

DEVELOPMENT CONTROL COMMITTEE

Thursday, 9th November, 2023
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 9th November, 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.

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

AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 10

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

3. Additional Items of Business

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

4. Declaration of Interest

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

5. Exclusion of the Public

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

6. List of Deposited Plans and Applications

11 - 12

To consider reports on planning applications for development permission:

a) **OUT/2023/0294 - Land To The South Of Grove Lane Padiham** 13 - 42

b) **FUL/2023/0332 - Crow Wood Hotel Crow Wood Holme Road, Burnley** 43 - 72

c) **TPO/2023/0580 - 22 High Close Burnley Lancashire** 73 - 78

d) **TPO/2023/0582 - Footpath To Rear 120 And Along 120 To 126 Hargrove Avenue Burnley** 79 - 82

7. Decisions taken under the Scheme of Delegation

83 - 92

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

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
Councillor Christine Sollis (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Joanne Broughton
Councillor Scott Cunliffe
Councillor Sue Graham
Councillor John Harbour
Councillor Bill Horrocks

Councillor Alan Hosker
Councillor Martyn Hurt
Councillor Shah Hussain
Councillor Jacqueline Inckle
Councillor Syeda Kazmi
Councillor Anne Kelly
Councillor Paul Reynolds
Councillor Mike Steel

PUBLISHED

Wednesday, 1 November 2023

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 12th October, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), C Sollis (Vice-Chair), G Birtwistle, J Broughton, S Cunliffe, S Graham, J Harbour, A Hosker, S Hussain, J Inckle, S Kazmi, P Reynolds and M Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Sajada Khan	– Litigation and Regulatory Solicitor
Charles Joseph	– Planning Officer Apprentice
Carol Eddleston	– Democracy Officer

35. Apologies

Apologies for absence were received from Councillors Horrocks, Hurt and Kelly.

36. Minutes

The Minutes of the last meeting, held on 7th September 2023, were approved as a correct record and signed by the Chair.

37. Additional Items of Business

There were no additional items of business.

38. Declarations of Interest

Councillor Cunliffe declared a 'other interest – personal' in minute number 40 [agenda item 6a)] as a neighbour of the applicant. Under the Council's Code of Conduct for Elected Members he would have been permitted to remain in the room and participate in the debate and vote but he chose to remove himself from the meeting for the duration of the item.

39. List of Deposited Plans and Applications

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

Mrs Julie Dawes – Applicant – HOU/2023/0448

Mr Neil Lewis – Applicant – REM/2023/0169

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

40. HOU/2023/0448 - 2 Lindsay Park Worsthorne-with-hurstwood Lancashire

As outlined in minute number 38 above Councillor Cunliffe left the meeting at this point.

Town and Country Planning Act 1990

Retrospective planning permission for single storey extension
2 Lindsay Park, Worsthorne-with-Hurstwood, Burnley BB10 3RR

DECISION

That the application be approved subject to the following conditions.

CONDITIONS AND REASONS

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:
 - Drawing No. LP2RE.1 – existing and proposed plans/elevations, received 28.07.2023
 - Drawing No. LP2RE.3 – existing site plan, received 28.07.2023
 - Drawing No. LP2RE.4 – proposed site plan, received 28.07.2023
 - Location plan, received 28.07.2023

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.

41. REM/2023/0169 - Land At Barden Lane, Burnley

Councillor Cunliffe returned to the meeting at this point.

Town and Country Planning Act 1990

Application for approval of Reserved Matters (appearance, landscaping, layout and scale) for the erection of 73 dwellings pursuant to outline planning permission OUT/2021/0443

Land at Barden Lane, Burnley

DECISION

That the application be approved subject to the following conditions.

CONDITIONS AND REASONS

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

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

2. No development other than site clearance and remediation shall be commenced, until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey that identifies the exact location of the water main, the potential impacts on the water main from construction activities (including any construction compound), the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full prior to commencement of development (other than site clearance and remediation) in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development.

In the event that the survey of the water main identifies the buildings/plots as within a 3m standoff either side of the main (6m in total), the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed in writing with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development.

Reason: In the interest of public health and to ensure protection of the public water supply, in accordance with Policies NE5 and CC4 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to avoid any potential risk to water infrastructure on the site.

3. Prior to the installation of any PV panels or equipment at any part of the development, details of the PV panels and their siting shall first be submitted to and approved in writing by the Local Planning Authority. The PV panels shall thereafter only be installed as approved.

Reason: To ensure that the details and appearance of the PV panels is satisfactory, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. Prior to any above ground works details and representative samples of the external materials of construction to be used on the walls and roofs of the development as indicated on the submitted Materials Schedule (reference SKPMCW37- MAT-01RevA) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details of materials.

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

5. Notwithstanding any indication on the approved plans, details of the boundary treatments to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works. The boundary treatment shall thereafter be carried out as approved for each plot prior to each dwelling being first occupied. All approved boundary treatments shall be carried out and completed prior to the practical completion of the development and shall be retained at all times.

Reason: To ensure adequate and sensitive boundary treatment to provide a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The boundary treatment details are required prior to the commencement to ensure that they can be correctly implemented at the appropriate stage of the development.

6. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no enlargement of the dwelling as specified in Class A of Part 1 of Schedule 2 of that Order shall be carried out at plots 64, 65, 70 and 73 and no new or improved means of access to a highway as specified in Class B of Part 2 of Schedule 2 of that Order shall be carried out at any plot or part of the development, without express planning permission first being obtained from the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the visual impact of any enlargement to dwellings at prominent plots along the main estate road and to assess the impact of any change or addition to the approved access arrangements for the development, in the interests of the character, appearance and safety of the development, in accordance with Policies SP5 and IC1 of Burnley's Local Plan (July 2018).

42. TPO B140(L) - Land at Colne Road / Steer Street

The Chair brought members' attention to the statement at Appendix 1 to the Update Report which had been published as a Supplementary Agenda on 11th October. This statement

had been submitted by the new owner of the land as he was unable to attend the meeting and address the committee due to a prior engagement.

DECISION

That the Tree Preservation Order be confirmed, with the removed tree being replaced by another maple that will be protected by the Original order.

REASON

In order to protect the trees which contribute to the visual amenity of the area.

43. Decisions taken under the Scheme of Delegation

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

44. Appeals and Other Decisions

Members received for information details of a new appeal and appeal decisions that had been received since the last meeting.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

9th November 2023

Housing and Development Control

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Housing & Development
Town Hall, Manchester Road

Ref.

OUT/2023/0294

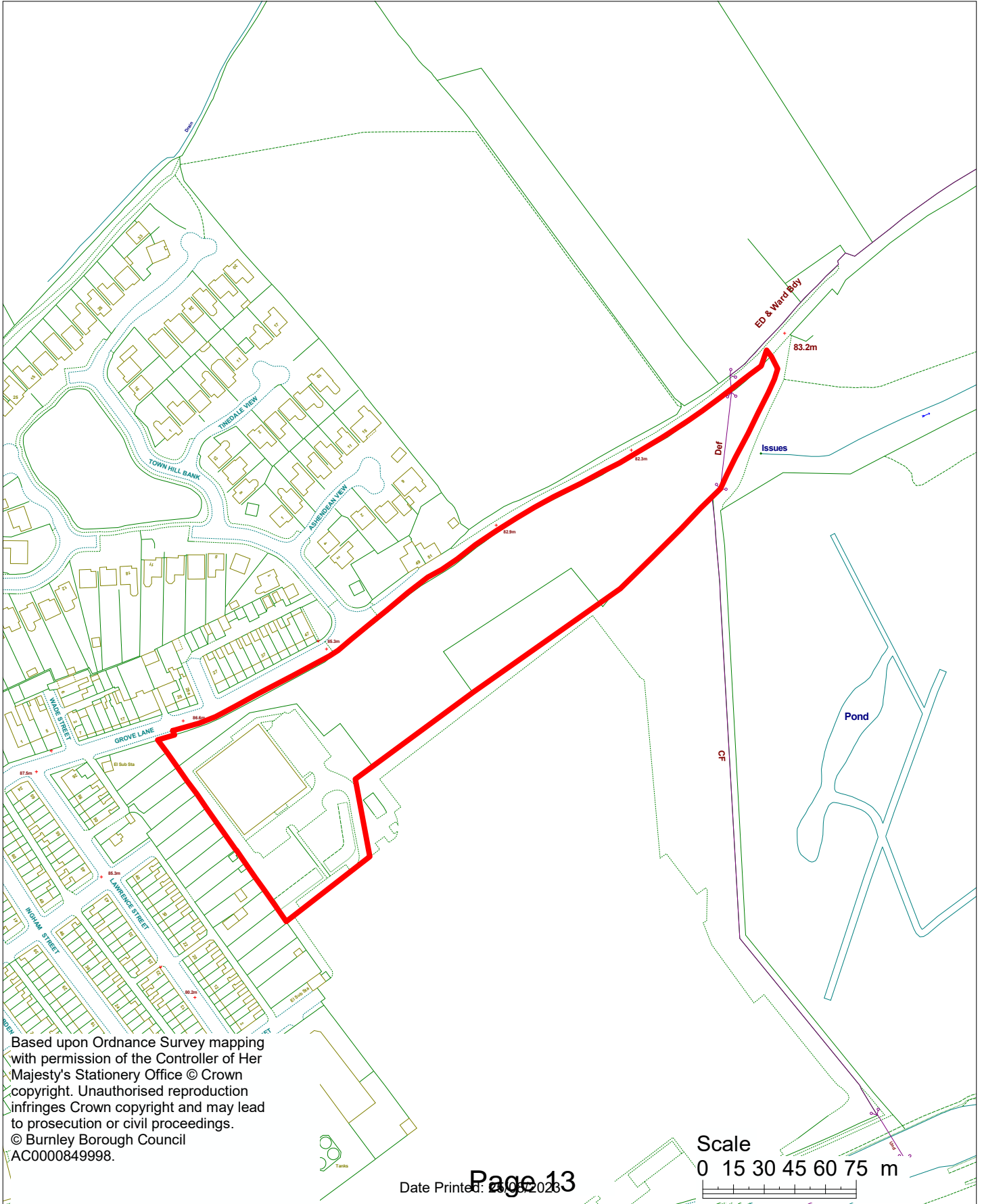
Paul Gattrell Head of Housing and Development Control

Location:

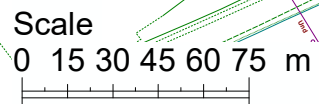


Land to the South of Grove Lane, Padiham

1:2500



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**Application Recommended for Delegation to
Approve subject to s106 Agreement**

OUT/2023/0294

Gawthorpe Ward

Town and Country Planning Act 1990

Outline application for erection of up to 40 dwellings including details of access from Grove Lane (all other matters reserved for future approval). Proposal Affects Public Footpath no. 22

Land To The South Of Grove Lane Padiham Lancashire

Background:

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

The proposal seeks outline permission, including approval for access, for a residential development up to 40 dwellings on a long stretch of 1.99ha of land at the former Baxi site at the easterly edge of Padiham. Matters relating to layout, scale, appearance and landscaping are reserved for subsequent approval. Outline planning permission on this site for up to 40no. dwellings has been previously approved (application APP/2018/0598) but lapsed in May this year. The current application is similarly for outline approval for up to 40 dwellings with a new access from Grove Lane. The application site is within the Development Boundary with the exception of the easterly tip of the site which is designated as Green Belt, as indicated on the Policies Map of Burnley's Local Plan.

Part of the western portion of the site was previously occupied by an office building which has been demolished. Part of the site was also previously used as car parking for the former Baxi factory site with access from the main Baxi entrance at Wyre Street. The site is currently being partly occupied by a temporary office building occupied by the Environment Agency as part flood defence works in Padiham. The remainder of the site which bounds the south side of Grove Lane is under grass. The southern boundary of the site is marked by the edge of the former built-up factory works that were demolished in 2018.

Public Footpath No. 22 (Ightenhill) crosses the easterly tip of the site and follows the perimeter of the former Baxi factory site and also links with the footpath network within the surrounding open countryside. Public Footpath 21 (Ightenhill) passes along part of Grove Lane to the north side of the site.

The northerly site boundary along Grove Lane is defined by a hedge from where the land falls away into the site. There are also groups of trees on the steep banks of the site parallel to Grove Lane and to the western side of the site.

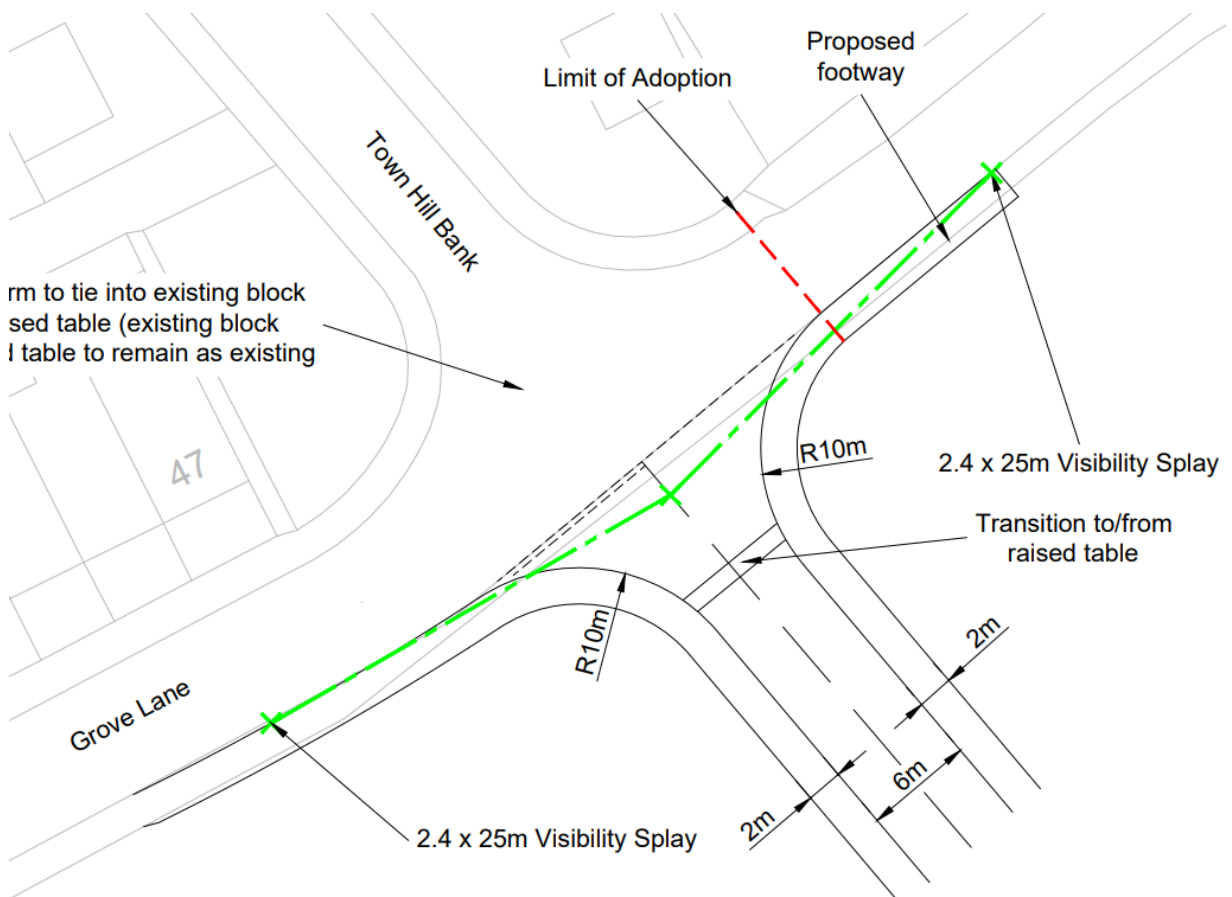
An Indicative Site Layout has been submitted with the application, as displayed below, to provide an indication of how the mass of up to 40 dwellings could be accommodated on the site with some areas of open space at the easterly tip of the site and the site's south west corner.

