

DEVELOPMENT CONTROL COMMITTEE

Thursday, 14th March, 2024
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 14th March, 2024 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.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 6

To approve as a correct record the Minutes of the previous meeting, held on 7th February 2024.

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. Declarations 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

7 - 8

To consider reports on planning applications for development permission:

- | | |
|---|-----------|
| a) FUL/2022/0629 - Land West Of Heckenhurst Avenue Brownside Burnley | 9 - 42 |
| b) FUL/2021/0691 - Land south of Rossendale Road, Burnley | 43 - 74 |
| c) LBC/2024/0029 - Burnley Mechanics Manchester Road Burnley | 75 - 82 |
| d) FUL/2023/0784 - 30-32 The Mall Burnley Lancashire | 83 - 90 |
| e) FUL/2023/0708 - 17 Towneley Street Burnley Lancashire | 91 - 106 |
| f) TPO/2023/0756 - 373 Padiham Road Burnley Lancashire | 107 - 112 |

7. Decisions taken under the Scheme of Delegation

113 - 124

To receive for information a list of delegated decisions taken between 23rd January and 1st March.

8. Appeal and Other Decisions

125 - 130

To receive for information details of any new appeals or appeal decisions received since the last meeting.

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
Councillor Martyn Hurt (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Scott Cunliffe
Councillor Sue Graham
Councillor John Harbour
Councillor Bill Horrocks
Councillor Alan Hosker

Councillor Shah Hussain
Councillor Jacqueline Inckle
Councillor Syeda Kazmi
Councillor Anne Kelly
Councillor Lubna Khan
Councillor Asif Raja
Councillor Paul Reynolds
Councillor Mike Steel

PUBLISHED

Wednesday, 6 March 2024

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 7th February, 2024 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), G Birtwistle, S Cunliffe, S Graham, J Harbour, B Horrocks, S Hussain, J Inckle, S Kazmi, A Kelly, L Khan, P Reynolds and M Steel

Substitutes: Cllr A Hall

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Janet Filbin	– Principal Planner
Sajada Khan	– Litigation and Regulatory Solicitor
Alison McEwan	– Democracy Officer

64. Minutes

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

65. Additional Items of Business

Items 6b and 6c of the agenda, relating to applications at The Lawrence Hotel, 28 Church Street, Padiham had been withdrawn from the agenda by officers.

The date of the next meeting of the committee would be moved from 7th March 2024 to 14th March 2024.

66. List of Deposited Plans and Applications

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

FUL/2022/0629 Land West of Heckenhurst Avenue, Burnley

Mr G Isherwood
Mr M Hughes

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

67. FUL/2022/0629 - Land West of Heckenhurst Avenue Burnley

Town and Country Planning Act 1990
Erection of 36 three and four bedroom dwellings with associated landscaping, car parking and access from Heckenhurst Avenue
Land West Of Heckenhurst Avenue Brownside Burnley

Decision

That the application be deferred in order to seek further information regarding transport, school places and health services, and detail reserved by condition.

68. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation since the last meeting.

69. Appeals & Other Decisions - for information

Members received for information an update regarding appeals submitted and appeal decisions received since the last meeting.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

14th March 2024

Housing and Development Control

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Housing & Development Control
Town Hall, Manchester Road

Ref.

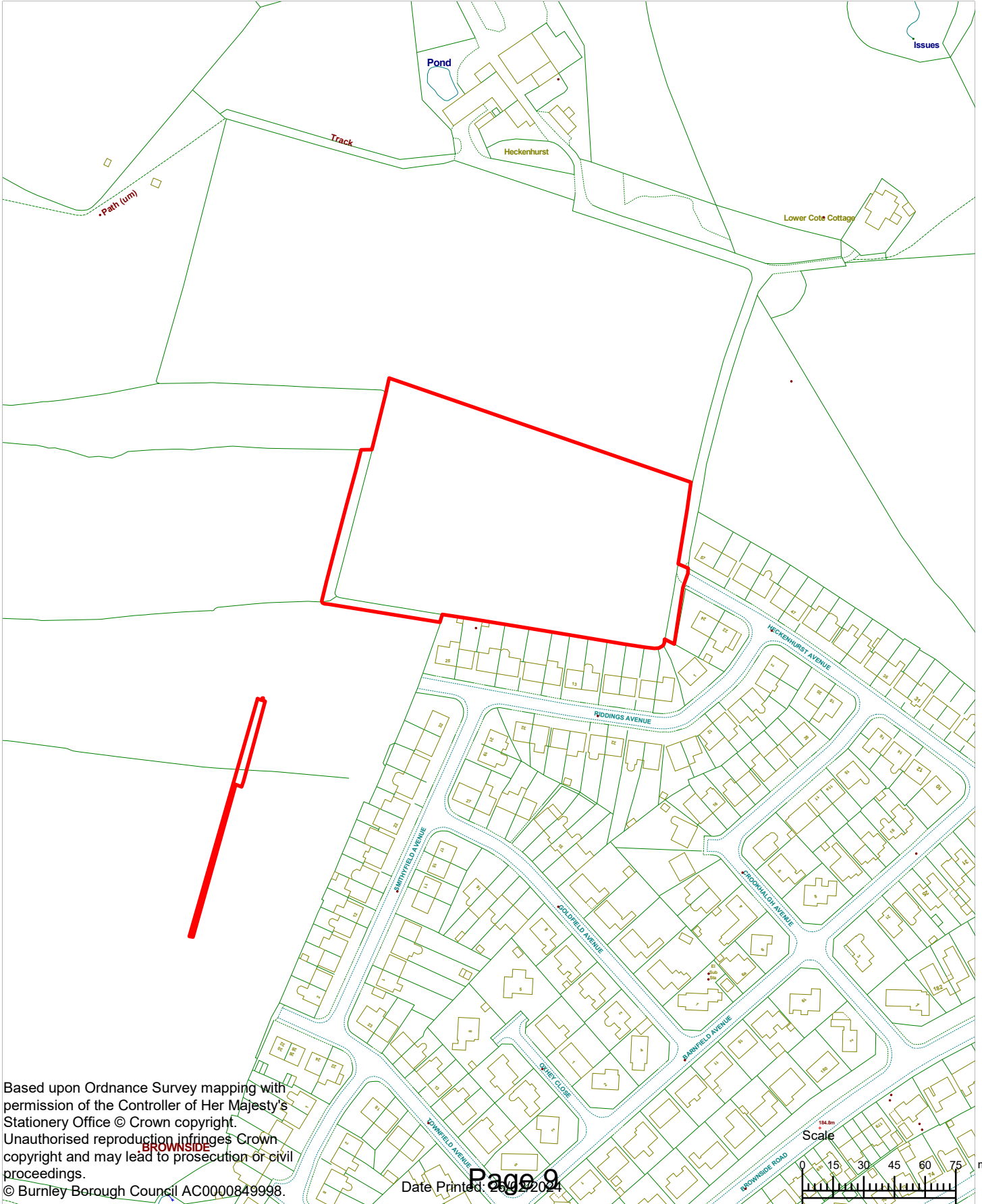
FUL/2022/0629



Paul Gatrell Head of Housing and Development Control

Land West Of Heckenhurst Avenue, Brownside, Burnley

1:2500



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

FUL/2022/0629

Town and Country Planning Act 1990

Erection of 36 three and four bedroom dwellings with associated landscaping, car parking and access from Heckenhurst Avenue
Land West Of Heckenhurst Avenue Brownside Burnley

Applicant: Mr R Calderbank, Applethwaite Ltd

Deferred Application

This application was deferred at the last meeting in order to further consider traffic, school places and health services.

To assist in addressing concerns, the applicant has been requested to provide the cost of a pedestrian refuge island on Brownside Road which is likely to cost £100,000.

A response has been received from the Schools Planning Team (LCC) requesting a contribution of towards five secondary school places. LCC assert there is capacity for primary school children and no contribution is sought in this respect.

No contributions are sought for either primary or secondary healthcare. The latter is dealt with in the report below. The former has not been requested and could not be justified in respect of meeting the tests of conditions.

A revised set of contributions have been agreed as follows:

- 2 no. affordable ownership units
- £133,585 education contribution
- £60,450 POS contribution (for local projects such as Rowley Lake to Worsthorne Recreation Ground greenway and pump track upgrade or alternatively, other small scale upgrades/projects for recreation facilities in the vicinity of the application site, and including potential upgrades at Worsthorne Recreation Ground, which the local planning authority considers to be a priority)
- £40,000 sum for s278 works (2 no. bus stop upgrades)
- £100,000 highway safety contribution (towards off site improvement works to Brownside Road)

This would comply with Policy IC4 and the Developer Contributions SPD.

The former report is re-produced below:

1. Background:

1.1 The application is being considered by this Committee due to the number of objections from neighbouring properties.

1.2 The proposal is for 36no. two storey houses (10 no. three bedroom and 26no. four bedroom) on the site of part of the former reservoir at the west end of Heckenhurst Avenue. The land is currently part of open fields used for grazing.

Aerial view of application site



Source: Design and Access Statement

- 1.3 The site amounts to approximately 1.55ha and is rectangular in shape and bound by existing residential development on Heckenhurst Avenue on its east side, the rear gardens to properties on Riddings Avenue to its south side and by open fields to its north and west sides. Beyond the site's boundary to the south west corner of the site is a residential development site that has approval for 38no. bungalows (land off Smithfield Avenue -FUL/2021/0274).

