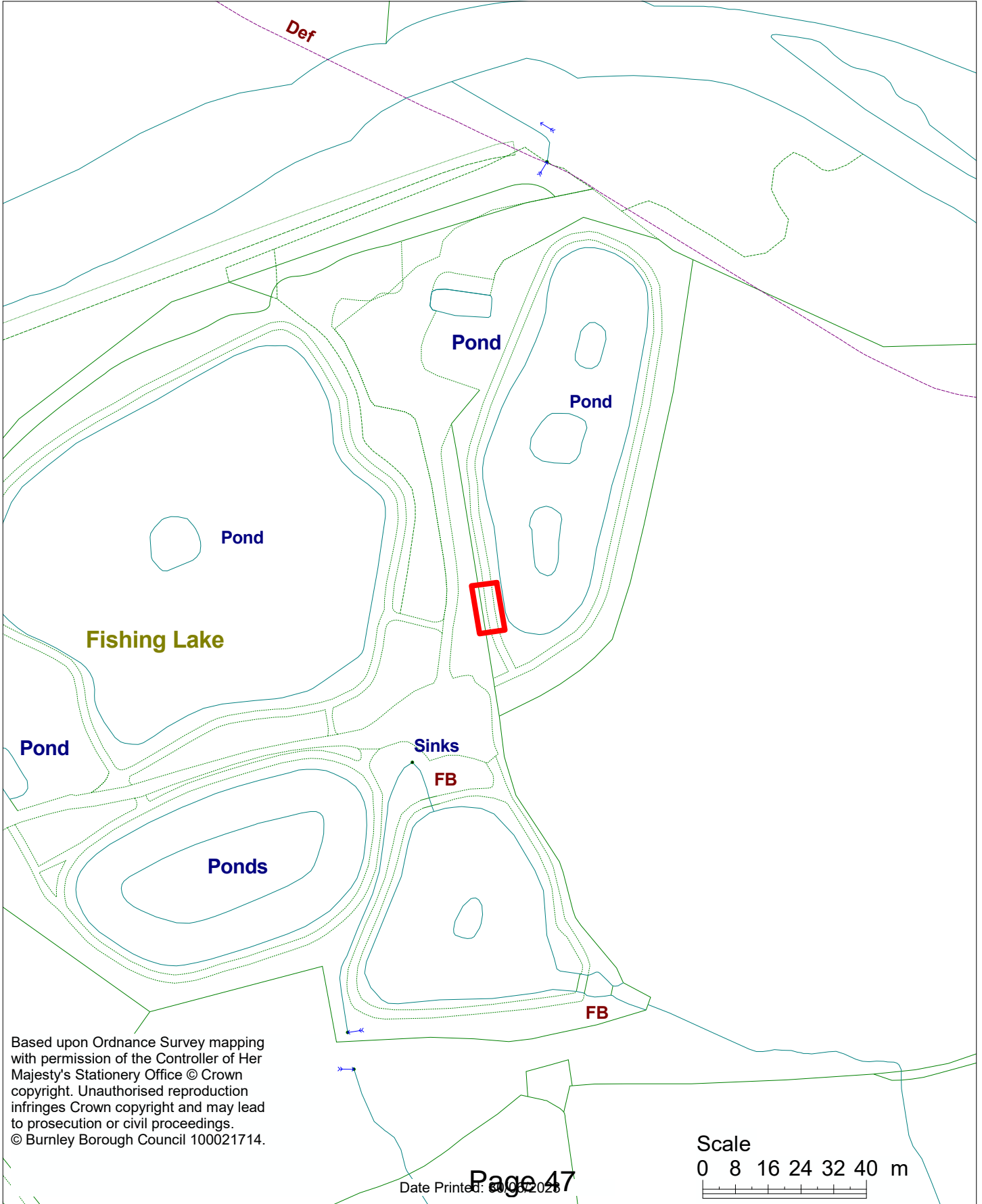
Paul Gattrell Head of Housing and Development

Location:

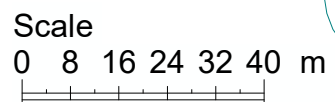


Cornfield Farm Fishery, Cornfield Grove, Burnley

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
Whittlefield With Ightenhill**