Proposed Indicative Site Layout



The proposal involves constructing a new access into the site from Grove Lane, forming a crossroads with Town Hill Bank. The submitted junction plan indicates that there would be a visibility splay of 2.4m by 25m in each direction along Grove Lane.

Proposed new access junction



The proposed access is designed as a new arm of a raised table junction to tie in with the existing Town Hill Bank/Grove Lane junction. The width of the access road at the site entrance has been increased from 5.5m to 6.0m at the request of the local highway authority.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- SP6 – Green infrastructure
- HS1 (HS1/5) – Housing allocations (Former Baxi site)
- HS2 – Affordable housing provision
- HS3 – Housing density and mix
- HS4 – Housing developments
- NE1 – Biodiversity and ecological networks
- NE4 – Trees, hedgerows and woodland
- NE5 – Environmental protection
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards
- IC4 – Infrastructure and planning contributions

Material Considerations

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

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

The National Planning Policy Framework (2023)
National Planning Practice Guide
National Design Guide (2021)

Site History:

APP/2014//0042 – Outline application to replace existing redundant manufacturing facility with 300 dwellings and associated public open space, including details of access (all other matters reserved for future approval). Withdrawn.

APP/2016/0438 – Outline application for erection of approx. 50 dwellings including details of means of access from Grove Lane (all other matters reserved for future approval). Withdrawn March 2017.

NOT/2017/0474 – Demolition of factory buildings. Approved October 2017.

APP/2018/0598 - Outline application for erection of up to 40 dwellings including details of access (all other matters reserved for future approval). Approved subject to s106 Agreement 18th May 2020.

Consultation Responses:

LCC Highways

No objection to the general principle of the location and layout of the access. The developer would need to enter into a s278 Agreement to provide the following:

- a suitable footway to be formed on the Grove Lane to the north east to ensure that the visibility splay can be maintained;
- additional road markings on all the approaches to the new junction that is to be formed;
- signage (crossroads ahead);
- a street lighting assessment/replacement to current standards from outside No 7 Grove Lane up to and including the newly formed crossroads or access;
- There is a commemorative bench within the vicinity of the access it is expected that this bench will be accommodated and remain within the immediate area;
- A traffic count should be undertaken to ensure that the proposed length of the visibility splay is acceptable;
- It is expected that the access road is to mirror the junction table that currently exists at the junction of Grove Lane and Town Hill Bank, it should also be block paved.

Provision should be made within the south west part of the site for a footpath to link to the area beyond where proposals for flood alleviation works are being prepared.

Conditions are recommended to require a Construction Management Plan; to restrict construction deliveries outside peak traffic period; to require highway and hardstanding surface water drainage; to require a scheme for the site access and off-site highway works; to require the highway works to be constructed prior to occupation; to require the provision and retention of off-road parking and to restrict any change to an approved garage that would remove its use for parking.

LCC Public Rights of Way

No objection to the proposed site access. The site plan indicates cycling and pedestrian access from Grove Lane via the main vehicular access and a pedestrian link to the existing public right of way. The new links are welcome. However, there are flood defence works being proposed that are likely to alter the line of the existing footpaths, providing opportunities to improve them and also create new connections towards Padiham town centre. As a result, as part of the reserved matters application for the proposed site layout, new pedestrian and cycleway links should be provided to the south western corner of the site boundary to facilitate a future link to Wyre Street. Additional connectivity on the south side of the site boundary is also requested. A s106 contribution was initially requested to facilitate a pedestrian link to Wyre Street but this has been withdrawn whilst the Environment Agency finalise their plans for the flood defence works.

Lead Local Flood Authority (LLFA)

No objection subject to the inclusion of conditions to require the following:- the development to be in accordance with the submitted Flood Risk Assessment; a final surface water sustainability drainage strategy, a construction surface water management plan, a sustainable drainage system operation and maintenance manual and a verification report of the constructed sustainable drainage system, all to be submitted and agreed.

United Utilities

There are United Utility assets that cross the site that will affect the layout of the

development. A condition is recommended to require a sustainable surface water drainage scheme and a foul water drainage scheme.

Environment Agency

No objection subject to conditions being imposed to require a contaminated land assessment and remediation strategy, a verification report prior to occupation in any phase and a long-term monitoring and maintenance plan in respect of contamination.

Greater Manchester Ecology Unit (GMEU)

A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment and Biodiversity Metric have been submitted with the application. The submitted metric currently shows that proposals will result in a small overall net gain in area based habitats and a large gain in linear habitat. Further assessment will be necessary based on a detailed landscape scheme in order to ensure that overall impact of the proposal maintains a net gain rather than a loss in biodiversity. The submitted Appraisal indicates that the development may negatively impact foraging and commuting bat species and recommends a hedgerow is planted to the site's southern boundary. Any reserved matter application should include full landscaping plans and include this hedgerow. Other conditions are recommended to control external lighting, to protect birds during the bird nesting season, to require a Construction Environmental Management Plan to protect other species such as hedgehogs and to require a scheme of biodiversity enhancement measures.

LCC Historic Environment Team (Archaeology)

The site is crossed by two 19th century tram roads (PRN6375 & PRN40071) from Ightenhill & Bancroft Collieries into Padiham, with the earlier of the two roads bypassing a small group of buildings fronting Grove Lane (PRN40072) to the south, whilst the latter appears to end at this group of buildings before re-appearing to the west, running along Partridge Hill. The coal mining industry is a significant one within the borough, however few if any colliery tramways survive and even fewer have been documented. They are not so significant as to require preservation in situ at the expense of the development, but they do merit the creation of a record prior to their loss. Details that cannot be obtained from mapping such as information about embankments, cuttings etc are of particular interest, along with evidence of how methods of working varied between horse drawn tubs or haulage systems (such as wire or chain driven by steam engines), both of which are thought to have been used here. Consequently, recommend a condition to require a programme of archaeological work. This should be carried out prior to any development of the site.

The Coal Authority

The application site falls within the defined Development High Risk Area due to coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that the application site is in an area of recorded and likely unrecorded underground coal mine workings at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. In addition, there are two off-site mine entries (shafts) located adjacent to the site boundary with their associated zones of influence extending into the site. The submitted Coal Mining Risk Assessment recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of shallow coal mining legacy any to inform any necessary remedial measures to consolidate these workings. The application is in outline with layout reserved for consideration at

a later date. Intrusive investigations must be undertaken prior to the submission of any Reserved Matters application relating to layout. The Coal Authority recommends conditions to achieve this and to secure the implementation of any remediation measures that may be necessary.

LCC Schools Planning Team

The most relevant sections of the response from LCC are copied below. The full copy is available to view on the Council's web site or can be provided on request.

Education requirements have been identified. This is an objection to the planning application. The objection will be withdrawn if the following education requirements are met. The latest information available at this time was based upon the latest School Census available and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 6 secondary school places. However, LCC will not be seeking a contribution for primary school places.

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced. In accordance with Lancashire County Council's 'School Place Provision Strategy', the following will apply: Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have. This assessment shows the level of impact on primary and secondary school places relevant to the following development and provides details on the level of contribution required to mitigate the development impact.

LCC will apply the accurate pupil yields to our assessment on full and reserved matters applications, as the bedroom mix is known at this stage. On outline applications, LCC will apply the 4 bedroom yield, to provide an initial worst case scenario. The accurate pupil yield will be calculated at reserved matters stage as required.

Primary:

Latest projections for the local primary schools show there to be 230 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 16 school places. There are also pending applications expected to generate demand for a further 92 school places. With an expected pupil yield of 15 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Secondary:

When assessing the need for an education contribution from this development Lancashire County Council considers secondary school provision within a 3 mile radius of the proposed site. Details of the schools relevant to this site are provided below:

School Name	Latest Number on Roll *	Future Planned Net Capacity (Jan 2028) **	Projected Pupils by Jan 2028 ***
Padiham Shuttleworth College	1107	1070	1139
Burnley High School	580	634	683
Total	1687	1704	1822

Projected places in 5 years: -118 Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the schools affected by the development.

JAN 2024	JAN 2025	JAN 2026	JAN 2027	JAN 2028
1734	1760	1743	1727	1745

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate districts 5 year Housing Land Supply documents (or equivalent) and migration figures in 5 years' time we forecast there will be 1822 pupils in these schools.

Latest projections for the local secondary schools show there to be a shortfall of 118 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 6 places from this development the shortfall would increase to 124. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 6 places.

Summary and Calculations

This is an objection to the planning application. The objection will be withdrawn if the following education requirements are met. This assessment represents the current position on 15/06/2023 but will be adjusted by indexation at the point of payment. The latest information available at this time was based upon the latest School Census available and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 6 secondary school places. However, LCC will not be seeking a contribution for primary school places. Calculated at the current rates, this would result in a claim of: Permanent expansion Secondary places: = £26,717 per place £26,717 x 6 places = £160,302 [based on the most recent cost per secondary school place].

The infrastructure project(s) where the secured education contribution will be spent to deliver additional school places will be determined at the point at which the application is considered for decision.

If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments where school land is required, to Lancashire County Council as the education authority, including

indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.

Green Spaces and Amenities

Although there is some provision for on-site Public Open Space within the development, there is no provision for equipped children's play. The development is for family housing and as such, 0.09ha of equipped children's play space per 50 dwellings, or proportion thereof, should be provided. A single plot minimum size of 1200sqm with a minimum of 720sqm equipped children's play space would be required. If a play area is not to be provided on the site then an off-site contribution (based on £350 per bedroom) would be requested and used to upgrade existing recreational/play facilities and infrastructure at Hargrove Avenue.

Publicity

Seven letters of objection have been received from neighbouring properties on Grove Lane. One letter states that they do not object to the development of the brownfield part of the site but object to the remainder. A summary of the points of objection is provided below:-

- Increased traffic on an overcrowded lane, due to double parking of cars and traffic from cars, work vans, farm traffic, traffic to Burnley Football Club;
- Adding 40-80 vehicles to Grove Lane will cause further problems;
- Impact of vibrations from lorries on properties on Grove Lane;
- Already struggle to park on Grove Lane;
- There should be an alternative access to the site, such as Lawrence Street;
- Proposed access would impact on the access to the public right of way;
- Increase in noise and disturbance on what was once a quiet lane;
- Impact on privacy;
- Impact on wildlife, object to the removal of trees/hedges which add beauty to the lane and should be retained to provide a natural screen and to protect wildlife;
- The site should be a wetland to help towards reducing the risk of flooding in Padiham.

Planning and Environmental Considerations:

Principle of Proposal

Policy SP2 identifies a housing requirement between 2012 and 2032 of 3,880 dwellings and a residual requirement of 1,798 dwellings which will be met by site allocations in line with the Council's overall development strategy which is set out at Policy SP4. Policy SP4 identifies Padiham as a Key Service Centre which will be suitable for large scale, major and a variety of smaller housing sites to deliver a comprehensive range of choice of types and tenures of housing. Policy HS1 identifies a total of 32 sites within the borough that will provide the housing requirement to be found from new allocated sites. Policy HS1/5 relates to approximately 8.23ha of brownfield land at the former Baxi site. The current application site which amounts to

1.99ha forms part of this larger site allocation at its northerly end. The application site is within the defined Development Boundary with the exception of the easterly tip of the site which is identified as Green Belt. A proposed indicative site layout indicates that the tapering easterly tip of the site would remain open as a green area and would not be built on. The principle, therefore, of expanding the built-up residential area of the town into this site has therefore been established by Policy HS1/5 of Burnley's Local Plan. Outline planning permission has also been previously granted through application APP/2018/0598 (now lapsed).

Suitability of site for development

Policy HS1/5 states that the housing allocation at the former Baxi site is acceptable for around 244 dwellings and also sets out a number of site specific policy requirements. Whilst most housing site allocations may come forward as a single development, this is not a stated requirement. It is now known that the portion of the allocation to the south side of the application site is part of a scheme that is being prepared by the Environment Agency to provide flood protection measures in Padiham. The main issues relate to how the development would address the site specific requirements of Policy HS1/5 and create a wholly connected and policy compliant development. This application is made in outline form only but includes details of the proposed access from Grove Lane. In respect of the amount of development, the outline application is for up to 40 dwellings. This was previously accepted as an appropriate amount of development that can be accommodated on the site. This would lead to a density of approximately 20 dwellings per hectare which is a relatively low dense development but reflects the constraints of the site in respect of levels and the need to retain trees/hedges and provide open space. Public Footpath No.22 crosses the easterly end of the site and, unless diverted, would need to be accommodated in the development. The proposed indicative layout indicates that this would be unchanged.

Impact on traffic and highway safety

Policy IC1 states that development schemes should, as appropriate to their nature and scale, be located in areas well served by walking, cycling and public transport, should maximise opportunities for the use of sustainable models of travel, and provide for safe pedestrian, cycle and vehicular access to, from and within the development, including adequate visibility splays.

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A Transport Statement (TS) has been submitted with this application to assess the impact of traffic from the development and the proposed new junction on Grove Lane.

Whilst the site is not served directly by public transport with no bus stops within 40m of the site, there are eight accessible bus stops between 450 and 750m walking distance with services to Burnley, Clitheroe, Preston, Blackburn and Nelson/Colne. The site is also accessible to Padiham Town Centre for shopping and amenities. It is therefore a reasonably accessible and sustainable location for development.

The application proposes a single point of vehicular access to the site by forming a new junction at Grove Lane. A new priority controlled junction would form a crossroads with Town Hill Bank. LCC Highways is satisfied that this would provide adequate visibility and request conditions to secure appropriate off-site works to form a suitable junction and extension of footways.