The site slopes from higher ground at its north east side to lower ground to the south west of the site.

View across site to rear of Riddings Avenue View looking south from Heckenhurst Avenue



View looking north west towards Pendle Hill No physical edge to site's northern boundary



Overgrown land within application site



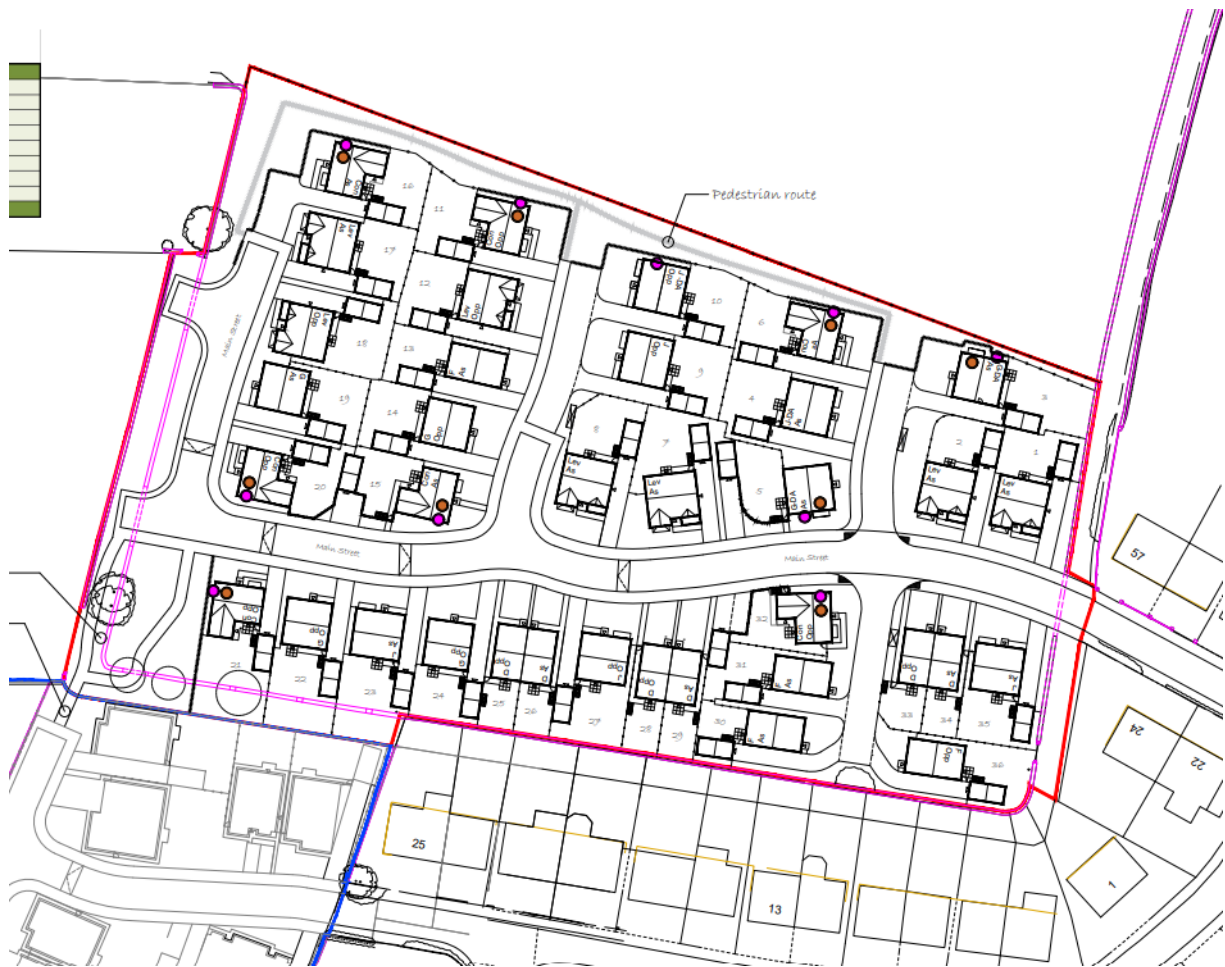
Stone wall to east side of application site adj to track which is also PF No.1211002



An overgrown area between the former reservoir wall and the rear boundary of the adjacent end dwelling at Heckenhurst Avenue is part of the application site. To the southern boundary of the application site, the former reservoir wall to the rear of houses on Riddings Avenue is the edge of the application site. The former reservoir wall continues close and in parallel to the remainder of the southern and western boundaries of the site. There is no physical feature within the open field to delineate the northern boundary of the application site. Public Footpath 1211002 follows the track from the end of Heckenhurst Avenue in a northerly direction immediately to the east side of the application site.

- 1.4 The proposed vehicular access would be formed by extending Heckenhurst Avenue into the field to form a new cul-de-sac. The proposed layout is displayed below, indicating a spine road with frontage development running east-west and short cul-de-sacs running mainly to the north. Peripheral areas of public open space are indicated to the western side and northern edge of the site.

Proposed Site Plan



1.5 The proposed houses are designed with gable roofs, well proportioned elevations, heads/cills and some variety through projecting gables, bay windows and chimneys to some of the plots.
Proposed street scenes



The proposed dwellings would be constructed in natural stone and partial render to a relatively small number of house types. Detached single garages and driveways are indicated to all plots except the 6no. semi-detached houses that would have forecourt parking.

- 1.6 The proposed scheme would provide 26no. houses that would comply with the optional technical M4(2) standard of Building Regulations to achieve adaptable homes. All plots would have an electric vehicle charging point.

2 Relevant Policies:

2.1 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 (HS1/12) – Housing allocations (Former Heckenhurst Reservoir)
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

2.2 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)

Planning for Health Supplementary Planning Document (SPD) (Adopted October 2022)

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

3 Site History:

- 3.1 None.

4 Consultation Responses:

4.1 LCC Highways

No objection. The general layout is acceptable, however the plans show two sections of remote footways at plots 5-6 and 11-13 and it is unlikely that these sections will be adopted as part of the Section 38 Agreement, should the development be put forward for adoption. Additionally, there are two sets of bus stops on Brownsie Road within the vicinity of the proposed development. In line with the National Planning Policy Framework (NPPF) to support sustainable travel to and from the site, LCC requests that the two stops located outside 200A and

187/9 Brownside Road, Worsthorne are upgraded to full EA compliant status as part of the proposed development, under a section 278 legal agreement of the Highways Act 1980. Other conditions are requested to require a Construction Management Plan, construction deliveries outside peak traffic, wheel washing facilities, construction to base course level, completion of vehicular access, provision of cycle storage in garages/alternative where no garage, and management/maintenance of estate roads.

4.2 LCC Public Rights of way Officer

No objection. Footpath FP1211002 runs along Heckenhurst Avenue before turning north along outer edge of the application boundary. The public right of way is not to be used for the storage of materials or plant machinery and remain unobstructed at all times. Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues. If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works. If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. If the applicant intends landscaping they need to ensure that any trees or bushes are at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues.

4.3 Lead Local Flood Authority (LCC)

No objections subject to conditions. An Initial objection which was due to a lack of evidence to demonstrate a satisfactory drainage scheme has been withdrawn following further information and a survey of the downstream watercourse and section of culvert. The Lead Local Flood Authority (LLFA) request conditions are imposed to require off-site culvert improvement works and verification of completed works; a detailed final surface water sustainable drainage scheme; a construction surface water management plan; a sustainable drainage system operation and maintenance manual; and, a verification report of the constructed sustainable drainage system.

4.4 United Utilities

Further comments awaited following re-consultation. A condition is recommended to require details of a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted for approval prior to the commencement of development.

4.5 The Coal Authority

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. A Coal Mining Risk Assessment is therefore not required.

4.6 Greater Manchester Ecology Unit (GMEU)

No objections. Although the site is within 2km of the South Pennine Moors SPA/SAC designated nature conservation sites, I would not consider that the

development will have any harmful impacts on the special nature conservation interests of the designated sites, because:-

- there is no direct connectivity between the application site and the designated sites; and,
- the site is not considered to be functionally linked to the SPA; that is, significant numbers of notable bird species associated with the SPA are considered very unlikely to use the application site on a regular basis.

The site itself supports rather featureless agricultural grassland of limited nature conservation value, although it may support small numbers of Lapwing, both in the breeding season and during the winter. Given the small numbers of birds involved, and the extent of alternative suitable habitat nearby, I would not consider that the development will cause any harm to the conservation status of Lapwing. I would accept that, given the current landscape status of the site and the fact that new landscaping will be introduced to the site, including garden spaces, the development can achieve a net gain in local biodiversity over time. I would advise that no ground clearance should commence during the optimum time of year for nesting birds (including ground nesting birds)(March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

4.7 East Lancashire NHS Trust

East Lancashire NHS Trust (“the Trust”) currently provides acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale. The impact of non-recurrent (capital) and recurrent (service provision) infrastructure costs as a direct result of new housing development are very significant and as such a contribution is now sought to address the direct impact which the application will have on the Trust. Assuming an average of 2.3 people per dwelling, the Trust state that the proposal would support a population increase of 85 persons [based on 37 dwellings as first proposed] and request a commuted sum on £63,141.00 towards their services to cater for a three year time lag in obtaining central funding. The Trust consider that this request meets the requirements of the appropriate tests.

4.8 LCC Schools Planning Team

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.