FUL/2023/0070

Town and Country Planning Act 1990
Proposed log cabin for educational purposes.
Cornfield Farm Fishery Cornfield Grove Burnley Burnley

This application is presented to committee as the applicant's partner works for the Council. It is also a resubmission of a previous application FUL/2023/0070 which was approved by DC committee in April. After the decision was issued, correspondence with the applicant and the Environment Agency led to one of the conditions not considered to be necessary due to the applicant clarifying that the cabin would not involve deep foundations into the ground. This is a new application which deals with little change to the previous just a change in comments from the Environment Agency.

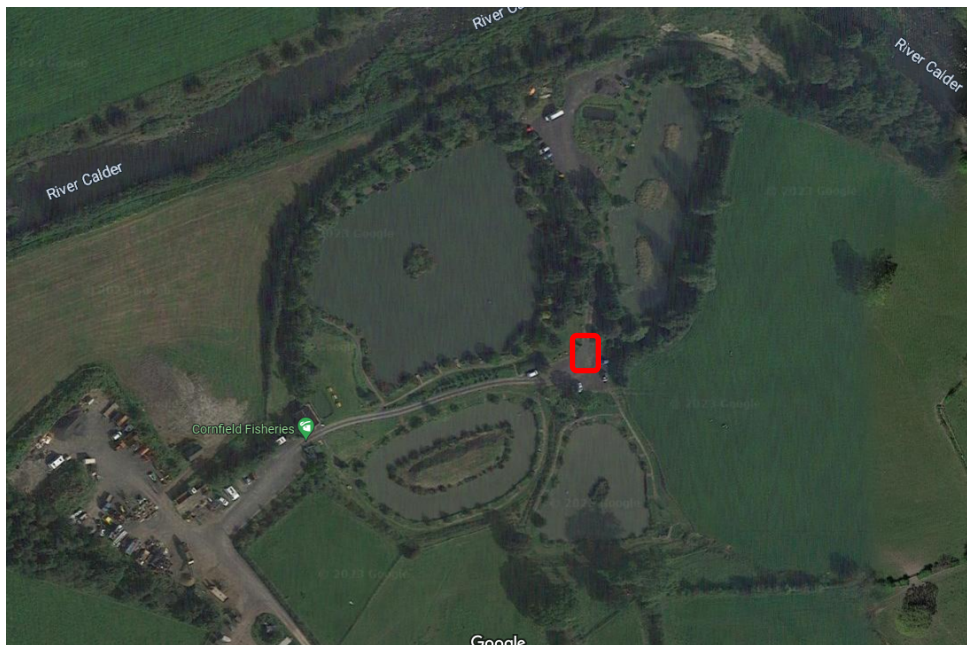
Background:

The site is located off Cornfield Grove, Burnley in an area of defined Green Belt in which policy SP7 of Burnley's adopted Local Plan applies. Cornfield Grove is an unadopted lane which leads off Padiham Road to Cornfield Farm which has commercial stables, residential properties associated with the farm and the fisheries.

Cornfield fisheries is made up of 4 main fishing ponds which are open to members of the public to use. There is a small cabin used as a site office and the site is managed by an onsite manager.

The site is located within flood zone 2 and is a short walk from the River Calder approximately 130m to the north of the site. The proposed location of the cabin currently has some medium level shrubs and trees which appear to be self-seeding. There are no Tree Preservation Orders on the site.

The site has designations as a former landfill site which is known to the Environment Agency and the Council.



Extract photo 1: www.google.com aerial image of the site showing the approximate location of the cabin.



Photo 2: Approximate location of the education base cabin



Photo 3: access road which runs down to the River Calder

Background from the applicant on the application (provided by the applicant)

MS Angling and Education is a non-for-profit organisation based who deliver educational fishing sessions to primary and secondary school groups, colleges, community groups and organisations, as well as 'Fishing Therapy' sessions to the East Lancashire community, supporting the NHS and social prescribing network.