Using the TRICS database, the TS predicts that a development up to 40 dwellings would generate 15 departures and 8 arrivals in the morning peak period which is equivalent to one car either arriving or departing every 3 minutes and 18 arrivals. LCC Highways accept that the impact of an increase in traffic from the development would not significantly affect the operational capacity of local roads and junctions.

An indicative layout is submitted with the application that indicates a potential link to Public Footpath no. 22 at the east end of the site and open space at the

South west corner of site



Easterly end of site



South west corner of the site where a pedestrian/cycle link would increase the connectivity and accessibility of the site to the site's surroundings and amenities. Whilst preparations for a proposed flood defence scheme on the land to the south of the application site are still being made, there are no details of the location of any footpath or pedestrian links that could potentially connect with this site. Connectivity is however important as encourages walking and cycling. A condition is recommended to require an application for reserved matters to include a scheme for pedestrian and cycle links and connectivity to the north, south and east edges of the site.

In conclusion, the proposed new junction is acceptable subject to conditions regarding its design and specifications and it has been shown that the amount of new traffic that will be generated by the development can be satisfactorily accommodated within the existing highway network. No consideration has been given to the internal layout or parking and conditions are therefore necessary to secure such details and implementation at future stages. The proposal does however, in principle, comply with Policy IC1 and would provide a satisfactory form of access to the site.

Open Space provision

Policy HS4 requires new housing developments to provide or contribute to public open space provision at a rate of 0.3ha pe 50 dwellings. In some circumstances, for developments between 10 and 49 dwellings, the policy states that a commuted sum will be negotiated if on-site provision is impractical or unusable. Equipped play space is required at the rate of 0.09ha per 50 dwellings. In this case, the submitted indicative layout identifies two areas of open space. The first, to the easterly end of the site, is likely to be maintained for its biodiversity value, while the area of open space indicated to the south west corner of the site may provide an opportunity for play space. The applicant affirms that open space and play provision would be made within the site. A condition is recommended to require a scheme of public open space provision and an equipped area for childrens play to be submitted alongside a reserved matters

application. The outline application would accordingly secure open space and play provision to ensure open space and play facilities are an integral part of a detailed scheme.

Ecology and trees

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. Policy NE4 states that development proposals should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. There are no protected trees on this site.

The majority of the proposed site is unmanaged grassland with periphery trees, hedgerows and scrub. The site has no ecological designations but does have some habitat value and sits adjacent to ecological networks (grassland and woodland) as identified on the Policies Map of Burnley's Local Plan. An ecological appraisal has been submitted with the application and has been assessed by GMEU who advise on a number of measures and precautions that are necessary.

The existing hawthorn with goat willow, elm and elder hedge along the site's northern boundary would be retained with the exception of an opening to form a new vehicular access. There are a number of trees to be removed from the site. The Arboricultural Constraints Appraisal submitted with this application identifies that these are generally low quality trees. A group of Category B (Class B2) trees are located at the south west corner of the site and these together with trees on the site's western boundary (bounding allotments at the rear of Lawrence Street) are indicated to be retained. Details of tree removals and retentions would be expected to be provided with a Reserved Matters application. Policy NE4 provides that where the loss of trees is acceptable then the Council may require developers to replant trees of appropriate species on site where it is practical to do so. There would be scope within the site to mitigate for any loss by new planting and a detailed landscaping scheme would be required as part of the Reserved Matters submission. GMEU recommend a condition to restrict the removal of any trees/hedges or vegetation in the bird nesting season to avoid any potential harm to nesting birds. Subject to appropriate details, the metric assessment submitted with the application identifies that the development would lead to a small net increase in biodiversity which would comply with Policy NE1 and the NPPF. Landscaping is a Reserved Matter, in which case it would be appropriate to consider this further as part of the reserved matter application process. GMEU recommend other conditions to control external lighting, to require a Construction Environmental Management Plan and a scheme of biodiversity enhancement measures. With these provisions, the development would adequately protect and enhance biodiversity and trees which would comply with Policies NE1 and NE4.

Residential amenity and design

Policy SP5 requires the design and layout of development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users or result in unacceptable conditions for future users and occupiers of development. Policy HS4 sets out minimum distances between elevations with habitable windows and between habitable windows and blank gables in order to protect privacy and outlook.

The nearest neighbours to the site are at Grove Lane on its north side and Lawrence Street to its east side. It is apparent from the proposed indicative site layout that the site is capable of being developed with satisfactory separation distances to protect the

privacy, outlook and residential amenities of neighbouring properties on Grove Lane, Town Hill bank and Lawrence Street. This would need to be assessed as part of a Reserved Matters application.

Neighbours at Grove Lane would experience some increase in traffic that has the potential to increase noise and disturbance, particularly at the new junction. The level and frequency of additional trips (equivalent to one car every 3 minutes departing or arriving in the highest morning peak hour) is unlikely however to make a significant impact in terms of noise and disturbance. The positioning of the new junction to form a crossroads junction would also minimise the impact of headlight glare on neighbouring properties.

It is noted that a bench is located at the proposed entrance on Grove Lane and the applicant is willing to re-locate this to a suitable location. A condition is recommended to secure this.

In respect of the amenity of any new occupiers, it is anticipated that the former factory land to the south side of the site will be part of flood defence works and as such a further noise assessment and noise mitigation measures would not be necessary.

Policy HS1/5 requires a mix of dwelling types at this site, including a minimum of 60% 3+ bedroomed detached and semi-detached houses (with at least 50% being detached). This indicates a relatively low density development which is consistent with a development up to 40 dwellings (approximately 20 dwellings per hectare). Together with the constraints of the site from its long and narrow shape and the need to include biodiversity measures and open space, this justifies a lower density than the normal minimum 25 dwellings per hectare set out in Policy HS3. The details of the range and type of housing which should comply with Policy HS1/5 will form part of the assessment of a Reserved Matters application.

Policy HS4 sets out further requirements to provide a range of house types that includes a minimum of 20% to comply with the optional Part M4(2) standards to provide adaptable homes. This will be considered as part of a future Reserved Matters application. Policy SP5 also expects developments to achieve high energy efficiencies and to seek opportunities for the use of renewable energies. This will come forward through the uplift in requirements required by recent changes to Part L of the Building Regulations.

At this outline stage, the amount of development on the site would be able to secure acceptable living conditions for existing and new occupiers with detailed considerations being reserved for the later detailed stage of a Reserved Matters application.

Impact on flooding

Policy CC4 states that the Council will seek to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere.

A Flood Risk Assessment has been submitted with the application that identifies the site within Flood Zone 1 where there is the least risk of flooding. The River Calder lies further south of the site where there is a higher risk of flooding. In respect of the remainder of the housing site allocation, circumstances have changed since the previous outline application with the site forming an integral part of a flood defence scheme. The current application site is not required for these works and can be developed without a significant risk to flooding subject to conditions as recommended

by the Lead Local Flood Authority and United Utilities to require detailed surface water and foul water schemes to be agreed and implemented. The proposal would not therefore lead to a significant increase in the risk of flooding on the site or elsewhere and would not conflict with Policy CC4.

Impact on ground conditions

Policy NE5 requires development proposals to demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise risks. The site is affected by past industrial activity on and close to the site. The Environment Agency recommends a series of conditions to require an appropriate contaminated land assessment to be carried out as well as a verification report to evidence the implementation of a remediation scheme and a plan for future monitoring and maintenance to protect groundwaters. Pollutants may in part be due to past coal mining activity as the site is within an area potentially affected by mining legacies. Following a coal mining report submitted by the applicant, the Coal Authority recommend that the risk from past coal mining can be satisfactorily dealt with by imposing conditions to require intrusive site investigations to be carried out prior to a reserved matters application (in respect of layout) and the implementation of any necessary remedial measures and verification prior to first occupation. This will enable the findings of the investigations to inform the proposed site layout. Subject therefore to these provisions, the site can be suitably and safely developed for residential purposes and would comply with Policy NE5.

Affordable Housing

Policy HS2 requires the provision of affordable housing through all housing developments of over 10 units unless plan policies and viability evidence demonstrate otherwise. The Developer Contributions SPD indicates that a ceiling of 5% Affordable Housing is viable for this site. The applicant has agreed to the principle of providing Affordable Housing to comply with these policy requirements and has included provision for it in a submitted s106 Agreement. This is expected to lead to 2no. Affordable Homes being provided which the applicant has requested be Discounted Market Sales. This should be considered alongside the viability of the development with other contributions that have been requested. A s106 Agreement is necessary to secure this.

Education and Contributions

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. LCC has requested a contribution for up to six secondary school places which is based upon a three mile radius of schools from the site. In this case, the Developer Contributions SPD indicates that it is unlikely that development on this site would be viable with contributions of more than £500 per dwelling. This would create a ceiling of £20,000. A single secondary school place would be £26,717 which would exceed this amount. It is likely therefore that a contribution of one secondary school place would be achievable with 2 Affordable Homes as Discounted Market Sales which would improve viability to allow for this. The full contribution request (which is an estimate at this stage as is based on the number of houses/bedrooms) is likely to lead to conditions that would make a development unviable. It could also lead to cost savings on the quality of the development which would jeopardise its success.

LCC affirm that failure to fund the full request for school places is an objection to the application. However, it is appropriate to apply a contribution level that would comply with the Developer Contributions SPD. The expectation of the Department for

Education (DfE) is that whilst DfE capital funding can be used for new school places that are required due to housing development, it is expected that it be the minimum amount necessary to maintain development viability. In this case, a level of one secondary school place is likely to maintain development viability and would provide some, albeit limited, contribution towards education provision. The advantages of providing new homes on an allocated housing site would outweigh the disadvantage of not funding the full 6no. secondary school places that have been estimated. In these circumstances, the applicant is requested to make to make a contribution to fund one secondary school place which would be secured through a s106 Agreement.

Conclusion

The proposal would be beneficial in bringing forward part of a housing allocation and would provide adequate access from Grove Lane. Further assessment in terms of the layout, appearance, scale and landscaping of the development will be required at the Reserved Matters stage in order to ensure a well designed, connected and integrated high quality scheme. Conditions are necessary to mitigate the impacts of a development on matters such as ecology, drainage, ground conditions and highway safety. A section 106 agreement is necessary to secure affordable housing (2no, affordable homes) and for education. Subject to these provisions, the proposal complies with the development plan and there are no material considerations that would outweigh this finding.

Recommendation: Approve subject to a section 106 contribution relating to affordable housing and education

Conditions

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

Reason: The permission is an outline planning permission.

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

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

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

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

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

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

5. Prior to the commencement of any development, a phasing plan and strategy for the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan and strategy unless any variation to this is otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of construction that is effective and efficient, in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

6. Application for approval of the reserved matters for the layout of the development shall provide for the inclusion of public open space and an equipped area for play.

Reason: To provide adequate public open space to meets the needs of the development in accordance with the requirements for public open space at Policy HS4 of Burnley's Local Plan (July 2018).

7. Prior to the commencement of any development, a scheme for the provision of an equipped area for childrens play shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a timescale for its implementation and completion. The approved scheme shall thereafter be carried out as approved and retained at all times thereafter.

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

8. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space management plan shall be carried out and adhered to as approved in perpetuity.

Reason: To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

9. Application for approval of the reserved matters for the landscaping of the site shall include a tree retentions and removal plan and provide for the retention of the hedge along the site's northern boundary (except where removal is required to form a new vehicular access on Grove Lane) and for the retention of trees, particularly at the site's western boundary and south western corner of the application site.

Reason: To ensure that existing hedgerows and trees are given adequate consideration in the detailed design of the development, in order to retain features that will contribute to the landscaping of the development, in accordance with Policy NE4 of Burnley`s Local Plan (July 2018).

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

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies HS4 and SP5 of Burnley`s Local Plan (July 2018).

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

Reason: To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy NE4 of the Burnley`s Local Plan (July 2018).

12. Vehicular access to the site shall be from a single point on Grove Lane only, as indicated on drawing number 856-P04-F and there shall be no other vehicular access from any other place and no direct pedestrian access to properties from Grove Lane.

Reason: To ensure the satisfactory implementation of the proposal, in order to provide a safe form of access to serve the development and control future traffic generation onto Grove Lane, in accordance with Policy IC1 of Burnley`s Local Plan (July 2018).

13. Notwithstanding the provisions at Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no direct access of any kind shall be constructed to any dwelling from Grove Lane without planning permission being first obtained.

Reason: To deter on-street parking close to new homes on Grove Lane and in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. No development shall be commenced unless and until a scheme for the construction of the site access and associated off-site works of highway improvement which shall include additional signage; road markings; footway construction (to the north east side of Grove Lane); street lighting assessment/replacement; details of a traffic count to verify visibility splays; block paved junction table; and the re-location of a bench, has been submitted to and first approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

15. No dwelling shall be first occupied until the approved scheme referred to in Condition 14 above has been constructed and completed in accordance with the scheme details.

Reason: To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. Application for approval of the reserved matters for the layout of the development shall include details of the layout of the estate access road(s), footways and turning areas to an adoptable standard.

Reason: These details have not been provided or approved as part of this outline application and are required to ensure a satisfactory and safe means of access to serve the proposed development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

17. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

18. The estate road and access between the site and Grove Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development, other than demolition and site clearance, takes place and shall thereafter be constructed to at least base course level within that each successive phase prior to development being commenced in that phase.

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

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

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

20. Application for approval of the reserved matters for the layout of the site shall include the provision of a footpath link and details of its design and construction (minimum 3m wide) between the site and the adjacent public footpath no. 22 at the eastern edge of the application site. The footpath link shall be constructed, drained, surfaced and available for use in accordance with the approved details prior to the completion of the development and shall thereafter remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the adjacent public footpath network, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

21. Any application for the approval of Reserved Matters relating to the details of Layout shall show how a cycle/pedestrian link is accommodated in the design of the scheme to facilitate pedestrian access (and cycle access where possible) between the development and Wyre Street. That part of the approved cycle/pedestrian link within the application site shall be constructed, drained and surfaced in accordance with the approved details prior to the completion of the development or the first occupation of any dwelling (whichever is the sooner) and shall be first open and available for use on completion of a connecting link on its southern side (which is expected to connect to Wyre Street). The approved cycle/pedestrian link shall thereafter be retained and remain open and available for use in perpetuity.

Reason: To ensure that there is good connectivity between the development and the surrounding area, to promote walking and cycling (where practical) to amenities and town centre shops/facilities, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

22. No dwelling shall be first occupied unless and until its associated car parking spaces have been constructed, drained, surfaced and are available for use in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. All the car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

23. No development shall take place until a Construction Management Plan/ Construction Method Statement which shall include the following has been submitted to and approved in writing by the Local Planning Authority:-

- 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; and,
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan/Construction Method Statement shall be adhered to throughout the construction period until the completion of the development.