An assessment indicates that:

1. Latest projections for the local primary schools show there to be 219 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 33 school places. There are also pending applications expected to generate demand for a further 34 school places. With

an expected pupil yield of 12 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

2. Latest projections for the local secondary schools show there to be 25 places available 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. The expected yield from this development is 5 secondary school places. Approved developments are expected to generate demand for 18 additional places. There are a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. At the time of the assessment, LCC will not be seeking a contribution for secondary school places. [If a request was made for 5 secondary school places then it would amount to £123,765.00].

Summary:

Based upon the latest assessment, taking into account all approved applications, LCC will not be seeking a contribution for primary school places or secondary school places. However, as there are a number of applications that are pending a decision that could impact on this development should they be approved prior to a decision being made on this development the claim for Secondary school provision could increase up to maximum of 5 places.

4.9 Contaminated Land Officer

No objections. Recommend a condition to require a scheme to deal with the risks associated with contamination of the site. In addition, following completion of the landfill gas monitoring programme a verification report demonstrating completion of any necessary works must be submitted for approval.

4.10 Environmental Health

No objection in principle to the proposed development of the site, regarding noise, light, dust or odour nuisance, but would recommend the inclusion of a number of conditions as part of the approval if granted: - a site-specific Construction Environmental Management Plan to demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

4.11 Greenspaces and Amenities

As there is no provision of on-site usable recreational public open space within the development, a commuted sum payment towards an existing or proposed open space facility nearby is requested in accordance with Policy HS4 and the Developer Contributions SPD. The 37 dwellings will have 134 bedrooms in total which (at £350 per bedroom) would amount to £46,900. Request that a commuted sum is used to create a permissive route to Brun Valley Forest Park from Worsthorne Recreation Ground and to re-develop the dilapidated pump track on Worsthorne Recreation Ground. Improved links to the Brun Valley Forest Park is highlighted in the Council's Green Infrastructure Strategy as a priority as part of the Greenway Routes recommendations and the suggested route has been in discussion for over 20 years. The permissive route would provide a safe off-road extension to existing multi-user paths in the locality and link in with the Council's aim to improve local cycling and walking infrastructure across Burnley. It could be used by pedestrians, cyclists and horse riders.

4.12 Burnley Civic Trust

Wish to support the use of a s106 agreement contribution to ensure that the nearby non-vehicle pathway/bridle path/cyclists route from Rowley to Worsthorne is developed and improved to ensure there is a safer route available to those permitted users avoiding the increasing busy Brunshaw Rd and Brownside Rd roads which new developments are putting increased pressure upon. Non-motorised traffic needs to be encouraged and the proposed route is an important step forward.

4.13 Worsthorne Parish Council

A letter expressing concerns and observations is summarised below:

- principal concern is in regard to the increased traffic flow along Brownside Road and adjoining streets, particularly at peak times such as from 7:00am to 9:00am, 3:15pm to 3:45pm (end of school time), and from 5:00pm to 6:30pm.
- the need to consider the cumulative impact of multiple developments, and the particular impact of traffic generated at peak times which could be regarded as severe. Refer to approvals for development at Brownside Road (FUL/2020/0186), Butchers Farm (FUL/2020/0321) and Smithyfield Avenue (FUL/2021/0274) which total 84 dwellings This figure does not include the application under consideration (FUL/2022/0629).
- The Parish Council disagree with the conclusions of the LCC Education Contribution Assessment and consider that the capacity in terms of primary school places will be exceeded and request further evaluation.

Worsthorne Parish Council has been consulted on amended plans and repeated its earlier comments.

4.14 County Councillor Cosima Towneley

In summary, a request is made to improve off-road provision and create opportunities for exercise, sport and recreation, by contributing to a route to link Worsthorne Recreation Ground (WRG) to the Forest Park along a route which has been in discussion for over 20 years. The establishment of this route would also create a safe corridor to the Pennine Bridleway/Mary Towneley Loop National Trails and would be in line with the Burnley Green Spaces innovative programme of multi-user, off road routes into and around the town linking urban and rural areas.

Following re-consultation, a further response states that Councillor Towneley has no objection in principle but requests that the following be taken into account:

1. That a s106 contribution is reserved for the implementation of a bridleway/greenway between Worsthorne Recreational ground, Heckness Farm and Rowley Farm to create safe, multiuser (including horse), off road access from the north side of Worsthorne to the central greenways in the urban centre via Rowley, Netherwood and Bank Hall.
2. That there is adequate supervision of conditions with regard to wheel washes and road cleaning, noting that this is a particularly wet site.
3. That adequate on-site parking is prepared and operational before any ground preparation for housing goes forward.

4.15 Publicity

Eleven letters of objection from occupiers at Heckenhurst Avenue and Riddings Avenue (with the exception of one letter from elsewhere in Burnley) were received to the original neighbour notification. A further 11 letters of objection (from occupiers at Heckenhurst Avenue and Riddings Avenue) have been received

following re-notification in respect of amended plans. This has increased the total number of households that have objected to the application to 16. A summary of the points of objection is provided below:

- Loss of greenspace, greenfield site, impact on landscape;
- Destruction of countryside and wildlife;
- Uninterrupted view of Trough of Bowland across Pendle towards Harle Syke will be permanently lost;
- Over-development of village, being turned into a town;
- Plans indicate that they are looking to build more houses at a later date, eating into more greenspace;
- Houses are not needed;
- There are plenty of brownfield sites that could be used;
- Does not tackle the problem of housing supply for low income households;
- The houses on this site would not be Affordable;
- The site is a wildlife haven for wildlife such as lapwings, skylarks, bats, owls, red bunting, curlew, hares, pheasants, badgers, foxes and deer;
- There are nesting birds in the field through spring and summer;
- Will reduce the biodiversity of the borough;
- Increase in traffic to dangerous levels and will increase the likelihood of accidents;
- Will generate 70+ more cars driving in and out of Heckenhurst Avenue;
- Residential roads are already busy and approved development at Smithyfield will increase traffic and hazards, making it unsafe for children playing out and for elderly people who live here;
- Brownside Road can barely cope with the existing traffic, it is reduced in part to single file traffic due to parked cars, causes congestion, inconvenience and accidents/near misses;
- Alternative routes out of the village cannot accommodate the traffic;
- Speeding traffic on Brownside Road, dangerous bend at access to Heckenhurst Avenue;
- Will increase traffic congestion around Worsthorne Primary School, causes gridlock at start and close of school day;
- Absence of safe crossing on Brownfield Road for school children walking from Heckenhurst Avenue (lollypop person not replaced) and pavement on one side of road only in places;
- Surrounding roads becoming a rat-run;
- Insufficient car parking for proposed houses;
- Dwindling bus service and is unreliable;
- Whole infrastructure in this area is at its limit, road traffic electricity capacity and services;
- Surrounding schools are already full(Worsthorne Primary, Cliviger and Brunshaw);
- Strain on local doctors/hospitals;
- No consideration has been given to the cumulative impact of development in the area (new developments at Red Lees Road, Smithyfield Avenue, Brownside Road and Bull and Butcher Farm);
- Drains and water supplies are in a poor state;
- Drainage in the area struggles to cope with winter weather and increase in surface water run-off will make this worse;

- Additional flows into the River Brun will increase the danger of flooding further downstream;
- Loss of privacy, will result in being overlooked;
- Proximity and height of proposed houses will be imposing and have an overbearing impact and lead to a significant loss of light to the garden;
- Loss of peace and quiet;
- Impact on neighbourhood from disruption during construction from traffic, noise, dust, pollution and muddy roads;
- Concern over the integrity of the existing stone reservoir wall and who will be responsible for its maintenance;
- Foundations due to former reservoir will be difficult;
- Concern over elevated levels of ground gases at the site and the possibility of contamination from landfill site.

4.16 In addition to the number of neighbour letters that have been received a letter relating to ecology matters has been received from Mr Peter Hornby, the former Chairman of the Burnley Wildlife Conservation Forum which has been disbanded. The letter objects to the application and, in summary, states that:-

- The land comprises semi-natural grassland which forms part of the adjoining attractive countryside. This would be inappropriate excessive urban sprawl in the Pennine landscape which functions as an important valuable greenspace and wildlife corridor, separating the existing built-up areas of Brownside and Pike Hill.
- The site's grassland is valuable wildlife habitat because it is used as a resource for foraging for food by a range of bird species, in particular, upland breeding species, notably Meadow Pipit, Skylark, Curlew and Lapwing. The submitted Ecological Appraisal confirms that lapwing is breeding adjacent to this plot of land and will therefore be using the site's grassland for foraging for food.
- The proposed high density of development leaves inappropriate and inadequate landscaping and scope for mitigation for a loss of open semi-natural grassland habitat and will result in a significant loss of biodiversity resource.