MS Angling and Education are recognised by the Angling Trust as a 'Get Fishing for Wellbeing Approved Partner' and have been a registered provider/supplier for Lancashire County Council for the previous 4 years. The organisation is supported greatly by Sport England, Active Lancashire, the Angling Trust, Burnley Pendle and Rossendale Council for Voluntary Services, NHS Lancashire and South Cumbria Integrated Care Board, the National Association for Social Prescribing and the Community Foundations for Lancashire and Merseyside.

The fishing sessions have been operating since 2019 and are all year round. The cabin will provide a warm, dry learning environment which will provide wider opportunities for educational groups, community groups and all those benefitting from the many 'Fishing Therapy' sessions that are delivered.

Proposal

The application seeks consent for a wooden framed cabin with an approximate footprint of 12m x 6m with a pitched roof and stepped access from the gravel road. There will be some minor groundworks required to level the site and the existing shrubs and small trees removed.

There is adequate parking at the site and sufficient space for vehicles to manoeuvre.

The cabin will be used during daylight hours and during the week and at weekends and can accommodate up to 30 people.



Example of a cabin to be used taken from brochure /www.timberbuildingspecialists.co.uk

Relevant History: None

Relevant Policies:

Burnley's Local Plan 2018

The most relevant policies to the site are:

Burnley's Local Plan July 2018

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

SP7 – Protecting the Green Belt

NE1 – Biodiversity and Ecological Networks

NE3 – Landscape Character

NE5 – Environmental Protection

CC4 – Development and Flood Risk

National Planning Policy Framework 2021

Consultation Responses:

LCC Highways – no objection

The Highway Development Control Section of Lancashire County Council has no objections to the planning application.

Environment Agency - No objection subject to condition

Land contamination: risk management and good practice – advice to applicant

The previous use of the proposed development site as a landfill site presents a risk of contamination. We recommend that developers should:

Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination

Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed at specific activities, available at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

Flood risk standing advice - advice to LPA The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

Neighbour comments – none received.

Planning and Environmental Considerations:

The principle of development

The site is wholly located within designated Green Belt. The Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts being their openness and permanence.

Paragraph 147 of the Framework stipulates that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the NPPF identify those forms of development which may not be considered to be inappropriate.

The proposed educational cabin is considered to meet para 149 b) of the Framework and is therefore considered to not be inappropriate development.

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation...'

This is also supported in adopted Local Plan policy SP7. Consequently, the proposal should not be regarded as harmful either to the openness or to the purposes of including land within the Green Belt in respect of maintaining its essential characteristics, and in principle the proposal is considered to be acceptable subject to meeting all other relevant national and local planning policies.

Main issues

The main issues in the consideration of this application are;

- Design and appearance including materials
- Landscape setting
- the impact of the development on residential amenity
- traffic/parking
- flood risk

Design and Appearance

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

The overall design and appearance of the cabin appear to be fit for the purposes for the use and proposed materials are considered to be appropriate to the rural area. Overall the proposal complies with policy SP5 of the adopted Local Plan.

Landscape Character

Policy NE3 of Burnley's Local Plan states;

a) they relate well to local topography and built form and are of an appropriate scale, siting, layout, design, density and use of materials to minimise the impact on the landscape character of the site and its surroundings.'

The current site is on a low level section of land between 2 larger fishing lodges. It is not considered that the cabin will be visible from far reaching views and any impact will be localised to the immediate setting of the fisheries.

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 site is approximately 220 m from the nearest residential property at Cornfield Farm. It is not considered that there would be any detrimental impact on the nearby properties

Traffic and Parking

LCC highways have provided comments on the application and do not object subject to conditions.

Flood Risk

The site falls within Flood Zone 2. The Environment Agency have been consulted on the application. Having reassessed the application detail they do not consider it necessary to attach a condition for land contamination but recommend some standing advice.