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

24. 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 shall be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

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

out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

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

26. There shall be no deliveries of materials and equipment associated with the construction of the development accepted or permitted to enter or leave the site on Mondays to Fridays except between 09:30 hours and 14:30 hours unless any exceptional cases are agreed in writing in advance with the Local Planning Authority.

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

27. A scheme of intrusive site investigations to identify potential mine entries and shallow mine workings shall be carried out to inform the design of the proposed development prior to the submission of a reserved matters application for the layout of the development and the following shall be submitted as part of a reserved matters application:
- i) a report of findings arising from the intrusive site investigations;
 - ii) a layout plan that identifies appropriate zones of influence for the mine entries, and the definition of suitable `no-build` zones;
 - iii) a scheme of treatment for mine entries present within the site for approval; and,
 - iv) a scheme of remedial works for the shallow coal workings for approval.

No development shall be commenced until the submitted information in i) to iv) above has been approved in writing by the Local Planning Authority. The development shall thereafter only be carried out at all stages prior to and during development, as appropriate, in accordance with the approved treatment and remedial works. No dwelling shall be first occupied until all the measures contained in the approved schemes of treatment and remedial works have been completed in accordance with the approved details.

Reason: To adequately deal with coal mining legacies that potentially pose a risk to the development, in order to ensure the safety and stability of the development, in the interests of public safety, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The reports and schemes must be approved prior to the commencement of development to ensure that the treatment and remedial works identified in those submissions can be carried out at the appropriate stages of the development.

28. Prior to the commencement of development, a scheme that includes all of the following components to deal with the risks associated with contamination of the site, shall be submitted to and approved, in writing, by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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.

Reason: The site is affected by past land uses that pose a risk of contamination to groundwaters and to public safety which must be adequately dealt with to achieve a safe development, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

29. Prior to the commencement of development, a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved monitoring and maintenance plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the monitoring and maintenance plan, a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied and the long-term monitoring and maintenance plan shall continue thereafter to be implemented as approved.

Reason: To ensure the provision of effective long term measures for safeguarding against the pollution of groundwaters and protecting human health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

30. Prior to the commencement of built development, a Lighting Design Strategy to minimise the impact of external lighting on biodiversity shall be submitted to and

approved in writing by the Local Planning Authority. The submitted strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance around breeding sites, resting places or along important routes, such as for foraging; and,
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications).

Only external lighting as detailed within the approved Lighting Design Strategy shall be installed at the site and shall thereafter be maintained as approved. No additional external lighting shall at any time be installed within the areas identified under a) above without the prior written permission of the Local Planning Authority.

Reason: To minimise the impact of external lighting on foraging and commuting bats, in order to give adequate protection to protected species, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

31. A Reserved Matters application for the landscaping of the site shall include details of a new species-rich native hedgerow to the south eastern boundary of the application site, as recommended at section 5.9 of the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (prepared by Bowland Ecology, dated May 2023).

Reason: To mitigate against the loss of foraging habitat for bats, in interests of the biodiversity of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

32. No removal of or works to any trees, hedgerows, shrubs or grassland shall take place between 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 prior to any works taking place.

Reason: All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended), in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

33. A scheme for the Biodiversity Enhancement Measures, as set out in section 5 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by Bowland Ecology dated 16/05/2023 (ref: BOW17_1434), shall be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: To provide adequate and suitable mitigation for the loss of habitat on the site, in particular, bird nesting and hedgehog habitat and to promote biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

34. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (report reference GCU0124040, Rev 1, dated April 2023, prepared by Geosyntec Consultants Ltd). The measures shall be fully implemented prior to occupation of the development and in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

35. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

36. 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 submitted site-specific flood risk assessment and indicative surface water sustainable drainage strategy (reference GCU0124040, Rev 1, dated April 2023, prepared by Geosyntec Consultants Ltd) 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 to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - 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 watercourse to be used, to confirm that this system is in sufficient condition and has sufficient capacity to accept surface water runoff generated from the development.
- d) Evidence of groundwater monitoring to determine maximum likely groundwater levels across the site.
- e) 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 approved sustainable drainage strategy shall thereafter be implemented wholly in accordance with the approved details.

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

37. 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:

- a) 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 runoff rate from the site prior to redevelopment; and,
- b) Measures taken to prevent siltation and pollutants from the site entering 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 Construction Surface Water Management Plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) in order to avoid an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework and Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

38. No dwelling shall be first occupied unless and 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:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) 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;
- d) 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;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

The drainage system shall thereafter be retained, managed and maintained in accordance with the approved Operation and Maintenance Manual in perpetuity.

Reason: To ensure that risks from surface water flooding from the development site in the future are satisfactorily managed and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

39. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 32 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.

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

40. No development shall be commenced unless and until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

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

41. Any application for the approval of Reserved Matters shall include a plan showing the location and details of electric car charging points to be provided within the development for the approval of the Local Planning Authority. Electric car charging points shall thereafter be installed in accordance with the approved details prior to each relevant dwelling being first occupied.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policies IC3 and NE5 of Burnley's Local Plan (July 2018).

42. Any application for the approval of Reserved Matters shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site.

The approved details of boundary treatment shall thereafter be carried out and completed prior to the completion of the development.

Reason: To ensure a satisfactory edge and appearance to the completed development and in the interests of the amenities of future occupiers, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

43. Any application for the approval of Reserved Matters shall include details how a minimum 20% of dwellings would comply with the technical standards of Part M4(2) of the Building Regulations 2010 in order in respect of adaptable homes. The approved adaptable homes shall be implemented in accordance with the approved detail.

Reason: To ensure the provision of a proportion of homes to support the changing needs of occupiers over their lifetime, in accordance with Policy HS4 of Burnley`s Local Plan (July 2018).

44. No development shall take place unless and until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. A copy of the archaeological recording shall be deposited in an appropriate historic local archive within two months of its completion and appropriate evidence of this shall be submitted in writing to the Local Planning Authority prior to the commencement of development.

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

Janet Filbin
31st October 2023

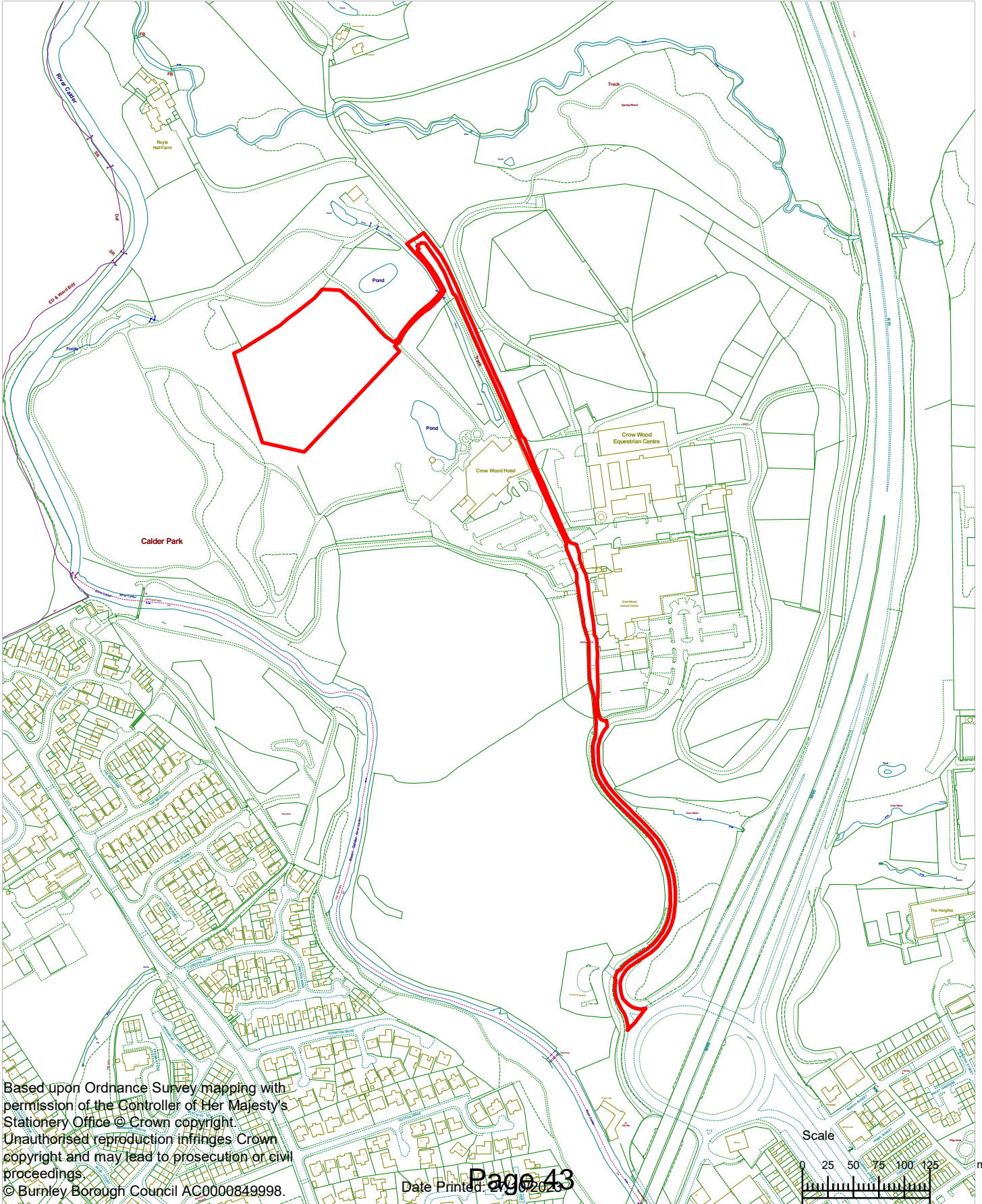
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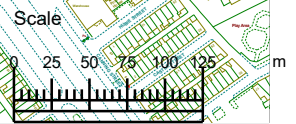
Paul Gatrell Head of Housing and Development Control

Crow Wood Hotel, Crow Wood, Holme Road, Burnley

1:5000



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

FUL/2023/0332

Town and Country Planning Act 1990

Erection of solar farm comprising 1978 panels, transformer housing, CCTV and boundary fencing

Crow Wood Hotel Crow Wood Holme Road Stoneyholme

Background:

The development is presented to committee as it is for major development in the Green Belt.

Crow Wood is a multi use sports, health, hotel and leisure facility which is located approximately 0.6m from Burnley town centre. The site has grown from its first development in 2000 with the sport, leisure, and equestrian facilities followed by a 76 bed hotel in 2019 and more recently the extension to the leisure facilities in 2022.

This application is for a ground mounted solar array located within a field to the north of the hotel with access from an unadopted lane which serves a collection of properties along Holme Road. The site sits outside the development boundary for the borough and lies wholly within designated Green Belt. Approximately 460m to the north is the Borough of Pendle

The site is relatively flat in nature sitting at a higher level to the River Calder which sits to the west. Directly to the north of the site is a designated Woodland Network (policy NE1) which creates a strong natural buffer. The eastern and southern aspects of the site are predominantly open with views from the rear of the hotel (southern) and along the access lane (east). The wider site is surrounded by pasture, predominantly sheep and cattle grazing within the Crow Wood estate and there are fields used for horse livery, connected to the Crow Wood livery stables on Holme Road opposite the Site, and further stables nearby.

The application is driven by the significant high energy demand for the leisure and hotel and associated uses, with the applicant being keen to create on- site self sufficient, renewable energy.



Extract 1: source www.google.com showing approximate location of the site



Extract 2: source www.google.com The site is just one field away from the rear of the hotel



Photo 1: pano of the site taken in May 2023 looking from the east



Photo 2: Crow Wood woodland walk



Photo 3: View looking south towards the rear of the hotel

Field location of the solar array



Photo: August 2023 taken from the 2nd floor landing of the hotel looking northwards to the site

Screening Opinion

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a screening opinion was submitted by the applicant reference ESR/2023/0055 which was assessed by the Council which deemed the development not to be EIA development.

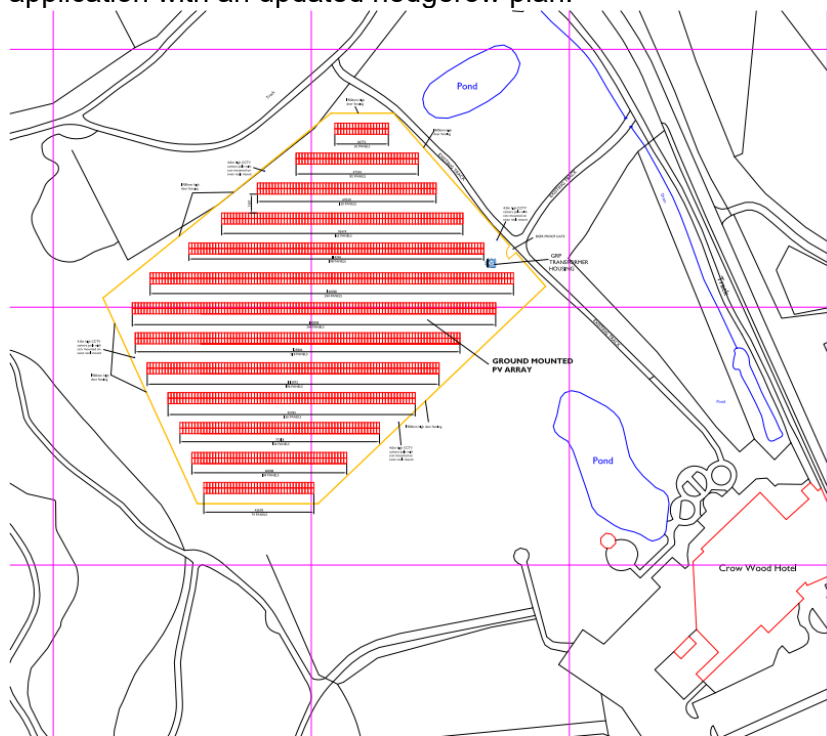
Proposal

The application seeks consent for a ground mounted solar farm consisting of 1978 solar panels, boundary fencing, transformer and housing, CCTV and associated access. The solar panels would have the capacity to create 1.121 kw which during the spring and summer months will power the wider Crow Wood site with the potential for 20% energy back to the grid. During the winter there will be some need to use the electricity from the grid.