5 Planning and Environmental Considerations:

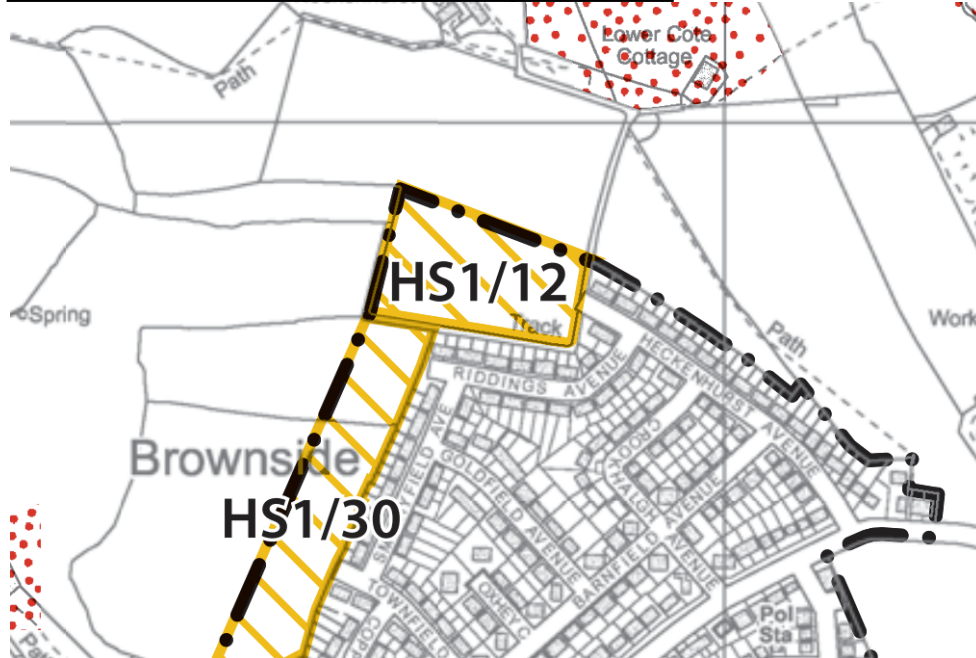
5.1 Principle of Proposal

Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the Borough. It also echoes the guidance in the NPPF by stating that "Planning applications that accord with the policies in this Local Plan... will be approved without delay, unless material considerations indicate otherwise".

5.2 Policy SP2 sets out the Housing Requirement for the borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1 identifies those sites that have been chosen through the local plan process to

meet this requirement. The application site is one of these allocated sites for housing, identified as Policy HS1/12 – Former Heckenhurst Reservoir (1.38ha) identified as a Greenfield site. The extent of the allocation is indicated on the Policies Map of Burnley’s Local Plan:

Extract from Policies Map (East) of Burnley’s Local Plan



This application site consists of all the land with the allocation HS1/12.

Policy HS1/12 states that the site is acceptable for around 35 dwellings. The application as amended proposes a total of 36 dwellings [reduced by one dwelling since the application was first submitted] and this accords with the approximate number stated in the policy allocation. Policy HS1/12 contains a number of site specific policy requirements and design principles which will be considered in relation to the detail of the proposals. In terms of the principle of residential development, the proposal reflects the parameters of the allocation, in which case it is acceptable in principle.

5.3 Design, appearance and open space provision

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. The site specific policy requirements and design principles that relate to the allocation are copied below:

HS1/12 – Former Heckenhurst Reservoir	
Housing Delivery	The site is acceptable for around 35 dwellings.
Additional and Site Specific Policy Requirements and Design Principles	
1) A mix of dwelling types including a minimum of 60% 3+ bedroomed detached and semi-detached houses will be expected;	

- 2) Appropriate landscaping and boundary treatment should include screening to the northern and western boundary to reduce the impact on the wider landscape. New planting on the site will need to accord with Policy NE3;
- 3) Contributions towards off-site highways improvements may be required in line with Policy IC4;
- 4) Land contamination investigation and the relevant remediation will be required in accordance with Policy NE5;
- 5) Development proposals should retain the existing wall around the former reservoir; and
- 6) Protected Species have been recorded on the site. An ecological survey will be required to accompany any planning application which identifies any Protected Species and South Pennines SPA qualifying species present and addresses these issues in accordance with Policy NE1.

The Supporting Information also states that: “This is greenfield site in the open countryside. A high quality scheme is expected in line with Policies SP5 and lower density housing is preferred not only to provide quality and choice, but to provide a greater opportunity for landscaping, planting and minimising impacts.” All proposed dwellings would be 3 or 4 bedroom detached and semi-detached dwellings which would exceed the minimum 60% stated above.

- 5.4 The proposed density of the scheme is approximately 23.2 dwellings per hectare which is relatively low dense and provides a total of 0.2ha Public Open Space which is indicated on the plan below:

Proposed Public Open Space



The amount of public open space (POS) would be consistent with the requirements of Policy HS4 which requires a minimum of 0.3ha of POS for every 50 dwellings (or part thereof). The location of open space at the south west corner of the site would provide a pedestrian link to the site from the approved bungalow development site (FUL/2021/0274) and an informal area of landscaped greenspace with seating to enjoy views across to Pendle Hill. An informal path within the open space along the western and northern boundaries of the site would provide connectivity [also using part of the estate roads] to the Public Footpath to the east of the site. The site specific policy requirements refer to

landscaping and screening to the northern and western boundaries of the site. The proposed areas of POS would provide appropriate boundary tree planting.
Landscape Proposal



Three Category C (low quality) hawthorn trees would be removed as part of the development. The proposed new tree planting around the outer boundaries of the site and within the areas of POS and streets, would more than compensate for the minor loss and respond to the National Planning Policy Framework (NPPF) which states that streets should be tree lined.

- 5.5 The proposed houses are two storey which is consistent with the scale of development in the surrounding residential area and have been designed with gable roofs, well proportioned elevations, head and cills, door surrounds and window lights above front doors, detailing such as corbels, chimneys to some dwellings and a variety in house types. Natural stone is the predominant facing material with a small proportion of render to some house types. This is indicated in the example of a partial street scene below:



- 5.6 The use of single garages to the side of plots also helps to create more variety in spacing between houses and contributes to the quality of the scheme. All plots would be fitted with an electric vehicle charger and more than 20% of the dwellings would comply with the optional technical standards in Part M4(2) of the Building Regulations to provide adaptable homes.
- 5.7 The proposed houses would be constructed to comply with Part L1 of the Building Regulations 2021 and achieve a high standard of energy efficiency with a fabric first approach to include mechanical ventilation heat recovery and photovoltaic (PV) panels to all plots.
- 5.8 The proposed design and layout would achieve a high quality of development that is appropriate for the site and would comply with Policies SP5 and HS4. The future maintenance and management of the proposed public open space, together with the perimeter reservoir wall should be secured through a s106 Agreement.
- 5.9 Impact on residential amenity
 Policy SP5 requires new development to safeguard the residential amenities of existing occupiers as well as provide a satisfactory level of amenity for new occupiers. Policy HS4 requires a minimum of 20m between elevations with habitable rooms and 15m between a blank gable and habitable rooms. The applicant has reduced the number of proposed dwellings by one unit and made some minor adjustments to the layout to ensure that adequate privacy and outlook can be achieved for the development.
- 5.10 In the case of the south-east portion of the site, the distance between the rear

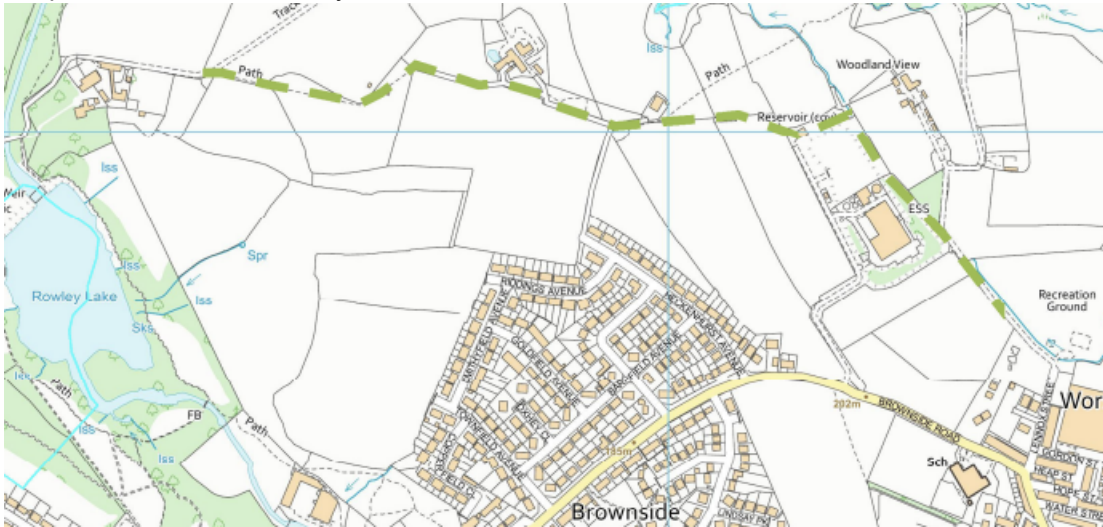


elevation of existing houses and the blank gable elevations of plots 30 and 36 shown above would be over 20m which exceeds the minimum 15m separation in Policy HS4. In other cases around the site's perimeter, the separation distances required by Policy HS4 are complied with and in many cases are exceeded. The houses are two storey in scale and the height to the ridge of the houses has been slightly reduced to ensure the heights are not excessive (maximum height is approximately 8.57m to ridge, lowest is approximately 7.84m). The layout and design would therefore satisfactorily protect the outlook, privacy and daylight/sunlight of existing neighbouring properties.