Conclusions and Recommendation

The proposals offer the opportunity for a not-for-profit organisation to grow and have a more permanent base for its users. The use is acceptable in the Green Belt and its size and design are appropriate to its setting. The application is recommended for approval 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. Prior to commencement of development, full details including elevational treatment and proposed materials shall be submitted in writing to and approved by the Local Planning authority. Thereafter the plans shall not be varied without prior written approval of the Local Planning authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and SP7 of Burnley's Local Plan 2018

3. 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

4. The cabin hereby permitted shall only be used by Mark Smedley for educational purposes and shall not be used by any other organisations unless written permission is sought by the Local Planning authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4, SP7 and NE5 of Burnley's adopted Local Plan

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

13th July 2023

Housing and Development

This page is intentionally left blank

List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2022/0316	Stuart Arnfield	Burnley College Princess Way Burnley Lancashire BB12 0AN	Erection of building for use of a workshop and classrooms.	Approve with Conditions	1st June 2023
FUL/2022/0541	Mr Renwick	Pierce Close Padiham Burnley BB12 8JA	Erection of 1 no. 3 bed dormer bungalow with associated parking & garden space.	Approve with Conditions	6th June 2023
FUL/2022/0721	Mr Graham Vernon	Burnley Boys And Girls Club Barden Lane Burnley Lancashire BB10 1JQ	Construction of a new build skate park and erection of two storey extension to replace the existing lean-to.	Approve with Conditions	21st June 2023
FUL/2023/0045	Healthcare Solutions	66 - 68 Bank Parade Burnley Lancashire BB11 1TS	Proposed change of use from Office (Use Class E) to 9 No apartments (Use Class C3(b)) (Linked with LBC/2023/0046)	Approve with Conditions	1st June 2023
LBC/2023/0046	Healthcare Solutions	66 - 68 Bank Parade Burnley Lancashire BB11 1TS	Listed building consent to carry out internal and external alterations to convert former offices to apartments (Linked with FUL/2023/0045)	Approve with Conditions	1st June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2023/0079	Mr Farhad Ahmad	18-20 Basnett Street Burnley Lancashire BB10 3ET	Extensions and conversion from two dwellings to one single dwelling, including single storey extensions, rear dormer and porch to the resulting dwelling, with new fence and electric sliding gates.	Approve with Conditions	31st May 2023
CND/2023/0091	Mr David Devine	Land To West Of Smithyfield Avenue Worsthorne Burnley	Application to discharge condition 12 (Section 278 Highways Works) and condition 18 (Water Management Plan) of planning permission FUL/2021/0274.	Conditions part discharged	13th June 2023
HOU/2023/0094	Mr Brad Pounder	28 Sandiway Drive Briercliffe Lancashire BB10 2JS	Proposed garage conversion to provide granny annexe.	Approve with Conditions	30th May 2023
TPO/2023/0102	Dr Stephen Hartley	40 Stoney Street Burnley Lancashire BB11 3PT	Application for crown reduction up to 30% and crown lifting up to 10% including the removal of the branch overhanging the kitchen roof from Copper Beech tree (T1) covered by the Burnley (40 Stoney Street) Tree Preservation Order 2005.	Approve with Conditions	19th June 2023
CND/2023/0143	Mr Hagan	Old Red Lion Hotel 2 - 4 Manchester Road Burnley Lancashire BB11 1HH	Discharge of Condition 6 (Secondary Glazing) from LBC/2022/0633.	Conditions part discharged	1st June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
VAR/2023/0150	Mr Alex Kenwright	Land at Accrington Road Burnley BB11 5QJ	Proposed minor amendments to vary Condition 10 (Parameters Plan), Condition 19 (External lighting plan), Condition 20 (Noise assessment) and Condition 23 (Air quality assessment) of outline planning permission OUT/2020/0366 (s73 application)	Approve with Conditions	26th May 2023
CEU/2023/0157	Mrs L Worswick	Hurstwood Lane Hurstwood Burnley BB10 3LF	Agricultural Track	Lawful Dev Cert not issued	8th June 2023
FUL/2023/0149	Cole	76 Yorkshire Street Burnley Lancashire BB11 3BT	Change of use from retail (Class E) to mixed use Class E and 6-bed/person House in Multiple Occupation (Class C4) including installation of a replacement shopfront; replacement windows; and raising the roof height of the rear extension (Linked with LBC/2023/0163)	Approve with Conditions	12th June 2023