The application has been supported with:

Planning statement
Extended Phase I Habitat Survey Report
Great Crested Newt Surveys
Flood Risk Assessment
Landscape and Visual Assessment

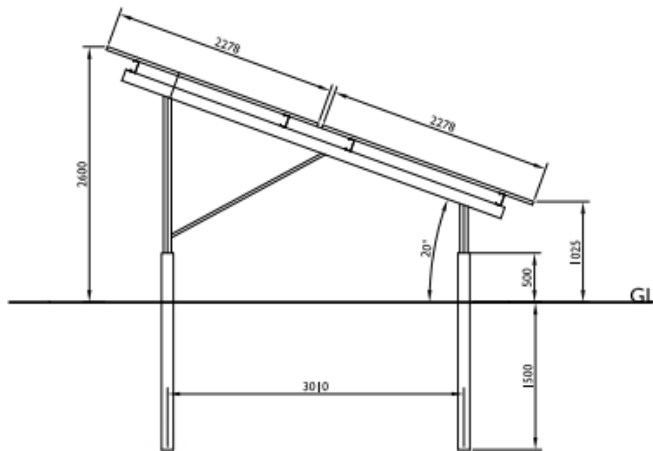
The Council also requested a topographical survey to assess the land levels but this was not forthcoming. Questions over landscaping have been discussed during the process of the application with an updated hedgerow plan.



Plan extract: showing the extent of the solar panels

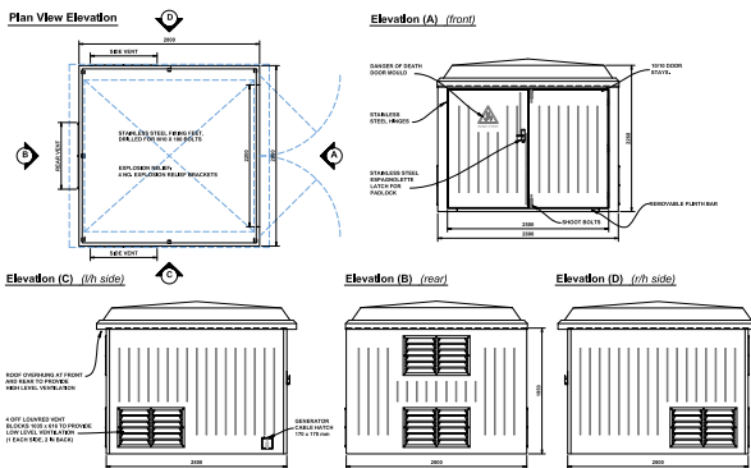
The shortest section of panels will measure approximately 20m and will consist of 36 panels. At its widest the longest section of panel will be 140m and will consist of 244 panels. Plans show that the gap between the rows will be 7.3m which is a result of the panels being at a slightly higher angle to minimise the shading which would be created from shorter gaps between.

Plan details



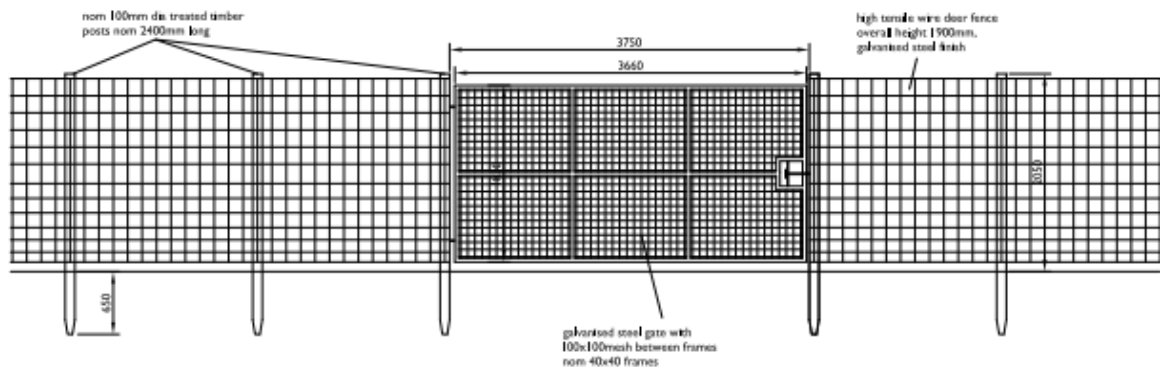
SOLAR PANEL SIDE ELEVATION

The total height of a typical panel is 2.6m with the main frame being 3m.



TRANSFORMER HOUSING 1:50

The Transformer building will be located to the east of the site and will be 2.6m square and will have a dark green finish





The photo extract has been taken from the applicants supporting statement. A 1.9m high deer fence will be created around the whole site with a single deer proof gate at the opening with the access track

Deer fence taken from applicants supporting information

CCTV

There will be a total of 4, 4.9m high CCTV poles with CCTV

Life Span

The agent has detailed a 10 week programme for construction and the overall operational lifespan of the development will be 40 years.

Grid Connection

The supporting statement details that electricity usage on the wider Crow Wood site is consistent over the year. The proposed solar development will utilise the existing infrastructure to connect to the local grid network. All electricity generated will be utilised on site. The grid connection will remain the power generated will offset that drawn from the grid network providing a degree of security to the business.

Access

Access to the site will be taken from Holme Lane which runs to the west of the site serving a collection of properties to the north. The site will be approximately 82m to the west of the lane. The supporting information notes that no there is no requirement for the existing lane.

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
- NE3 – Landscape Character
- NE5 – Environmental Protection
- IC1 – Sustainable Travel
- IC3 – Car Parking Standards
- CC1 – Renewable and Low Carbon Energy

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

National Planning Policy Framework September 2023

Burnley Council Green Belt Review June 2016

Although the hotel does not feature on the map, this application site and the wider Crow Wood site is located within parcel 4 of the Green Belt Review.

Site History: various for the wider Crow Wood site

FUL/2021/0749 – Proposed Extension to leisure facilities Approved 13/5/22 following referral to the S of S

CND/2019/0485: Discharge of condition 19 (Car Park Management Plan) and Condition 21 (Noise Assessment) of planning permission APP/2017/0329: Granted

CND/2019/0391: Discharge of Condition 5 (landscaping) and Condition 22 (lighting details) of planning permission APP/2017/0329: Granted

APP/2017/0608: Approval of details reserved by Conditions 14, 15 & 23 on Planning Permission APP/2017/0329: Granted

APP/2017/0329: Minor material amendment to previously approved scheme for proposed erection of a hotel with associated parking, servicing, and landscaping and approval of matters reserved by condition. (Amendments include changes to siting/design and materials to be used): Granted

FUL/2016/0247 – erection of a hotel with associated parking, servicing and landscaping
Granted

APP/1999/0343: Development of single storey sport and leisure building on the footprint of existing farm buildings; four outdoor floodlit tennis courts; construction of 52 stables; food stores; indoor and outdoor riding arenas; woodland planting and mounding landscaping and associated parking and new road access – Granted in 2000 (Sec of State, on Call-In).

APP/2000/0602: Construction of stables, feed stores, hay and bedding store (in place of equivalent facilities already approved) – Granted.

APP/2001/0917: Erection of 17 floodlights (6m height) to external tennis courts – Granted.

APP/2003/0043: Construction of additional car park creating 36 spaces in existing paddock – Refused.

APP/2003/0588: Erection of additional hall and conservatory – Granted.

APP/2004/0514: Retention of 66 additional car spaces to serve leisure centre – Granted.

APP/2005/0935: Erection of domed air structure over two existing external tennis courts – Refused.

APP/2006/0960: Erection of outdoor riding arena – Granted.

APP/2010/0220: Proposed change of use of two outdoor tennis courts to 5-A-Side

football pitches and two 5-A-Side football pitches on land currently used as paddocks. Erection of perimeter fencing and flood-lighting to the four pitches, development of car parking on the side of existing tennis courts and construction of changing pavilion – Granted.

APP/2010/0439: Proposed development of five 5-a-side football pitches with fencing and changing pavilion and additional floodlights on land currently used as tennis courts and paddock. The enclosure of a 60x20m outdoor riding arena (existing), the construction of a 60x30m outdoor riding arena and construction of a parking area for horseboxes – Granted.

APP/2010/0660: Proposed development of five 5-a-side football pitches with fencing and changing pavilion and additional floodlights on land currently used as tennis courts and paddock. The construction of a 60x20m indoor riding arena (to replace outdoor arena), construction of a 60x30m outdoor riding arena and construction of a parking area for horseboxes (resubmission APP/2010/0439) – Granted.

APP/2011/0153: Proposed change of part of agricultural storage building to retail use to facilitate the operation of an equine saddlery, supplies and apparel business – Granted.

APP/2011/0552: Erection of 1st floor extension over new outdoor pool/sauna/terrace and adjacent hot tub/beach hut with associated additional car parking – Granted.

APP/2015/0226: Proposed erection of garden terrace extension with pergola retractable roofing system and single-storey covered bar area with solid roof – Granted.

Consultation Responses:

LCC Highways – no objection

There is however a concern regarding the volume of traffic that is likely to be created during the construction and installation process.

Should you wish to support the application we would look for the following condition to be added to your decision notice. Other details regarding the construction management plan should include a breakdown of the volume and routing of the construction traffic. Where practicable we would look for non-local deliveries to be made via junction 11 the M65.

a) Construction Management Plan (CMP).

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

- 24 Hour emergency contact number.*
 - Details of the parking of vehicles of site operatives and visitors.*
 - Details of loading and unloading of plant and materials.*
 - Arrangements for turning of vehicles within the site.*
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.*
- Measures to protect vulnerable road users (pedestrians and cyclists).*
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.*
 - Wheel washing facilities.*
 - Measures to deal with dirt, debris, mud, or loose material deposited on the highway*

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.

Note: Construction Management Plan.

- There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- All references to public highway include footway, carriageway, and verge.

Local Lead Flood Authority – no objection subject to condition

The Lead Local Flood Authority has no objection to the above application subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

Condition(s)

Condition 1 – Development is in accordance with the submitted Flood Risk Assessment and Surface Water Sustainable Drainage Strategy

The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (17/04/2023, AEG02105_BB12_Burnley_07, Aegaea).

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

United Utilities – no objection subject to conditions

Comments dated 10th August 2023

Following our review of the submitted Flood Risk Assessment, and Drainage Strategy prepared by AEGAEA, Ref: AEG02105_BB12_Burnley_07, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

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) No surface water shall be permitted to discharge directly or indirectly to the public sewer network;);

(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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

No construction shall commence until details of the means of ensuring the 1370mm Combined sewer that is laid within the access road leading to the site boundary, is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the access route and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

Pendle Borough Council - objects summarised as follows:

Based on the information that has been submitted the development is inappropriate and the development falls considerably short of the very special circumstances that must exist for a development to comply with the NPPF.

- The VSC that have been put forward (40 year lifespan and the development not being conspicuous) should not be given weight
- The impact on the landscape and the impact on the green belt have been mixed up and should be considered independently.
- The supporting information doesn't state why this scheme is demonstrably different to any generic alternative energy scheme.
- object to the proposal, as it falls significantly short of what would realistically be considered 'very special circumstances', having no evidence of benefits to the local community

GMEU – no objection

The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, barn owl, badger, other wildlife, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

Two trees with bat roosting potential are located adjacent to the site. Disturbance is theoretically possible during construction due to the noise and vibration caused by the pile driving of the supports for the solar panels. Whilst this risk is low any disturbance would be an offence. Therefore I recommend a reasonable avoidance working method statement is produced for works deemed to be close enough to these trees. Eg timing of works etc. The details can be conditioned along the following lines.

Prior to development either:

a bat mitigation and avoidance strategy for works near the mature oaks along the southern boundary or;

Further survey that demonstrates bats are not present will be provided and agreed in writing by the LPA

Barn Owl & Other Nesting Birds

A barn owl box is present near to the proposed development. Barn owl are protected under schedule 1 of the Wildlife & Countryside Act 1981 (as amended) If occupied during construction there would be a risk of disturbance and abandonment of the nest. There is also as very low risk that other birds may nest in the adjacent plantation woodland. I therefore recommend a condition along the following lines is applied to any permission.

No works shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey of the adjacent plantation and barn owl box by a suitably experienced ecologist has been carried out immediately prior to development and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Great Crested Newts Surveys of the ponds found no evidence of great crested newts. I have no reason to doubt the findings as the ponds are all relatively new and isolated. No further information or measures are required.

Badger No setts were found or evidence that badger were present was recorded. Badger could however forage across the site. I agree however that the construction site is very unlikely to be high risk for these species given no significant excavations are proposed. I am satisfied that all that is required is an informative along the following lines.

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed. It is also an offence to wilfully kill, injure, ill treat, take or possess a badger or attempt to do so

Other Wildlife

No evidence of any other wildlife was identified but as for badger, species such as hedgehog and common toad could cross the site on occasion. I am however satisfied that given the nature of the works and habitat present that the risks are very low and that no further information or measures are required

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in minor permanent impacts to the existing low ecological value grassland, along with temporary disturbance to the remainder. No soft landscape or ecological enhancement proposals have been made, but as noted by the ecological consultant, net gain could be relatively easily achieved by managing the grassland post development as other neutral grassland. ie introduction of wildflowers and reduced maintenance. Prior to determination I recommend confirmation how the site will be managed so as to achieve biodiversity net gain

No specific species mitigation measures appear to be required, though enhancement through bird box provision on adjacent trees could be provided.

The details of biodiversity enhancement measured can likely be conditioned once assurance that they will occur has been provided.

Coal Authority – no objection

The application site does fall within the defined Development High Risk Area; however, I can confirm that the nature of development is exempt from Version 7, January 2023 of the Coal Authority's Guidance for Local Planning Authorities.

Environment Agency

Parish Council – no comments received.

Public comments – 1 received.

- contrary to green belt policy

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.

Para 138 of the NPPF states

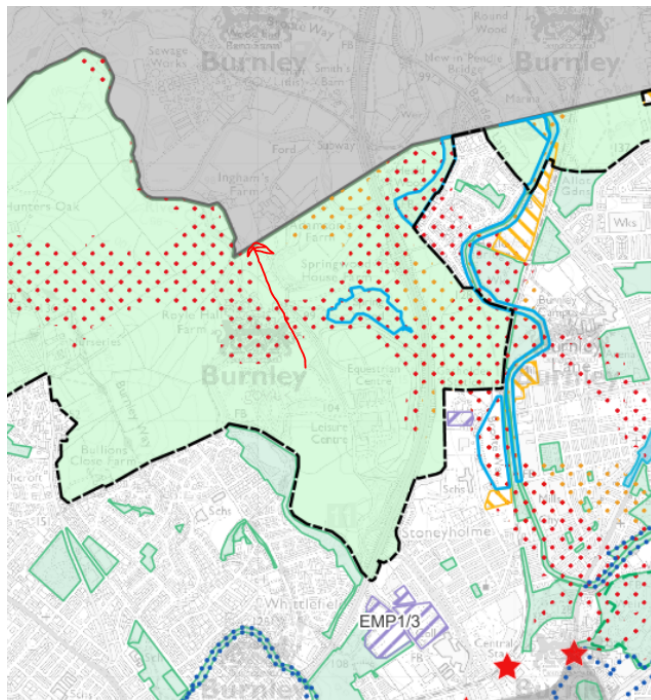
Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The Council has assessed the proposals against each of these purposes:

- a) Crow Wood is separated from the nearby urban area by the M65 and the wider Crow Wood site is an established leisure development. The proposal involves a ground mounted solar array which is separated by a field to the north of the hotel. It is not considered that the extension will lead to any unrestricted sprawl of the built up area however the development is considered to encroach into the open countryside.
- b) The site is approximately 460m from the boundary of Pendle Borough Council. The area is characterised by woodland and farming land and there are no key villages or settlements, therefore it is not considered that the development will lead to towns merging, the nearest being the villages of Fence and Higham.