- 5.11 The spacing within the proposed development site would also provide adequate privacy and outlook.
- 5.12 There would be some noise and disruption during construction which can be expected but a Construction Management Plan would be required to control the noise and dust. Working hours would also be restricted by condition to 8am-6pm Monday to Friday and 8am to 1pm on Saturdays.
- 5.13 Objections from neighbours have also referred to loss of views which cannot be protected, although the proposed scheme would provide open space with seating and an informal path for walking from where open views across to Pendle Hill would be maintained.
- 5.14 The proposal therefore has an acceptable impact on residential amenities and would comply with Policies SP5 and HS4.
- 5.15 Impact on traffic, highway safety and parking
Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access for new developments. The National Planning Policy Framework (NPPF) has similar requirements and states that it should be ensured that any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree. It also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy IC3 requires car parking to be provided in accordance with the standards at Appendix 9 which require two spaces a 3 bedroom property and three spaces for a 4 bedroom property.
- 5.16 Neighbour objections that have been received refer to the limited options for motor traffic to Worsthorne, the congestion around Worsthorne primary school and the parking on Brownside Road which confines a stretch of the road to single width. The main route for motor traffic to Worsthorne is along Brownside Road and it is acknowledged that parking on one side of the road does affect the free flow of traffic, although with intervisibility from each end of parked cars, the waiting time to pass parked cars is limited and the local highway authority has raised no objections and not indicated that the relative small increase in traffic using Brownside Road as a result of this proposal would affect the capacity of the highway network or highway safety. Notably, the amount of traffic that would result from this development would be limited and would not significantly affect the quantity of traffic or the amount of traffic during peak periods.

- 5.17 The congestion that is referred to around the entrance to Worsthorne Primary School is a matter of safety in general to be dealt with but would not make development of this site unacceptable. There are footways to link the site to Worsthorne and the school and the local highway authority has requested improvements to two bus stops on Brownside Road to promote the use of regular bus services between Worsthorne and Burnley.
- 5.18 The applicant has agreed to a contribution for the creation of a greenway route between Rowley (Brun Valley Forest Park) to the Worsthorne Recreation Ground as indicated below:-

Proposed route of Greenway



This is expected to be a permissive route for use by walking, cycling and on horseback. The creation of the new route is identified as a priority in the Council's Green Infrastructure Strategy. This will provide connectivity from the site along the route of the public footpath 1211002 to the east side of the site to the proposed greenway which will enhance access to the countryside and create a non-traffic route to Worsthorne Recreation Ground. This, together with bus stop improvements would increase accessibility and promote sustainable travel in accordance with Policy IC1 and the NPPF.

- 5.19 Each of the proposed dwellings would have the required level of off-street parking as required by Policy IC3 and Appendix 9. The proposal would not therefore lead to an increase in on-street parking elsewhere. A condition is recommended to restrict the use of garages in order that they remain available for the parking of a car.
- 5.20 The proposal would not therefore unacceptably increase traffic on the highway network or significantly affect highway safety. The creation of a greenway route for walking and cycling would improve connectivity with Worsthorne and the surrounding area and the improvement of local bus stops would also promote sustainable travel. The proposal would therefore be in accordance with Policies IC1, IC3 and the NPPF.
- 5.21 Affordable Housing provision
Policy HS2 requires affordable housing on sites of over 10 dwellings and for this to be provided on-site where there a reasonable justification for this. The Developer Contributions SPD indicates that a 10% contribution of the development should be achieved. This would equate to 3.6 Affordable Homes which has been rounded to

4 Affordable Homes. The applicant has agreed to the provision of 4 Affordable Homes and indicated where these will be located in the layout copied below:
Proposed Affordable Housing Units



5.22 The 4no. affordable houses reflect the design characteristics of the development
Proposed Affordable Homes



as a whole and each provides a three bedroom house which would be transferred to a Registered Provider (RP) for Shared Ownership tenure.

- 5.23 Shared ownership tenure would be appropriate for this site and provide a number of quality homes under this tenure which would add to the variety and range of affordable homes in the borough. A s106 Agreement is necessary to secure the agreed scheme.
- 5.24 Impact on ecology
Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible as well as protecting Protected Species, Priority Habitat and local and regional sites and maintaining Ecological Networks. Policy HS1/12 states that Protected Species have been recorded on this site and that an ecological survey is required to identify any Protected Species and South Pennines Special Protection Area (SPA) qualifying species and to address these issues.
- 5.25 A Preliminary Ecological Appraisal has been submitted with the application which details and assesses survey results from the site. The report notes that the site consists of poor semi-improved grassland and that there are no statutory or non-statutory designations which either directly or indirectly affect the site. GMEU accept the findings of the report and affirm that although the site is within 2km of the South Pennines Special Protection Area (SPA) and Special Areas of Conservation (SAC), it will lead to any harmful impacts on the special nature conservation interests of the designated sites because there is no direct connectivity between the sites and the site is not functionally linked to the SPA. GMEU assert that significant numbers of notable bird species associated with the SPA are considered very unlikely to use the application site on a regular basis. The site is of only limited nature conservation value and although it is noted that it may support small numbers of lapwing in the breeding season and winter, the small number of birds involved and the availability and extent of alternative suitable habitat nearby would not result in any harm to the conservation status of the lapwing.
- 5.26 The survey also assessed other protected species and wildlife, such as great crested newts, badgers, bats, brown hare and other birds and plant species. It found that the plant species assemblages are all common in the local area and are of low ecological value, stating that domestic gardens and sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value. Whilst birds were recorded, suggesting nesting on fields adjacent to the site, there is no indication of nesting on the site. Low numbers of common bat species were recorded foraging adjacent to the site but no bats were found to be roosting on the site. No other notable or protected species were found to be present or adversely affected by the development. GMEU advise that no ground clearance should commence during the optimum time of year for nesting birds (March to August inclusive) unless bird nests have shown to be absent (including a check for ground nesting).
- 5.27 In respect of overall biodiversity and achieving a net gain (in accordance with Policy NE1), GMEU advise that, given the current landscape status of the site and the fact that new landscaping will be introduced, including garden spaces,

the development can achieve a net gain in local biodiversity over time. The submitted landscape scheme has been amended to include further trees to the site boundaries and a condition to provide a scheme of biodiversity enhancement measures (bird and bat boxes) would also contribute to a net gain in biodiversity. With these provisions, the development would not adversely affect Protected Species or biodiversity and complies with Policy NE1.

5.28 Impact on drainage

Policy CC4 seeks to ensure that new development does not result in increased flood risk either on the development site or elsewhere. Policy CC5 requires surface water discharge to be appropriately managed and discharge to be restricted through measures including SuDS.

5.29 In this case, the site falls within Flood Zone 1 where there is the lowest risk to flooding. The red line application site includes land to the south of the site for the drainage connections to the approved development of 38 bungalows at Smithyfield Avenue (FUL/2021/0274) which flows downstream to the River Brun adjacent to Brownside Mill. The Lead Local Flood Authority (LLFA) first objected to the application and requested further information and evidence that the downstream route and culvert at Brownside Mill is capable of receiving the surface water flows from the site. This is a particular concern as flooding events are known to occur at Brownside Mill. The applicant has carried out a survey of the culvert under Brownside Mill and found that it has a restricted diameter of 300mm which is smaller than the inflow at the top of the channel which is a 525mm diameter outfall pipe. The applicant proposes to upgrade the culvert at Brownside Mill to a specification to be agreed with the LLFA. The LLFA is satisfied that this will provide adequate capacity for the development to be drained in accordance with the submitted outline drainage strategy and requests conditions to require the off-site culvert improvement works to be carried out and completed. Further conditions are recommended as outlined at sections 4.3 and 4.4 of the report. It is also noted that the applicant intends to use a private management company for the maintenance and management of the SuDS (which includes the attenuation works) and advises that this should be secured as part of a s106 Agreement.

5.30 The proposed drainage which includes an upgrade to the off-site culvert at Brownside Mill is therefore satisfactory subject to conditions and is likely to also bring about a benefit to the local area by reducing the risk of flooding. The proposal therefore complies with Policies CC4 and CC5.

5.31 Impact on ground conditions

Policy NE5 requires development proposals to evaluate environmental risks. The former reservoir was infilled from 1993 onwards. A land investigation and remediation strategy (dated April 2023) have been submitted to demonstrate that the land is suitable for residential use. The report finds that the topsoil and made ground are suitable for retention and no formal remediation is required for soft landscape areas. Formal remediation is required detailing gas precaution measures. The Council's Contaminated Land Consultant recommends a condition to require a verification report following the completion of the landfill gas monitoring programme. With this provision, the site would be made suitable for residential use and would satisfactorily deal with any risks associated with the historic infilling of the former reservoir.