LBC/2023/0163	Cole	76 Yorkshire Street Burnley Lancashire BB11 3BT	Listed building consent to carry out internal and external alterations to convert the premises to a ground floor commercial unit (Class E) and 6 bedroom House in Multiple Occupation (Class C4) including installation of a replacement shopfront; replacement windows; and raising the roof height of the rear extension (Linked with FUL/2023/0149)	Approve with Conditions	12th June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
TPO/2023/0168	Mr Peter Lyle	Otterburn 3 Palace Gardens Burnley Lancashire BB12 6TD	Application to fell 4 trees (two Cherry and two Ash) and carry out pruning and maintenance works to a further 17 trees covered by Woodland W1 of the The Burnley (Palace House, Padiham Road) Tree Preservation Order 1982	Approve with Conditions	28th June 2023
CND/2023/0175	Ms Christelle Lightfoot	Land South of Rossendale Road Burnley	Proposed Discharge of Condition 29 (Remedial treatment works -coal mining legacy) of planning permission FUL/2021/0273 for residential development	Conditions discharged	26th May 2023
CND/2023/0174	Mr W Moss	Land at Curzon Street and Pioneer Place Car Park, Burnley, Lancashire	Discharge of condition 7 (landscaping); Condition 15(d) (land contamination); Condition 22 (electric vehicle charging points); Condition 26 (drainage) of planning application VAR/2022/0046	Conditions discharged	30th May 2023
HOU/2023/0177	Mrs Jahanara Begum	83 Leamington Avenue Burnley Lancashire BB10 3EY	Rear first floor extension. Re-submission of HOU/2023/0106.	Approve with Conditions	30th May 2023
FUL/2023/0184	North West Portfolio Limited	Land Adjacent To Hart Street, Hawk Street, Chapel Street And The Leeds And Liverpool Canal Burnley Retail Park Burnley BB11 2DW	Proposed green metal weld mesh fence (2.4m high) to Canalside, Hart Street, Hawk Street and Chapel Street boundaries	Approve with Conditions	6th June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0193	Miss Rebecca Hewitt	21 Norfolk Avenue Burnley Lancashire BB12 6DG	Proposed single story extensions to rear and side (re-submission of application HOU/2023/0028).	Approve with Conditions	6th June 2023
HOU/2023/0202	Dr Farhana Islam	38 Millbank Crescent Burnley Lancashire BB10 2BF	Single storey side and rear extension. Resubmission of HOU/2023/0089	Approve with Conditions	2nd June 2023
FUL/2023/0196	Mr T Stott	107 Oxford Road Burnley Lancashire BB11 3HP	Change of use and conversion of an existing two-storey public house into 5 new flats.	Approve with Conditions	13th June 2023
PAP/2023/0227	Mr Nottingham	Hillside Farm Billington Road Burnley Lancashire BB11 5PE	Proposed conversion of agricultural building to form a 1-bed detached dwelling.	Prior Approval Granted	1st June 2023
ADV/2023/0206	Mr Arif Master	54 Church Street Burnley Lancashire BB11 2DL	Display static and internally illuminated fascia sign.	Approve with Conditions	23rd June 2023
PTEL/2023/0230	CK Hutchinson Networks (UK) Ltd	Liverpool Road, 65M South East From 177 Lowerhouse Lane Padiham Burnley Lancashire BB12 6LP	15m high slim-line monopole, supporting 3 no. equipment cabinets and ancillary development.	Prior Approval Granted	2nd June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
ADV/2023/0171	Ms Sophie Howe	Vincent Farrel Community Centre Temple Street Burnley Lancashire BB11 3BD	Proposed non-illuminated signage to the front and side of the building.	Approve with Conditions	2nd June 2023
FUL/2023/0212	Mr Arif Master	54 Church Street Burnley Lancashire BB11 2DL	Replacement shopfront, roller shutter and fascia sign and the installation of an extractor flue to the rear.	Approve with Conditions	23rd June 2023
FUL/2023/0226	Ziafat Ali	Rowley Top House Rowley Lane Burnley Lancashire BB10 3LE	Proposed change of use C3 to C2.	Approve with Conditions	2nd June 2023
HOV/2023/0207	Mr MARTIN MEEHAN	3 Somerford Close Burnley Lancashire BB12 0JA	Proposed log cabin to rear (Retrospective application).	Approve with Conditions	5th June 2023
PAR/2023/0245	Mrs Mary Pilkington	Barn At Pilkingtons Field, Sellars Fold Farm, Burnley Road, Hapton, BB11 5QT	Prior approval application for change of use from an agricultural barn to 1no. dwelling (C3).	Prior Approval Granted	5th June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0232	Mrs R Begum	1 Brighton Road Burnley Lancashire BB10 2BP	Single storey side and rear extension.	Approve with Conditions	6th June 2023
HOU/2023/0240	Mrs Juwaira Bibi	13 James Street Burnley Lancashire BB10 1JW	Single storey rear extension.	Approve with Conditions	16th June 2023
HOU/2023/0239	Mr Syed Hassan	19 Deepdale Drive Burnley Lancashire BB10 2SD	Single storey extension to rear.	Approve with Conditions	6th June 2023
HOU/2023/0255	Mr L Taylor-Wheal	11 Wallhurst Close Worsthorne-with-hurstwood Lancashire BB10 3NY	Garage conversion to wrap-around extension, demolition of porch with changes to fenestration and internal works.	Approve with Conditions	13th June 2023