Extract from the Burnley Local Plan proposals map showing the approximate location of the site and the edge of the neighbouring borough of Pendle to the north

- c) the proposed solar array is spread across 1.5 hectares of land which is currently undeveloped open land. The siting of the array beyond the existing edge of the hotel complex would represent an intrusion into the countryside and will therefore lead to encroachment
- d) Part d is not relevant to this application.
- e) Part e refers to re-use of derelict land which the site is not, however there may be some merit for the expansion of the site in terms of assisting wider urban regeneration in the borough.

The proposed development conflicts with one of the purposes of the Green Belt set out in para 138 of the NPPF.

Inappropriate development

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 (VSC). Paragraphs 149 and 150 of the NPPF identify those forms of development which may not be considered to be inappropriate.

It is considered that the proposed development does not fall within para 149 a) – g) or para 150 a) – f) and therefore is considered to be inappropriate development. The applicant accepts that the development is not considered to be appropriate development and on page 34 of the supporting statement makes clear that very special circumstances need to be demonstrated. Policy SP7 of Burnley's adopted Local Plan is consistent with the approach of the Framework, in that there is a presumption against inappropriate development subject to very special circumstances.

Openness

Openness is an essential characteristic of the Green Belt and is defined by an absence of buildings or other forms of development. When assessing the impact of a proposal on the openness of the Green Belt, the Planning Practice Guidance (PPG) states that a number of factors should be taken into account. These include, but are not limited to, its spatial and visual aspects, duration of the development and the degree of activity likely to be generated.

Spatial

From a spatial aspect, the field is currently void of any development and aside from a few single trees, is free from significant landscape features. Proposals for 13 rows of solar panels at a height of 2.6m, a building containing the transformer and also 4, 6m high CCTV columns in an area which is currently void of development, is considered to an impact on the openness of the Green Belt in terms of spatial impact.

Visual

The applicant has submitted a Landscape Visual Impact Assessment (LIVA) which is assessed in detail below. The main visual impacts are seen from the southern boundary of the site (from the rear of the hotel) and also the eastern boundary (closest to the access lane). Whilst it may be considered that the development is located on low level land and not wholly accessible, openness can be harmed, even when development is not readily visible from the public domain.

Whilst the visual impact may be limited to the eastern and southern aspects, it is considered that there is harm to the openness of the Green Belt. At para 6.22 of the applicants supporting statement it comments ; *'both visually and spatially, the proposed development would result in moderate harm to the openness of the Green Belt.'*

Permanence

A recent appeal decision on a Solar Farm (APP/W1525/W/22/3300222) noted at para 14 that:

' furthermore the scheme would be in place for a temporary 40 year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be reduced with the site ultimately reinstates to its former open character.'

The lifespan of the development is 40 years and whilst this appears to be a long period of time, the visual impacts on the landscape are considered to be reversible.

Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness and therefore being contrary to one of the purposes of including land within the Green Belt.

Renewable Energy

The Framework is generally supportive of renewable forms of energy at paragraph 152. Policy CC1 of Burnley's Local Plan is applicable and has been applied to the proposal below.

Policy CC1 (Renewable and Low Carbon Energy)

The policy confirms that proposals for renewable and low carbon energy development will be supported where they satisfy the requirements of other relevant Plan policies and can demonstrate, after identifying and thoroughly appraising any potential individual and cumulative effects, that any associated impacts are or can be made acceptable.

- a) *Do not have a significant adverse impact, including by reason of visual impact, on the character of the immediate and wider landscape or townscape;*

As highlighted above, there are inevitable visual impacts of the development on the immediate character of the area given that it is currently void of any development. There is some moderate impact on longer range views but on the whole the visual impacts are considered to be localised.

- b) *Do not have an unacceptable impact on local amenity, including public rights of way and bridleways; and can successfully mitigate against visual (including glint/glare), noise, smell, pollution or other impacts likely to affect nearby occupiers and/or neighbouring land uses;*

It is not considered that the development will have any impact on the PROW. Additional hedgerow planting is considered to be a useful way of mitigating some of the visual impacts

- c) *Do not have an unacceptable impact on ecology, geology, water resources or flood risk, and where possible enhance these functions;*

Through consultation with GMEU the proposal is not deemed to have an unacceptable impact on ecology and geology

- d) *Ensure that any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal; and*

This can be covered by an appropriate condition

- e) Avoid the loss of, or loss of productive use of, the best and most versatile agricultural land and, for large scale developments, prefer previously developed and non agricultural land, provided that it is not of high environmental value.

The land is classed at grade 3 and is open greenfield land which has not been previously developed.

2) Where development proposals would have a wider landscape and/or visual impact than their immediate locality, planning applications should be accompanied by an appropriately detailed Landscape and Visual Impact Assessment (LVIA) undertaken by suitably qualified and experienced persons which includes any mitigation measures identified.

The application has been supported by a LVIA.

3) Where mitigation is required to make any identified impacts acceptable, these will be secured through condition, agreement and if necessary, a planning contribution.

Conditions can be attached.

4) In assessing renewable energy proposals, the Council will give positive weight to initiatives which are community-led or where there are direct benefits to community through their involvement

There do not appear to be any community benefits of the proposal other than supplying energy to the hotel and the wider Crow Wood complex. The Framework does not insist upon the contribution of the renewable energy back to the community. In this case the benefits are to a single business.

Very Special Circumstances (VSC)

Paragraph 151 of the NPPF is relevant to the assessment of this application, which states;

‘when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.’

Paragraph 152 of the Framework states that the planning system should support the transition to low carbon future and support renewable and low carbon energy and associated infrastructure. While paragraph 158 states that in determining planning applications, applicants are not required to demonstrate the overall need for renewable or low carbon energy, that decision makers should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application if its impacts are (or can be) acceptable.

The applicants statement describes the development producing 1MW of power and in doing so, the proposal will make a contribution to cutting green house gas emissions and tackling climate change, which is supported by the NPPF and Burnley Local Plan policy CC1. The VSC the applicant has put forward have been extracted as follows:

- *Meets national targets for the reduction of green house gases*
- *The site consists of a flat area of grassland forming part of the hotel grounds. This is virtually enclosed woodland areas, especially to the northwest and southwest of the site. The site sits low in the landscape and is well screened from beyond by existing blocks of woodland which provide a very effective buffer even when the trees are not in leaf.*
- *The proposed solar arrays would be relatively modest in mass and footprint. Furthermore, the scheme would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. The landscape and visual impacts of the development is detailed in the LVA produced by Penny Bennett.*
- *The benefits of the scheme are that it would deliver 1 MW of power, providing power for the Crow Wood complex (or the equivalent of 350 homes) and resulting in a carbon dioxide displacement of 220 tonnes per annum contributing to the energy infrastructure required to meet the net-zero targets. The proposed development during peak times will generate the energy to power the Crow Wood Complex with an additional amount being fed back into the grid.*
- *The proposed development will make a meaningful and valuable contribution to cutting greenhouse gases and to meeting the UK's renewable targets, providing a safe and clean source of energy. It is considered that these benefits should attract substantial weight in the Planning Balance.*

Alternative Sites

The applicant has informed the Council that there is available grid connection close to the site and that this is a key determining factor for this form of development.

The applicant already has PV panels on the gym/leisure club roof and advised that investigations were made as to the installation of panels on the hotel roof, but there was not enough south facing roof slope to make a scheme viable.

Environmental Benefits

A further benefit will be the increase in biodiversity at the site, through meadow planting inbetween the panels, provision of additional hedgerows and further tree planting.

Economic Benefits

The case for economic benefits is strong both in terms of the Government aims in the NPPF to build a strong and competitive economy and the Climate Change Act, and through the additional construction jobs created during the construction and decommissioning phases.

There would be clear economic and energy security benefits arising from a solar farm that would deliver 1 MW of power, providing power for the Crow Wood complex (or the equivalent of 350 homes) and resulting in a carbon dioxide displacement of 220 tonnes per annum which reduces the reliance on fossil fuels

Social Benefits

The social benefits would extend from the reduction in the need for fossil fuel generated electricity and the security provided by renewable energy.

The Council recognises the importance at local and national level for the transition to a low carbon future and from an environmental perspective the proposed development would create upto 1MW of energy. Para 158 states that when determining planning applications for renewable and low carbon development b) approve the application if its impacts are (or can be made) acceptable.

The Council would have liked to have seen some community benefit to the proposals however there is no requirement for this to be carried out, nor is there any requirement for the applicant to demonstrate the need for the proposals.

Other Issues

Main issues

The main issues in the consideration of this application are;

- Landscape Impact
- Design
- Ecology
- Highways, access, and parking
- other considerations

Landscape impact

The application has been supported with a Landscape Visual Appraisal. The report describes the site as being;

'The Site sits low in the landscape and is well screened from beyond by existing blocks of woodland which provide an effective buffer even when the trees are not in leaf.'

The assessment includes a summary table of the visual effects on page 36. For the purposes of this report, extracts have been taken from highlighting those 'receptors' (view points) which the consultant concludes to have '*slight-moderate adverse*' overall impact. 7 key viewpoints were identified which separated into walkers, pedestrians, vehicles hotel staff, hotel users. The reports concludes that the most affected viewpoint is Viewpoint 7 which is the view from the hotel.



Viewpoint 1	Description: The solar array would be seen in the middle distance between blocks of existing woodland, it would be a small but incongruous element in the wider landscape.	Camera: Canon Powershot SX70HS Digital SLR
Date: 4 th April 2023	Location: From Burnley Way due east of Park Hill Farm off Ightenhill Road.	Height of camera above ground: 1.6 m



Viewpoint 5	Description: View west into Site from break in vegetation alongside road, the profile of the array would be clearly visible at a distance of 90 m.	Camera: Canon Powershot SX70HS Digital SLR
Date: 19 th May 2023	Location: Holme Road Crow Wood looking west to Site	Height of camera above ground: 1.6 m



Viewpoint 6	Description: View north to Site from ornamental garden at rear of hotel, the solar (pv) panels would face the observer and be clearly visible at a distance of around 100m.	Camera: Canon Powershot SX70HS Digital SLR
Date: 19 th May 2023	Location: Rear terrace of Crow Wood Hotel	Height of camera above ground: 1.6 m



Viewpoint 7	Description: View south into Site woodland, the rear of the solar (pv) panels would be very prominent to the right of the path	Camera: Canon Powershot SX70HS Digital SLR
Date: 19 th May 2023	Location: Path running south from woodland to rear of Crow Wood Hotel	Height of camera above ground: 1.6 m

The report offers mitigation and enhancement which have been summarised on pages 37 and 38 of the report which could be attached as appropriate planning conditions. On the whole, given the location of the site (ie. not on an elevated position), there are some moderate impact on certain wider view points but on the whole it is not considered that the scheme will have any detrimental impact on the wider landscape value.

Landscape Character Area

The site is located within National Character Area (NCA) 35, Lancashire Valleys. The LVIA states that the wider landscape is very typical of the NCA, and key characteristics of the NCA which are evident at Crow Wood are:

- The broad valley of the River Calder is conspicuous.
- Field boundaries are irregular to the east (where Crow Wood is located) and formed by hedges with few hedgerow trees, and stone walls and post and wire fences at higher elevations.
- Agricultural land is fragmented by towns, villages, hamlets, industry and scattered development.
- Farmed land is predominantly pasture.
- The many towns including Burnley which developed as a result of the industrial revolution give the area a strong urban character.

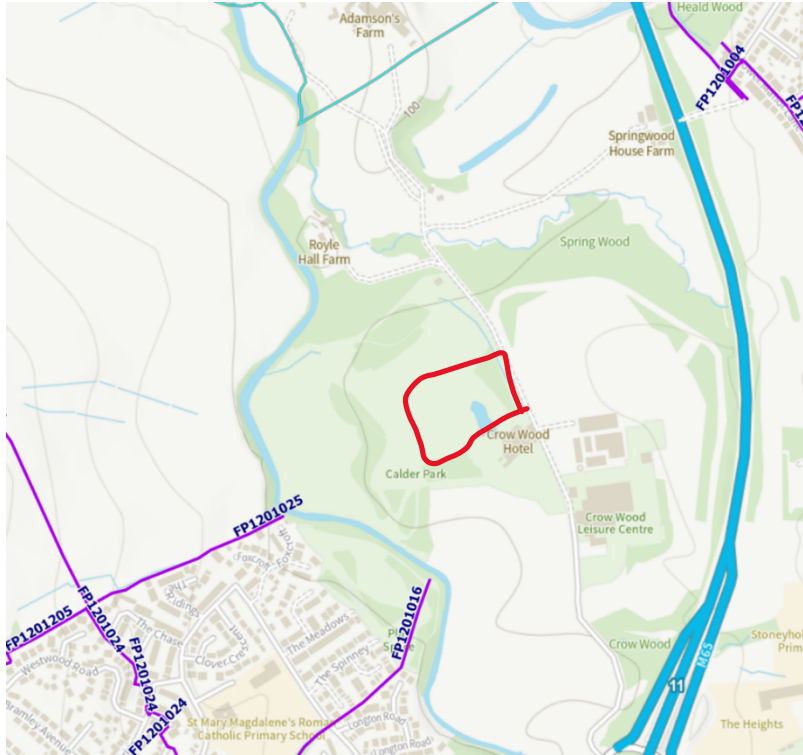
Policy NE3 of Burnley’s Local Plan sets out that development will respect, enhance and restore landscape character as appropriate to their nature and scale. It is considered that the proposals conflict with parts of NE3 in that the scale will have an impact on the landscape and character, however an ‘on balance’ approach needs to be taken on the benefits to the creation of renewable energy.

The existing character of the area is open fields interspersed with banks of trees and woodland. The edge of the hotel marks the edge of the built form and beyond the gardens and

extended footpaths through the area. There would be an obvious impact to the character of the area which would be at odds to paragraph 130 of the NPPF which amongst other things states at c) are sympathetic to local character and history, including the surroundings built environment and landscape setting.

Public Rights of Way (PROW)

There are no direct PROW through the site, although there are permissive footpaths round the site which can be used. The following map extract is taken from Mario maps.