- 5.32 Electric vehicle charging points would be installed at all properties which promotes the use of electric cars and contributes to mitigating against pollution from carbon dioxide emissions. Measures to protect air quality during construction would be dealt with through a Construction Management Plan that includes dust control measures.
- 5.33 Contributions
Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. The Developer Contributions SPD provides guidance on the level of contributions (including Affordable Housing) that are likely to be viable on housing site allocations and other sites in the borough based on the Local Plan Viability Assessment. This provides us with a sound evidence base to determine the 'ceilings' for contributions. Where requests are under the ceiling and they are reasonably necessary and relevant to make the development acceptable then it is expected that these will be agreed with the applicant. Where there are requests that go beyond the ceiling figure then this indicates that the viability of a development would be compromised and as such, may lead to problems such as measures to reduce overall costs and the quality of the scheme or it may prevent the development going ahead. Where there are multiple requests then priorities would normally be made in accordance with the SPD.
- 5.34 In this case, the Developer Contributions SPD indicates that 10% of the development should be affordable housing. The applicant has agreed to providing this on-site as referred to above. Contributions are also sought from the Head of Greenspaces and Amenities in line with Policy HS4 to provide improved play space/equipment for children and to contribute to a new greenway route between Rowley Park and Worsthorne Recreation Ground (amounting to a total of £60,450). The local highway authority has requested the improvement of two bus stops on Brownside Road which would be agreed through s278 works but also fall with the contributions that are calculated. All these contributions are reasonably necessary and relevant to the development and would come within the viability ceilings in the Developer Contributions SPD. The applicant has agreed to all of these.
- 5.35 The applicant has not been asked by the East Lancashire NHS Trust to contribute to secondary healthcare. Similar requests have been previously made to the Council where it has been found that the requests, as they stand, do not meet the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, mainly due to the overall assumption that is made by the Trust that the development would directly lead to an increase in 37 [reduced to 36] households in the Trust area.
- 5.36 The Schools Planning Team (LCC) has not requested a contribution to either primary or secondary school places but affirmed that their position in respect of secondary school place may change in the future. The team were re-consulted on the 17th November 2023 and have not issued a further consultation response, in which case, there remains no request for a contribution to school places. In the event that a late request is made prior to the committee meeting then this is likely to exceed the viability ceilings in the SPD and would require a review and prioritisation of contributions.
- 5.37 Some neighbour objections refer to a lack of school places (particularly primary school places) and infrastructure to support the development. There is no

evidence of a lack of school places which is a matter for the education authority to advise on and no other contributions have been requested. The Contributions that have been agreed with the applicant (4 Affordable houses, £60,450 towards a new greenway and improvements to Worsthorne Recreation Ground and improvements to 2no. bus stops on Brownside Road) would comply with Policy IC4 and the Developer Contributions SPD.

6 Conclusion

- 6.1 The proposed development would provide an appropriate development on a site allocated for this purpose and has been sensitively designed to reflect the character of the local area and to have regard to the amenities of adjacent properties. It provides a suitable level of public open space and planting and connectivity with its surroundings, including the approved development site directly to its south side. The impact of the development on infrastructure and traffic and safety has been considered. The relative small proportional increase in traffic using Brownside Road can be accommodated and measures to improve nearby bus stops and provide a new off-site greenway route would promote travel by bus, walking and cycling and give greater access to the countryside for recreation. The proposal would also lead to an upgrade in an off-site section of culvert that is likely to address flooding issues that currently occur away from the site. The proposal would not adversely affect protected species and the proposed landscaping would contribute to a net gain in biodiversity. The proposed scheme is a high quality development, includes benefits from the provision of 4no. Affordable Homes which adds to the range and variety of Affordable Housing in the borough, and is policy compliant. The proposal therefore complies with the development plan and there are no material considerations which outweigh this finding. The application is therefore recommended for approval as set out below:

- 7. Recommendation: Delegation to the Head of Housing and Development Control to Approve subject to a section 106 Agreement to secure affordable housing, open space improvements, greenway creation and maintenance and management of public open space, reservoir walls and SuDS and education and highway contributions.**

Conditions

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

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

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

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

3. Representative samples of the external materials of construction, as indicated on the approved plans, to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority

prior to any development above ground level. The development shall thereafter be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

4. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated in the submitted Tree Protection Plan (drawing number 6966.03RevA, prepared by Trevor Bridge Associates Ltd). There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping as approved in accordance with the Landscape Proposal, drawing number 6966.01RevE (received on 30th January 2024) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

6. No removal of or any works to hedgerows, trees and shrubs or site clearance shall take place between the 1st March and 31st August inclusive unless a competent ecologist has inspected the area (including an inspection for ground nesting birds) no more than 24 hours prior to its removal and has provided written confirmation to the Local Planning Authority that no nests or breeding birds will be harmed by the development and/or that there are appropriate measures in place to protect nesting bird interest on the site.

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

7. Prior to the commencement of development, a scheme for the provision and implementation of Biodiversity Enhancement Measures on the site to include bird and bat boxes and timescales for the completion of the measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed in accordance with the approved timescales and shall be retained thereafter.

Reason: To maintain and enhance biodiversity on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that it can be coordinated with other landscaping and ecology related schemes for the site and implemented at the appropriate stages of the development.

8. The boundary treatment indicated on the submitted Boundary Treatment Plan (drawing number 21-86-P02RevF) shall be carried out and completed prior to the completion of the development, in accordance with details of the materials and design of the proposed screen walls which shall be first submitted to and approved in writing by the Local Planning Authority.

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

9. 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 control and deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
 - Measures to control and deal with vibration.
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison.

- Measures to control the emission of dust, dirt and other air-borne pollutants during construction.
- Mitigation measures to minimise noise disturbance from construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours and procedures for emergency deviation of agreed working hours.

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

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

10. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

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

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

12. Prior to the commencement of development, a scheme for the detailed design of the proposed site access and off-site works of highway improvement to include the following shall be submitted to and approved in writing by the Local Planning Authority:-
 - The improvement of two bus stops outside 200A and 187/9 Brownside Road.

The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling being first occupied.

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

13. The approved access junction and estate road 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 takes place within the site.

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

14. No 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). 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 development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established for this purpose.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

16. No dwelling shall be first occupied until drop kerbs have been installed at the carriageway edge for that dwelling and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads and shall be so retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility, in accordance with Policies IC1 and IC3 of Burnley's Local Plan (July 2018).

17. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

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

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

19. Prior to each dwelling being first occupied, garage wall hanging cycle storage suitable for two bicycles shall be provided within each garage and a separate secure cycle storage facility suitable for two bicycles shall be provided for units without a garage, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The bicycle storage facility for each dwelling shall thereafter be retained at all times.

Reason: To promote sustainable transport as a travel option and reduce carbon emissions, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

20. No development shall be commenced unless and until a scheme of off-site culvert improvement works to increase the capacity of the existing 300mm diameter culverted ordinary watercourse under Brownsie Mill to its outfall to the River Brun and to include timescales for the implementation of the scheme, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of off-site culvert improvement works shall thereafter be carried out and completed in accordance with the approved details and approved timescales and no dwelling shall be first occupied until a verification report to certify that the approved scheme is complete and operational has been submitted to and first approved in writing by the Local Planning Authority.

Reason: The proposed development would lead to an increase in surface water run-off into an inadequate downstream culvert under Brownsie Mill which would unacceptably increase the risk of flooding without significant off-site improvements that are required by this condition, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development due to the nature of the risks of flooding and to ensure that the improvements are secured at the outset.

21. No development shall commence 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 indicative surface water sustainable drainage strategy submitted (drawing 21152/100/1 Rev D, REFA, 15/01/2024 and supporting letter dated 17th January 2024, Townsend Water Engineering) 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 Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

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.

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

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policies CC4 and CC5 of Burnley's Local Plan (July 2018). The details are required prior to the

commencement of development to ensure that satisfactory details can be secured and implemented at the appropriate stage in the construction.

22. 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 greenfield runoff rate from the site.
 - 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 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) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 173 of the National Planning Policy Framework and Policies CC4 and NE5 of Burnley's Local Plan (July 2018). The Management Plan is required prior to the commencement of development in order to avoid the potential impacts of surface water run-off at the outset of the construction.

23. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
- a) A timetable for its implementation;
 - b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;
 - 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.

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 175 of the National Planning Policy Framework and in accordance with Policies CC4 and NE5 of Burnley's Local Plan (July 2018).

24. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including 5 national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 173 and 175 of the National Planning Policy Framework and in accordance with Policies CC4 and NE5 of Burnley's Local Plan (July 2018).

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

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

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

Reason: To ensure the satisfactory implementation of the proposal, having regard to the appearance of the development and its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details

are required prior to the commencement of built development above ground level to ensure that the dwellings are constructed in accordance with the approved levels.

27. No dwelling shall be first occupied until a verification report to demonstrate the completion of gas protection measures and recommendations in the submitted Phase II Geo-environmental Investigation Report Final Issue, dated April 2023 (reference 2152/GEIR 01), has been first submitted to and approved in writing by the Local Planning Authority.

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

28. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted with a universal socket) shall be installed externally at each plot prior to its first occupation.

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

29. Prior to the first occupation of any dwelling, refuse bins and recyclable waste storage for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details in drawing number 21-86-P03RevF. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

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

30. A minimum of nine dwellings within the development shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes. Details of the plots to be constructed to comply with this specification shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. None of the specified plots subject to these requirements shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for that dwelling has been submitted to and approved in writing by the Local Planning Authority.

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

31. Prior to the installation of any photovoltaic (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).

32. The development shall be completed with the chimney features as detailed in the approved plans and drawing number 21-86-P09RevF (Chimney Location Plan) prior to each dwelling being first occupied.

Reason: To ensure the satisfactory implementation of the proposal and the inclusion of detailing which contributes to the quality of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

33. A footpath connection at the south west corner of the site shall be constructed and made available for use in accordance with details and specifications of its construction and timescales for its completion and availability for use by member of the public, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The footpath connection shall thereafter be so retained and remain open for use in perpetuity.

Reason: To ensure the development provides connectivity with surrounding development, in the interests of amenity and to promote accessibility, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure the levels and details are satisfactory and can be implemented at the appropriate stage in the development.