HOU/2023/0233	Lisa Kokocinski	15 Rochester Drive Burnley Lancashire BB10 2BH	Proposed erection of a two storey side extension; a two storey and single rear extension; reposition driveway; replacement of fencing to boundary with No. 17 Rochester Drive with a solid retaining wall and raising the garden height by 600mm to the new boundary wall.	Application Withdrawn	23rd June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2023/0260	Mr Richard Pilka	Stiperden House Farm Kebbs Road Todmorden Lancashire OL14 8SD	Application to discharge condition no.12 (Phase 1 ecology report) of planning permission FUL/2022/0252.	Conditions discharged	26th June 2023
HOU/2023/0244	Mr Joel Henderson	41 Lower Mead Drive Burnley Lancashire BB12 0ED	Double storey side and rear extension	Refuse	6th June 2023
HOU/2023/0250	Miss Kathryn Duerden	83 Glen View Road Burnley Lancashire BB11 2QW	Two storey and single storey extension.	Approve with Conditions	27th June 2023
HOU/2023/0261	Mr M Crook	3 Crowther Court Extwistle Road Worsthorne-with-hurstwood Lancashire BB10 3PA	Boundary wall (retrospective).	Refuse	29th June 2023
FUL/2023/0256	Mr A Singh Sidhu	113 Lyndhurst Road Burnley Lancashire BB10 4DR	Change of use and conversion of commercial property, ground floor into a dwelling with two bedrooms, kitchen/dining area lounge and bathroom.	Refuse	13th June 2023
HOU/2023/0267	Mrs Rita Harper	2 Sabden Road Padiham Lancashire BB12 9AW	Demolition of existing conservatory and detached garage and proposed first floor rear extension and single storey side garage extension, in retrospect. (re-submission of HOU/2022/0117)	Approve with Conditions	2nd June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0234	Mr and Mrs Ryan and Demi Jones	30 Bentham Avenue Burnley Lancashire BB10 1XZ	Single storey rear extension.	Refuse	28th June 2023
TIC/2023/0268	Miss Diane Rollin	Land to north of Thompson Park between disused sports ground and Leeds & Liverpool canal towpath.	Fell and eco-plug trees in Canalside Conservation Area. T1 - T4: hybrid poplar, each to be felled and eco-plugged. T5 - T8: sycamore, each to be felled and eco-plugged. Timber to be taken off site.	No Objection	20th June 2023
CND/2023/0280	Mr R Strange	Clearview Cattery Lower Childers Green Farm Mill Hill Lane Hapton Lancashire BB11 5QX	Discharge of condition 8 (Construction Management Plan) of planning application FUL/2022/0157.	Conditions part discharged	16th June 2023
FUL/2023/0282	Mr Bhag Singh	334 Padiham Road Burnley Lancashire BB12 6ST	Proposed change of use of sandwich shop into a takeaway/hot food outlet including flue to rear elevation.	Refuse	16th June 2023
PIP/2023/0283	David Liversidge	Land At Halstead Farm Lower Rosegrove Lane Burnley Lancashire BB12 6TT	Application for Permission in Principle for the erection of 9no. detached dwellings.	Approve with Conditions	19th June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2023/0286	S Goff	Towneley Hall Towneley Park Burnley Lancashire BB11 3RQ	Application to discharge condition no.5 (details of mortar(s) to be used for repointing) of LBC/2021/0651.	Conditions part discharged	30th June 2023
CND/2023/0293	Mr Zahid Rasool	Former County Court House Bankhouse Street/Curzon Street Burnley Lancashire	Application to discharge condition no.3 (materials), condition no.4 (brickwork details) and condition no.9 (Construction Method Statement) of planning permission COU/2020/0358.	Conditions part discharged	23rd June 2023
HOU/2023/0300	Mr Adam O'Brien	4 Thane Row Bacup Road Cliviger Lancashire BB11 3QY	Proposed two-storey extension and single storey extension to rear, re-submission of HOU/2023/0173	Refuse	26th June 2023
HOU/2023/0285	Katie Davis	217 Sycamore Avenue Burnley Lancashire BB12 6BB	Proposed Front Extension (Revised scheme of HOU/2022/0649)	Refuse	16th June 2023
HOU/2023/0314	Mr Mohammad Qaiser	9 Lower Manor Lane Burnley Lancashire BB12 0EB	Proposed single storey rear extension with associated internal alteration and site works. Resubmission of HOU/2023/0086.	Approve with Conditions	19th June 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0316	Mr Keith Lawson	202 Red Lees Road Cliviger Lancashire BB10 4RF	Single storey extension with flat roof terrace and balustrade, plus associated internal alterations.	Approve with Conditions	29th June 2023
FUL/2023/0309	Mr Andrew Appiah	Burnley General Hospital Casterton Avenue Burnley Lancashire BB10 2PH	Air Handling Unit enclosed within 2.5m height fence	Approve with Conditions	29th June 2023
ADV/2023/0311	Mr Andrew Smith	Unit E Bridgewater Close Network 65 Business Park Burnley BB11 5TE	Replacement sign for business premises	Approve with Conditions	20th June 2023
VAR/2023/0334	Ms Helen Gauder	Garage Plots 6 & 7 Land Off Clevelands Road Burnley	Minor material amendment to planning approval No. FUL/2023/0058, constituting an increasing in footprint of the garage building from 5.0m x 5.0m to 6.0m x 6.0m	Approve with Conditions	29th June 2023