Extract plan: source www.mariomaps.gov.uk

Ecology

Section 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. This is further supported by policy NE1 of Burnley's adopted Local Plan.

The application is supported with a Preliminary Ecological Appraisal which has been assessed by Greater Manchester Ecology Unit (GMEU). The site currently consists of current hay meadows which are used for grazing and cutting. The development will result in the loss of approximately 1ha of low value semi-improved grassland though in some of the wetter area, be of medium value.

GMEU comment that whilst the land within the red edge is of low ecological value, enhancement of the land could have the potential to provide adequate mitigation. Simply carrying on with the meadow management is not considered to be sufficient. Given the widespread nature of the existing habitats, there is the option for the creation of other medium and high value habitat using the DEFRA metric concept of 'trading up', through the application of the DEFRA Metric v3 biodiversity assessment.

No evidence of any protected species utilising the site has been recorded and GMEU conclude that without the evidence for the presence of Protected Species that it would be unreasonable to require further measures.

The development would comply with policy NE1 of the adopted Local Plan and any mitigation could be dealt with via planning conditions.

Highways, access and parking

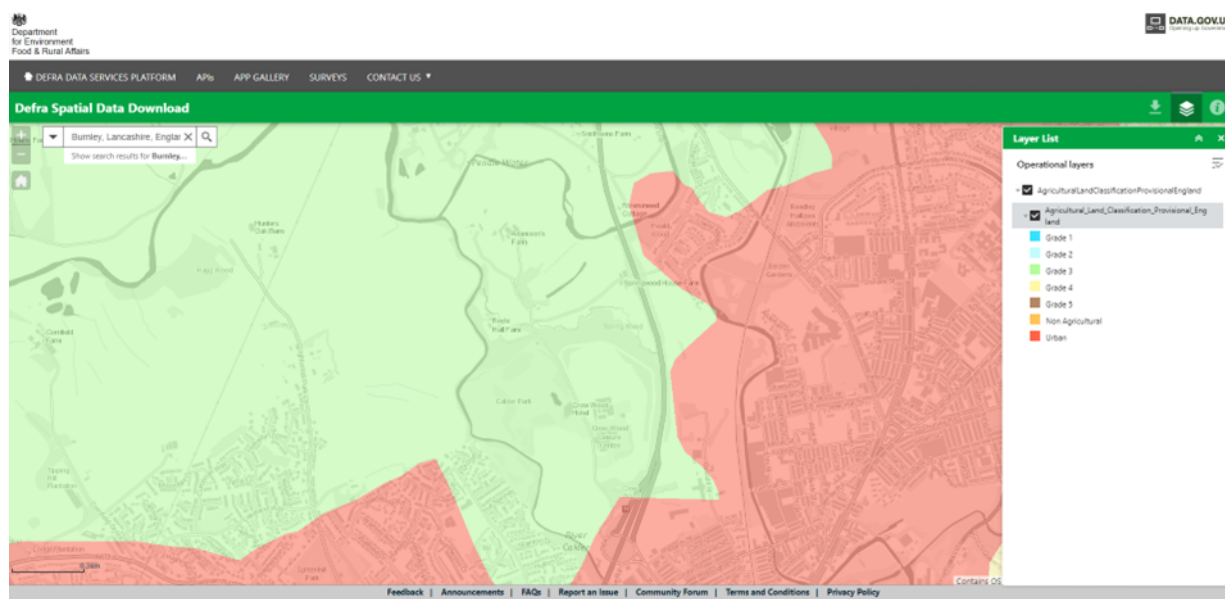
Access is sought from an existing lane and aside from the initial construction traffic which could be managed by condition, it is not considered there will be any impacts on the highway network.

Other considerations

Effect on arable land

Paragraph 174(b), of the Framework, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework's Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a. Most of the site would not qualify as BMV by this categorisation. The PPG requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals.

Having checked the DEFRA mapping system, the site is located within Grade 3 land.



Renewable Energy

The applicant has highlighted sections of relevant policy in section 5 of the supporting statement. The key areas of policy direction is broadly set out below.

The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all (IPCC Sixth Assessment Report – Summary for Policymakers, paragraph D.5.3)

The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction as follows:

“We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79%, compared to a 5% chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years.”

The draft NSPs recognise that to meet the Government’s objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to ‘dramatically increase the volume of energy supplied from low carbon sources’ and reduce the amount provided by fossil fuels. Solar and wind are recognised specifically in Draft EN-1 (para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are ‘likely to be composed predominantly of wind and solar’. The Government aims by 2030 to quadruple offshore wind capacity so as to generate more power than all homes use today. This would therefore be delivered in collaboration with solar energy, and other measures, to provide a robust supply.

Planning Practice Guidance (PPG), on renewable and low carbon energy, states that ‘*there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts.*’ (PPG, Para 005 Ref ID: 5-005-20150618)

A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published.

The draft NPS EN-3 states that:

“solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer.”

Objections from Pendle Borough Council

In respect of the comments from Pendle, the Council considers that comments made have been addressed in this report. Additional information has been provided by the applicant on VSC and clarification has been asked on the site selection process.

The Council share similar concerns about the length of time for the proposals, with 40 years being a long time, however as noted within this report, recent appeal decisions consider that whilst 40 years is a long time, proposed works are reversible and that this should not be a reason for refusal.

Conclusions and Recommendation

The proposed scheme represents inappropriate development within the Green Belt, which is harmful by definition. Furthermore, there would be moderate harm to the openness in terms of

visual and spatial terms. Paragraph 147 of the Framework indicates that any harm to the Green Belt should be given substantial weight.

The applicants very special circumstances case rests on the need of the development to make Crow Wood self-sufficient in terms of energy production. The NPPF concludes that VSC may include wider environmental benefits associated with increased production of energy from renewable sources, and the scheme would achieve this.

National policy advises that renewable proposals should be located where impacts are, or can be made, acceptable (para 158 b). It is considered that the location of the array on a low level field which is naturally screened on at least two sides, together with proposed landscaping can be acceptable.

The environmental benefits of the proposal and mitigation are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the proposal does not conflict with policies SP7 and NE3 of Burnley's Local Plan.

Therefore, the proposal is recommended for approval.

Conditions

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

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

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

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

3. The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed development has an operational lifespan of 40 years and following this period (or a shorter period if the use ceases earlier than anticipated) the impact of the development on the green belt is no longer justified and the landscape should be restored in the interests of the green belt, in accordance with Policies SP7, CC1 and NE3 of Burnley's Local Plan (July 2018).

Decommissioning & Highways

4. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar array, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme of works shall include the

following: (a) a programme of works; (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; (c) details of any items to be retained on site; (d) a method statement for restoring the land to agriculture; (e) timescale for the decommissioning, removal and reinstatement of the land; (f) a method statement for the disposal/recycling of redundant equipment/structures. The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

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

5. No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

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

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

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

7. No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason: To avoid harm to any wildlife, to protect the biodiversity of the site and to protect the character of the green belt and open countryside in accordance with Policy NE1 of Burnley's Local Plan (July 2018)

Ecology & Landscape

8. The development shall be carried out in accordance with the recommendations set out in the Landscape Visual Impact Assessment Rev A dated May 2023.

Reason: To ensure the development enhances the landscape and biodiversity aspects of the scheme and through mitigation reduces any potential visual impacts in accordance with policy NE3 of Burnley's adopted Local Plan.

9. Prior to development on site, a bat mitigation and avoidance strategy for works near to the mature Oak Tree to the southern edge of the site shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as amended) and in the interests of biodiversity in compliance with policy NE1 of Burnley's adopted Local Plan and The NPPF.

10. No works shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey of the adjacent plantation and barn owl box by a suitably experienced ecologist has been carried out immediately prior to development and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981 and in accordance with Policies NE1 and NE4 of Burnley's Local Plan (July 2018)

11. Detailed specification of the native hedgerow (refer to drawing 1503 – 2B) shall be submitted and approved in writing by the Local Planning Authority. The hedgerow shall be put in place in the first planting season. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

12. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Report and Great Crested Newt Report V1 dated 30/5/23 especially reference to the 'Mitigation and Opportunities' chapter.

Reason: To ensure the development enhances the biodiversity aspects of the scheme and through mitigation reduces any potential impacts in accordance with policy NE1 of Burnley's adopted Local Plan.

Drainage

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (17/04/2023 AEG02105_BB12_Burnley_07, Aegaea) The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

14. 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) No surface water shall be permitted to discharge directly or indirectly to the public sewer network;);
- (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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan 2018.

15. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with policy CC5 of Burnley's adopted Local Plan 2018.

16. No construction shall commence until details of the means of ensuring the 1370mm Combined sewer that is laid within the access road leading to the site boundary, is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the access route and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

Informatives:

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed. It is also an offence to wilfully kill, injure, ill treat, take or possess a badger or attempt to do so



Paul Gatrell Head of Housing and Development Control

22 High Close, Burnley

1:1250



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Application Recommended for Approve with Conditions

TPO/2023/0580

Rosegrove With Lowerhouse

Town and Country Planning Act 1990

Application to crown thin (20%) one Oak tree located within W1 of the Burnley (Land at Lowerhouse between Bear Street, Knotts Lane and East of the railway, Burnley)

Tree Preservation Order 1975.

22 High Close, Burnley

Applicant: Greenspaces and Amenities

Background:

The application is to crown thin one Oak tree within Jacky Wood at the rear of houses on High Close. The application is being reported to Committee because the application has been submitted by Burnley Borough Council, Greenspaces and Amenities, as the tree is located on Council owned land.

Relevant Policies:

Burnley's Local Plan 2018

NE4 – Trees, hedgerows, and woodlands.

Site History:

None.

Consultation Responses:

None received.

Planning and Environmental Considerations:

The proposal involves the pruning of one Oak tree in Jacky Wood at the rear of houses on High Close, near to the footpath at the end of High Close which goes into Jacky Wood.

The pruning consists of crown thinning by 20% maintaining the natural shape of the tree as much as possible.

The pruning is considered to be acceptable and in the interests of good management of the tree.



location of the Oak tree



the Oak tree the subject of this application

Recommendation:

Grant subject to the following conditions:

1. The tree work must be completed within 2 years from the date of this permission.

Reason: Pursuant to Regulation 17 (4) of the Town and County Planning (Tree Preservation) (England) Regulations 2012.

2. The tree work is restricted to the crown thinning (20%) of one Oak tree located within W1, as detailed within the submitted application.

Reason: In order to keep control of tree work in the interests of the amenity of the area.

3. The tree work must be carried out to British Standards.

Reason: In order that the work is completed to a suitable standard.

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Housing & Development Control
Town Hall, Manchester Road

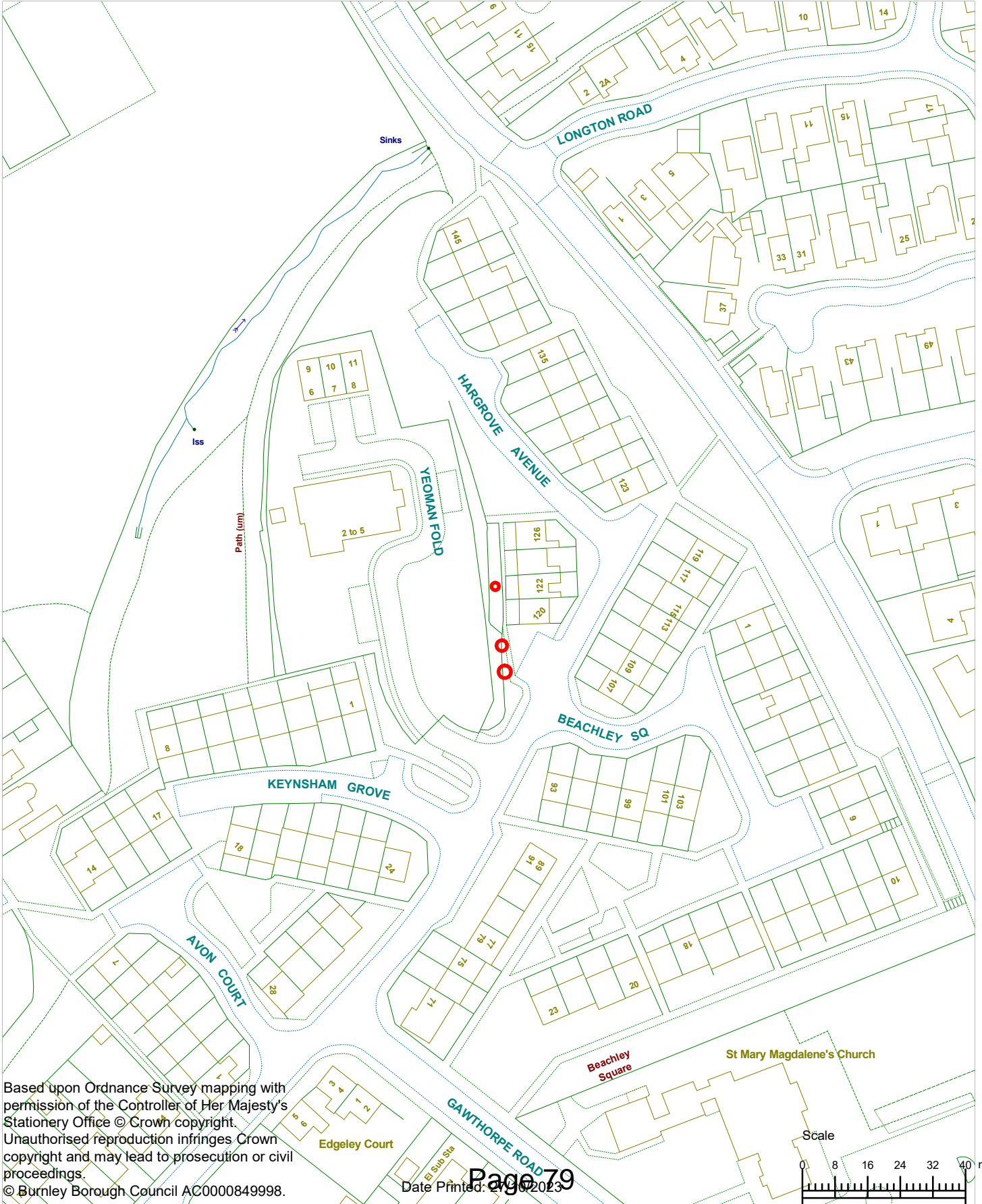
Ref.

TPO/2023/0582



Paul Gatrell Head of Housing and Development Control

Footpath To Rear 120 And Along 120 To 126 Hargrove Avenue, Burnley 1:1250



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Application Recommended for Approve with Conditions

TPO/2023/0582

Whittlefield With Ightenhill

Town and Country Planning Act 1990

Application to prune three trees located within G1 of the Burnley (Clifton House & Clifton Farm, Ightenhill) Tree Preservation Order 1976

Footpath to rear of 120 and along 120 to 126 Hargrove Avenue, Burnley.