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

Reason: To allow the Local Planning Authority to assess the impact of any proposals to enlarge the roofs of dwellings (such as by way of a dormer construction) on the privacy and residential amenities of occupiers of neighbouring properties and its visual impact on the character and appearance of the development, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

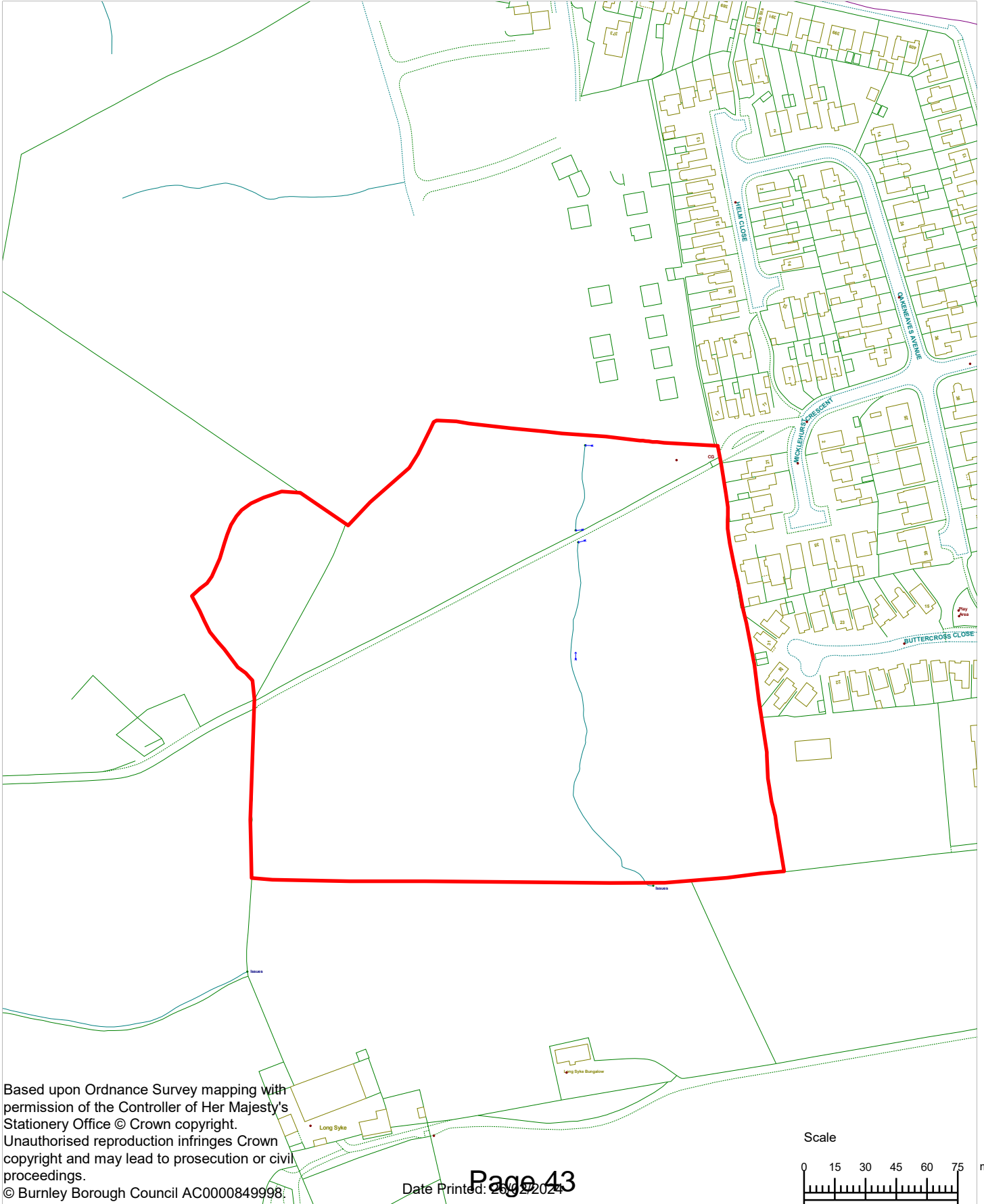
Janet Filbin
30th January 2024



Paul Gatrell Head of Housing and Development Control

Land south of Rossendale Road, Burnley

1:2500



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Application Recommended for Delegation to Approve subject to s106 Agreement

FUL/2021/0691

Coal Clough With Deerplay Ward

Town and Country Planning Act 1990

Erection of 111no. dwellings and associated access, open space and landscaping
(Proposal affects Public Footpath nos. 7 and 8)

Land south of Rossendale Road, Burnley

Applicant: Seddon Homes Limited

1.0 Background:

The application is being considered by this Committee due to objections that have been received.

- 1.1 The application site covers approximately 4.78ha and consists of undulating open fields used for pasture. A private track and Public Footpath no. 7 (1206007) cross the north section of the site and a shallow open watercourse flows north-south through the site. A further Public Footpath no. 8 (1206008) passes through the north west part of the site. A medieval Butter Cross is located towards the south east portion of the site.

Aerial view of application site (excluding area for proposed basin to the west of the site)



Source: Applicant's Design and Access Statement

- 1.2 The application has been amended and re-consulted on since first submitted. The amended scheme proposes 111 dwellings across the site [original scheme as submitted was 122 dwellings]. The changes that have been made during the application process have been to provide a policy compliant scheme that includes appropriate public open space and a good quality layout and design that responds to the local area and relationship with the neighbouring properties.

1.3 Views of application site
Looking north to Barratts site



View towards Micklehurst Crescent



Access from site to Micklehurst Crescent



Private road and FP7 (1206007)



1.4 The amended scheme which includes a reduction from 122 to 111 dwellings is shown below on an extract from the proposed site plan:
Proposed Site Plan



The proposal would provide a mix of mainly detached and semi-detached houses and one terrace of three houses. There would be a range of eleven house types

across the site which would provide 49no. four bedroom, 52no. three bedroom and 10no. two bedroom houses. All proposed dwellings would be two storey with one plot (Plot 1 adjacent to Micklehurst Avenue) having an individual dormer bungalow design.

Public open space would be provided principally to the north of the site where it would sit adjoining the public open space which is part of the approved development (by Barratt Homes) which is under construction (planning permission FUL/2021/0273). A Multi-Use Games Area (MUGA) is indicated within this body of open space which would provide recreation facilities for older children and complement the approved provision on the adjoining open space which is to be equipped with play equipment for younger children.

A ditch that runs north to south through the site would be retained and landscaped with the exception of a short distance (approximately 55m) which would be culverted to allow for the estate road that crosses its path and to provide a large functional area of open space for recreation purposes.

The listed Butter Cross base is shown to be retained on the site close to its current position in a corridor of open space on the east side of the ditch that runs through the site.

The site would be drained using a basin that would be located immediately to the west of the development site. Public footpaths that cross the site would be accommodated within the development.

Access to the site would be from the new junction at Rosendale Road, recently constructed as part of the on-going development by Barratt Homes to the north of the site. A private access, that also carries Public Footpath 1206007 between the north east corner of the site and Micklehurst Crescent is shown to be retained for the purposes of private access for four existing properties to the west of the site and would be integrated and include measures to maintain its private use only.

The proposed dwellings are designed in a coherent style with gable roofs, well balanced proportions, formal frontages, heads, cills and jambs and features such as chimneys to a number of dwellings. Corner plots are designed with dual aspects. An example of the proposed streetscenes is shown below:

Illustrative Street Scenes

Street Scene AA
Plots 5-6, 10-12, 26-27 & 41





The properties would be constructed in reconstituted stone and a flat dark grey concrete tile. Electric vehicle charging (EVC) points would be installed for all dwellings. A minimum of 20% of the proposed homes would be constructed to comply with the optional Part M4(2) standards of Building Regulations to provide adaptable homes.

The proposal includes provision for a total of 11 Affordable Homes (9no. two bedroom and 2no. three bedroom).

2.0 Relevant Policies:

2.1 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 (HS1/4) – Housing allocations (Land at Rossendale Road)
- 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

2.2 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)

Planning for Health Supplementary Planning Document (SPD) (Adopted October 2022)

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

3.0 Site History:

None.

4.0 Consultation Responses:

4.1 LCC Highways

No objections raised. The layout of the site is generally acceptable, other requirements such as junction tables and other traffic calming features can be addressed as part of the section 38 adoption process. The existing track across the site is also a Public Right of Way 12-6-FP7, contact with our PROW team should be made to ensure that its legal status and possible diversion. Similarly, 12-6-FP8 may need to be addressed. The means of traffic calming the existing access track which has a limited right of access has been agreed. The revised plans show a M.U.G.A. and it is expected that a suitable path from the gate to the adoptable footway will be provided. Whilst it is not known if this area is to be lit care should be taken to avoid light spilling onto the adoptable highway. There is a concern regarding the function of the existing traffic signals at the junction of Manchester Road and Rossendale Road. A Section 106 agreement is sought for a contribution to the upgrade of the traffic signals, this will include the provision of pedestrian crossing facilities and other improvements to improve the traffic flow. The value of this contribution is £70,000 and this is required prior to any works starting on site to ensure that the signal work can be completed prior to the expected increase in residential traffic.

Conditions are recommended to require a Construction Management Plan, a restriction on deliveries during construction to avoid peak traffic, wheel washing facilities, to withdraw Permitted Development rights to ensure garages remain available for parking and to screen external sources of lighting from drivers.

4.2 Lead Local Flood Authority (LCC)

No objection subject to conditions to require the implementation of the submitted Drainage Strategy and Design, Construction Management Plan for sustainable drainage system and Operation and Maintenance Plan; and to require a Verification Report to evidence the completion of the constructed sustainable drainage system.