This page is intentionally left blank

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

13th July 2023

Housing and Development

This page is intentionally left blank

APPEAL DECISIONS

Dates: 1st June – 30th June 2023

File Ref	Location	Proposal	Date Appeal Determined	Decision
FUL/2022/0448	37 Grisedale Drive Burnley Lancashire	Fencing (partially retrospective).	14.06.2023	DIS
HOU/2023/0009	91 Talbot Drive Briercliffe Lancashire	Proposed outbuilding within rear garden.	26.06.2023	DIS

ALC - Appeal Allowed with Conditions

ALLOW - Enforcement Appeal Allowed

ALW - Appeal allowed

ALWCST - Appeal allowed with costs

APPABY - Appeal held in abeyance

ASP - Appeal allowed in part

AWD - Appeal withdrawn

DIS - Appeal dismissed

DISCST - Appeal dismissed with costs

DISMIS - Enforcement Appeal Dismissed

FEEDUE - Appeal Allowed, Awaiting Fee Payment

HCLOG - High Court Appeal Lodged

INPROG - Appeal In Progress

LODGED - Appeal Lodged

QUASH - Quashed on Appeal

REMIT - Remitted to Secretary of State

VALID - Appeal Valid

WITHDR - Enforcement Appeal Withdrawn

This page is intentionally left blank