Applicant: Greenspaces and Amenities.

Background:

The application has been reported to Committee as it has been submitted by Burnley Borough Council, Greenspaces and Amenities. The trees are located adjacent to the footpath between the rear of 120 to 126 Hargrove Avenue and properties at Yeoman Fold (previously Clifton House/Farm).

Relevant Policies:

Burnley's Local Plan 2018

NE4 – Trees, hedgerows, and woodlands.

Site History:

APP/2002/0490 – Application to fell and prune various trees covered by the Burnley (Clifton House and Clifton Farm, Ightenhill) TPO 1976 – c/c

APP/2008/0386 – Application to prune Horse Chestnut tree – c/c

APP/2017/0290 – Application to crown lift various trees to 4m – c/c

Consultation Responses:

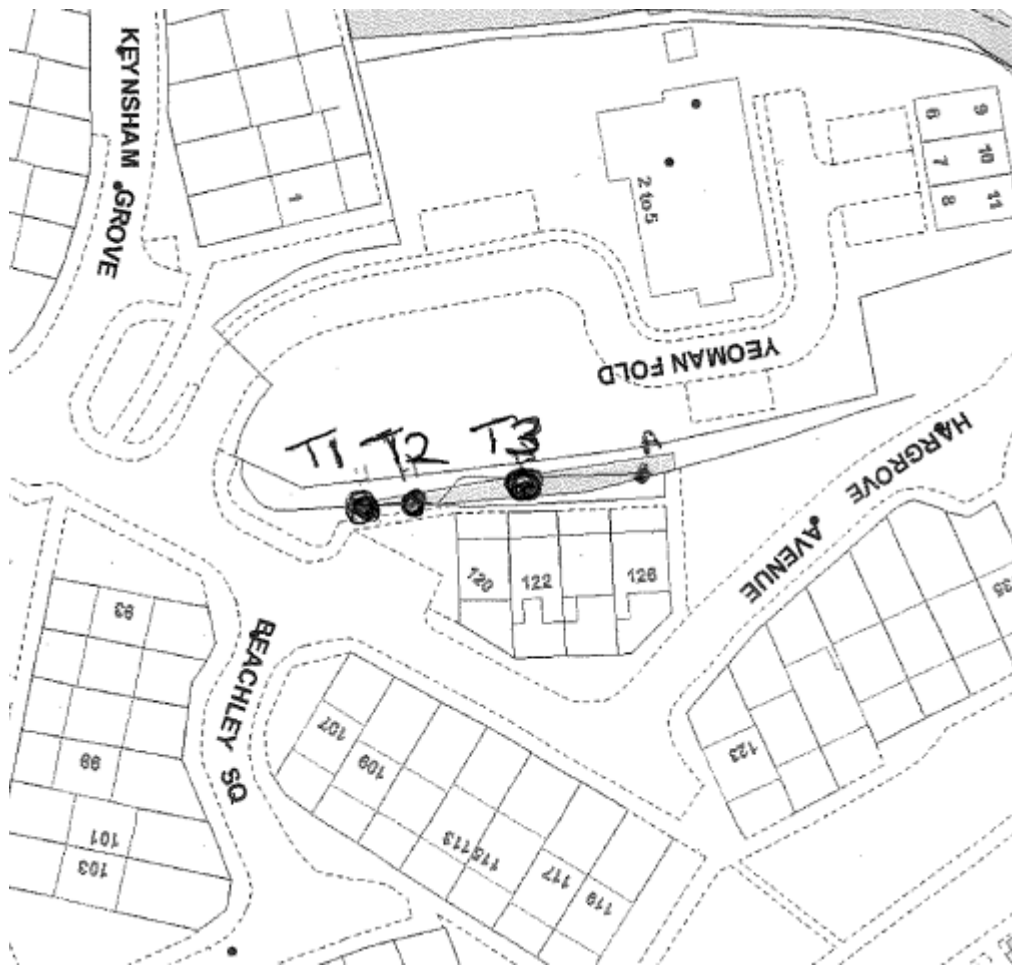
None received.

Planning and Environmental Considerations:

The proposal involves the pruning of three Horse Chestnut trees which are located along the footpath at the rear of properties on Hargrove Avenue. It is proposed to crown lift two of the Horse Chestnut trees and remove the epicormic growth up the trunk from the other tree.

The crown lifting (to a maximum of 5m) is proposed in order to allow clearance for vehicles using the car park at Yeoman Fold and the removal of epicormic growth to alleviate any nuisance from branches close to the footpath.

There are no objections to the proposed tree work which is considered to be in line with good management of the trees.



location of the three Horse Chestnut trees

Recommendation:

Grant subject to the following conditions:

1. The tree work must be completed within 2 years from the date of this permission.

Reason: Pursuant to Regulation 17 (4) of the Town and County Planning (Tree Preservation) (England) Regulations 2012.

2. The tree work is restricted to the crown lifting (to a maximum of 5m) of two Horse Chestnut trees and the removal of epicormic growth from one Horse Chestnut tree (all within G1) as detailed within the submitted application.

Reason: In order to keep control of tree work in the interests of the amenity of the area.

3. The tree work must be carried out to British Standards.

Reason: In order that the work is completed to a suitable standard.

BURNLEY BOROUGH COUNCIL DEVELOPMENT CONTROL COMMITTEE

REPORTS ON PLANNING APPLICATIONS



Photograph McCoy Wynne

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

9th November 2023

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2022/0727		Portsmouth Mill Burnley Road Calderdale Todmorden OL14 7EZ	Conversion of mill to form 10 apartments and 12 new build dwellings.	Application Withdrawn	5th October 2023
REM/2023/0169	Mr Neil Lewis	Land At Barden Lane Burnley	Application for approval of Reserved Matters (appearance, landscaping, layout and scale) for the erection of 73 dwellings pursuant to outline planning permission OUT/2021/0443	Approve with Conditions	17th October 2023
CND/2023/0287	Mr Pino Cafusso	6 Nicholas Street Burnley Lancashire BB11 2AQ	Application to discharge condition 3 (Scheme of noise insulation) and condition 4 (Construction Management Plan) of Planning Permission FUL/2022/0592	Conditions part discharged	12th October 2023
FUL/2023/0274	C/o Agent	198 Rossendale Road Burnley Lancashire BB11 5DE	Demolition of building and erect two storey building to provide rehabilitation service for brain injuries (Class C2) with external amenity space, landscaping, car park, access and associated works.	Approve with Conditions	26th October 2023
NMA/2023/0344	Ms Christelle Lightfoot	Land South Of Rossendale Road Burnley	Proposed minor amendments to erect an entrance feature; to remove railings south of plot 72; and to alter hedgehog highway plan, of planning permission FUL/2021/0273 (Non-material minor amendment)	Non-Material Minor Amendment Granted	24th October 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
ESR/2023/0378	EDF Energy Renewables Ltd	Safran Nacelles Ltd Bancroft Road Burnley Lancashire BB10 2TQ	Request for a Screening Opinion in relation to proposed solar photovoltaic (PV) development.	Not EIA development	24th October 2023
NMA/2023/0411	Mr S Arnfield	Land At Stoneyholme Recreation Ground And Burnley College Grosvenor Street Burnley Lancashire	Proposed minor amendments to remove sections of gabion walls, remove swale, remove bridge feature, re-profile lake, remove landscaping from existing car park, alter planting in paved areas and alter outside furniture (Non-Material Amendment to planning permission FUL/2021/0270)	Non-Material Minor Amendment Granted	6th October 2023
CND/2023/0415	Mr David Devine	Land To The West Of Smithyfield Avenue Worsthorne Burnley BB10 3JG	Application to discharge condition no.23 (landscape and open space management plan) and condition no.24 (Landscape and Ecological Management Plan (LEMP)) of planning consent FUL/2021/0274.	Conditions part discharged	9th October 2023
TPO/2023/0442	Mr Waheed Masters	10 Slade Lane Padiham Lancashire BB12 9AA	Application to prune one Oak tree (T10) protected by The Burnley (Slade Lane, Padiham) Tree Preservation Order 1984.	Approve with Conditions	23rd October 2023
CND/2023/0450	Mr Ibrahim Altaf	Land Former Wm Blythe Chemicals Manchester Road Hapton Lancashire BB12 7LF	Proposed Discharge of Conditions 13 (Land Contamination - Validation reports for Plots 1-4, 9-116 & 128-202); Condition 17 (Landscape Management Plan); and Condition 28 (Car parking) relating to planning permission APP/2016/0021.	Conditions part discharged	6th October 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0448	Mr Gary Dawes	2 Lindsay Park Worsthorne-with-hurstwood Lancashire BB10 3RR	Retrospective planning permission for single storey extension	Approve with Conditions	16th October 2023
HOU/2023/0449	Alex Cawtherley	11 Shore Avenue Briercliffe Lancashire BB10 2DS	Front porch, two storey side extension and single storey rear extension.	Approve with Conditions	5th October 2023
FUL/2023/0385	Ms Megan Cottam	Causewayside Farm The Long Causeway Cliviger Lancashire BB10 4RP	Conversion of existing redundant agricultural barn to residential building, plus creation of access to classified road in retrospect	Refuse	6th October 2023
COU/2023/0434	Ms Helen Gauder	Land To The Rear Of 63 Berry Street Burnley Lancashire BB11 2LF	Proposed change of use of land to private garden area.	Approve with Conditions	9th October 2023
HOU/2023/0474	Mr Shehzad Ahmed	113 Thursby Road Burnley Lancashire BB10 3EG	Two-storey side and rear extension and single storey rear extension.	Approve with Conditions	5th October 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0482	Lisa Kokocinski	15 Rochester Drive Burnley Lancashire BB10 2BH	Proposed erection of a two storey side extension, a two storey and a single storey rear extension, reposition driveway, replacement of fencing to boundary with No.17 with a solid retaining wall and raising the garden height by 600mm to the new boundary wall.	Approve with Conditions	6th October 2023
FUL/2023/0497	Mr Shehzad Ahmad	Balnaguard Halifax Road Briercliffe Lancashire BB10 3QS	Proposed use of existing C3 dwellinghouse as a property for an Ofsted registered childrens home for up to 6 children with additional needs.	Refuse	9th October 2023
FUL/2023/0408	Mr & Mrs Kerr	7 Southern Avenue Burnley Lancashire BB12 8AH	Erection of single dwelling and garage with associated infrastructure.	Approve with Conditions	9th October 2023
HOU/2023/0486	MR NATHANIEL DICKENSON	47 Foster Drive Burnley Lancashire BB12 6BU	Garage conversion and additional parking bay.	Approve with Conditions	12th October 2023
CND/2023/0512	Mr N Puttnam	Former Reel Cinema Manchester Road Burnley BB11 2EG	Application to discharge condition No.25; Traffic Management and No.26; Construction Method Statement of planning permission COU/2021/0277	Conditions part discharged	6th October 2023
HOU/2023/0458	Mr Iftexhar Ahmed	14 Laurier Road Burnley Lancashire BB10 1XY	Single Storey Side and Rear Extension	Approve with Conditions	25th October 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAH/2023/0394	Mrs Fazeelat Begum	46 Eldwick Street Burnley Lancashire BB10 3DZ	Proposed single storey rear extension which will extend: 3.95 metres beyond rear wall of dwelling; 3.60 metres maximum height; 2.40 metres height at the eaves.	Prior Approval not required accept	6th October 2023
ADV/2023/0390	Miss Chantelle Lynch	2 The Square Worsthorne-with-hurstwood Lancashire BB10 3NG	Proposed non-illuminated fascia sign to advertise name of business.	Refuse	25th October 2023
NMA/2023/0533	Mr S Arnfield	Land At Stoneyholme Recreation Ground And Burnley College Grosvenor Street Burnley Lancashire	Proposed minor amendments to elevations and roof of industry hub building (Non-Material Minor Amendment to planning permission FUL/2021/0270)	Non-Material Minor Amendment Granted	17th October 2023
HOU/2023/0520	Mr Jamal Khan	164 Rectory Road Burnley Lancashire BB12 0BG	Proposed single storey rear extension.	Approve with Conditions	9th October 2023
HOU/2023/0522	Mrs Kathryn Vargas	71 Gainsborough Avenue Burnley Lancashire BB11 2PD	Single storey side and rear extension.	Approve with Conditions	25th October 2023
HOU/2023/0528	Mr Azhar Iqbal	11 Haydock Street Burnley Lancashire BB10 3HN	Proposed single storey rear extension	Approve with Conditions	25th October 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0535	Mr Philip O'Hanlon	66 Huffling Lane Burnley Lancashire BB11 3QH	Proposed first floor rear domestic extension.	Approve with Conditions	16th October 2023
PTEL/2023/0546		Colne Road Burnley Lancashire BB10 1RH	Proposed telecommunications installation: Proposed 15.0m Phase 9 slimline Monopole and associated ancillary works.	Prior Approval Granted	9th October 2023
CND/2023/0554	Mr N Puttnam	Former Reel Cinema Manchester Road Burnley BB11 2EG	Application to discharge condition no. 21 (temporary access works) of planning permission COU/2021/0277.	Conditions discharged	18th October 2023
PA/2023/0556	Margaret Astin	7 Cemetery Road Padiham Lancashire BB12 7BB	Demolition of existing rear single storey extension and construction of single storey rear extension which will extend: 3.4 metres beyond rear wall; 3.4 metres maximum height; 2.5 metres height to the eaves.	Prior Approval not required accept	17th October 2023
CND/2023/0570	Mr S Arnfield	Land at Stoneyholme Recreation Ground and Burnley College, Grosvenor Street, Burnley	Proposed Part Discharge of Conditions 35 (Surface water sustainable drainage scheme) and 38 (Foul water scheme) relating to Phase 1 of planning permission FUL/2021/0270	Conditions part discharged	24th October 2023

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2023/0603	Mr s Arnfield	Land At Stoneyholme Recreation Ground And Burnley College Grosvenor Street Burnley Lancashire BB12 0AN	Proposed Discharge of Condition 10 (External Materials - amended details) of planning permission FUL/2021/0270	Conditions discharged	24th October 2023
NMA/2023/0607	Mr Keith Lawson	202 Red Lees Road Cliviger Lancashire BB10 4RF	Non-Material Amendment to Planning Approval No. HOU/2023/0316, to use render instead of random stone on extension.	Non-Material Minor Amendment Granted	25th October 2023
HOU/2023/0613	Mrs Suvena Derbyshire	11 Bowness Road Padiham Lancashire BB12 8PA	Proposed bedroom/wetroom extension to rear with step lift to front to create level access. Decked area to rear for level garden access.	Application Withdrawn	20th October 2023

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