4.3 United Utilities

The strategy for the disposal of foul and surface water is acceptable in principle. A condition is requested to require a detailed foul and surface water drainage scheme.

4.4 Greater Manchester Ecology Unit (GMEU)

The site is located to the south of Rossendale Road (A646) and has existing residential areas to the east. Habitats to the south and west are consistent with the main habitats on the site, predominantly improved and marshy grassland as well as an ephemeral pond and ditch. Land to the north is subject to a planning permission (FUL/2021/0273) for over 87 dwellings, which GMEU has also commented on, and the comments provided on this application are in line with those made on the land to the north of the site.

Habitats, Layout/Landscaping and Net Gain

The majority of the terrestrial habitat on the site will be lost as a result of the proposed development including extensive areas of improved grassland. The existing ditch on the site will be retained and a buffer zone on either side is proposed, along with creation of a pond and grassland area to the west of the site, within the site edged red. The site is within the allocations plan for housing (HS1/4) and while it is not specifically identified that net gain for biodiversity is required as part of the scheme, the general policy in the Local Plan (NE1: Biodiversity and Ecological Networks) states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The metric as presented demonstrates a small on site gain (0.58 units). The amended scheme will result in the loss of a section of the ditch on the site, which was previously proposed to be retained. This will now be culverted and an area of public open spaces created, which include other neutral grassland, scrub and tree planting. To compensate for the loss in this section of the ditch, measures to enhance the area of retained are proposed, and given the poor condition of the ditch currently, I am satisfied that this is adequate. The applicant acknowledges that a more exacting management regime will be required to achieve a good condition of habitat and has acknowledged that a LEMP (or similar) will be required. GMEU accept the condition of good in this instance and consider that a condition for a LEMP, with a particular emphasis on the requirement for monitoring and remedial action, which will be key to ensuring this habitat level is created and maintained.

A number of general enhancements for biodiversity, (which are not necessarily accounted for in the DEFRA metric) are recommended in the ecology report, such as inclusion of bat and bird boxes into the new houses, and designing connectivity through the site by providing appropriate gaps in boundary features etc., which should be secured in addition to the net gain requirements, through the planning system by use of an appropriately worded condition for an Ecological Enhancement Plan.

A Construction and Environment Management Plan (Biodiversity) will be required to protect retained habitats (the ditch and boundary vegetation for example) and to secure working practices which will not damage any of the wildlife that may be present on the site, such as a method statement for site clearance for species such as hedgehogs. This should also include measures to treat and prevent the spread of invasive non-native species recorded on the site, and other measures identified in section 5.2 of the ecology report. The agreed measures should be implemented and maintained for the duration of the construction period in accordance with the approved details.

Nesting birds

The habitats on the site (boundary shrubs and grassland for example) are suitable for nesting birds, and the active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Breeding has been confirmed on the site of low numbers of priority and species of conservation concern, including lapwing, skylark and house sparrow. The ecology report has acknowledged that the current scheme does not provide replacement habitat for species such as skylark and lapwing (paragraph 4.4.3) but opportunities for other priority species can be provided. This is justified by the low number of birds

recorded, the location of the proposals next to existing residential development and the availability of similar habitat in the wider environment. GMEU had previously raised concerns that breeding priority species were recorded on the site. Mitigation for species such as house sparrow has been provided in the form of nest boxes, however for lapwing and skylark we were concerned that although there were only 1 pair of each species recorded breeding on the site, no mitigation was proposed, and this application is one of three in this area which will result in the dispersal of low numbers of ground nesting birds. The letter report (from the ecology consultant) has examined the cumulative impact of the proposals on ground nesting birds in relation to the suitable available habitat and has concluded that although there will be displacement of a small number of ground nesting birds, the impacts will be negligible. We would accept this analysis and not raise an objection on the basis of ground nesting birds. A condition should be used so that the applicant is aware of the legal protection that active bird nests receive. Work which may impact on nesting birds (such as ground and vegetation clearance) must be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

Bats

No suitable roosting features were identified on the site, and it was judged to have only low value of foraging and commuting bats. No further survey work is required in relation to bats, however the impact of lighting must be considered. Any new lighting for the site should be designed to minimise the impact on nocturnal mammals such as roosting bats in line with published best practice guidelines and section 5.4.1-5.4.3 of the ecology report.

Invasive Species

One invasive species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) has been recorded on the site (Montbretia). It is an offence to plant or cause these species to grow in the wild. A condition to secure a management plan to treat and prevent the spread of control of invasive species should therefore be used (if not incorporated into the CEMP).

Other Protected Species

There are judged to be no implications for other protected species and no evidence of other protected or priority species such as water vole, otter and badger was recorded. An informative should be used so that the developer is aware of the legislation that is in place to protect wildlife. If at any time protected species are found on the site, work should cease immediately and ecologist/LPA should be contacted.

4.5 LCC Schools Planning Team

A contribution towards five secondary school places is requested.

Primary School Places:

Latest projections for the local primary schools show there to be 329 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 40 school places. With an expected pupil yield of 24 pupils from this development, we would not be seeking a contribution from the developer in respect of Primary places.

Secondary School Places:

Latest projections for the local secondary schools show there to be a shortfall of 176 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 11 places from this development the shortfall would increase to 187. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 11 places.

The Summary in the response received from Lancashire County Council is copied below (the full assessment is available to view on the Council's web site and on request):

Summary of Education Requirements

In relation to this planning application the following 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. A summary of the requirements is provided below, with further detail provided in the full document. This assessment represents the final position to inform committee, assessed on 04/09/2023, 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 11, 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 11 places = £293,887.00. If this is not the final point of decision or later information becomes available prior to decision, LCC reserve the right to reassess the education requirements taking into account the latest information available.

Expenditure Project

Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at Unity College and/or Burnley High School. These are the closest secondary schools to the development that have space to accommodate an expansion. Whilst the County Council have confirmed its intention to deliver projects at Unity College and/or Burnley High School, it should be noted that this would be subject to the following:

- willingness of school governing body to expand
- suitability of site
- planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.
- consultation with local schools and the community
- parental preference at the time that the places are required
- school standards at the time that the places are required
- availability of other funding streams.

Should the secondary education contribution not be spent on the project named within this assessment, the County Council will return the entire sum to the owner. Furthermore, the County Council will ensure that sufficient local secondary school places are provided to address the impact of the development at no cost to the owner.

4.6 East Lancashire NHS Trust

Request a contribution (this request was made in February 2022). In summary, the Trust states that they currently provide acute, emergency and secondary healthcare across Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale. The impact of non-recurrent (capital) and recurrent (service provision) infrastructure costs as a direct result of new housing development are very significant and as such a contribution is now sought to address the direct impact which the application will have on the Trust. A scheme for 122 new dwellings [the original number of dwellings proposed by this application] will support a population increase of 281 (assuming an average of 2.3 people per dwelling) all of whom will need to access health services. It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available. The Trust will in due course be able to obtain funding to meet the needs of the population which arises from the development but this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding. The Trust therefore request a contribution for this development in the sum of £208,194.00 (based on 122 dwellings). The Trust consider that this request meets the requirements of the appropriate tests.

4.7 Designing Out Crime Team (Lancashire Constabulary)

There has been a comprehensive and bespoke private Crime Impact Statement completed on this development, and having read through this document, I support and concur with recommendations made in this report.

4.8 Ramblers (Burnley and Pendle Group)

The main footpath crossing the site, 12-6-FP-7, is also an access road/track for Further Barn Farm and Lower Micklehurst Farm and therefore I would expect there to be access at all times throughout the build. However, this needs to be safe access for pedestrians also throughout. The other footpath, 12-6-FP-8, which goes along the NW edge of the site also needs to maintain safe access throughout and beyond the build. This would need to be waymarked and a clear path installed, as this area will, no doubt, become muddy/boggy.

4.9 LCC Public Rights of Way (PROW) Officer

Comments previously made concerning minor obstructions of the public footpath nos. FP1206007 and FP1206008. A hedgerow falls within the width of FP1206008 and confirmation is sought that changes to the layout has fully addressed this.

4.10 Environmental Health

No objection in principle in respect of noise, light, dust or odour nuisance but recommend conditions to require a site-specific Construction Management Plan to demonstrate the use of best practicable means to reduce the effects of noise, vibration, dust and site lighting and an informative regarding no burning of waste.

4.11 Greenspace and Amenities

The proposed open space is sufficient in size and request provision is made for a ball court area to provide recreation facilities for older children.

4.12 Council for the Protection of Rural England (CPRE)

Acknowledge that the site is allocated in the adopted local plan and make the following points in summary:

- An increase in the expected number of dwellings at the site allocation overall;
- Cumulative impacts should be considered;
- Mix of housing should be genuinely affordable and should also provide for older households;
- Should include appropriate traffic management systems;
- Protected species should be properly recorded and protected;
- Should be a high quality development;
- Recommend appropriate landscaping and boundary treatment to reduce the impact in the wider landscape;
- A listed Butter Cross base exists on the site and should be retained in situ and sensitively incorporated into the scheme.

4.13 Historic Environment Team

The archaeological desk-based assessment submitted as part of the application is appropriate and we do not disagree with the conclusions. The site to the north of this one did have some unexpected and previously unrecorded mine workings but the coal seam worked appears to be the basal one of the coal measures in this area and dips away to the north so it is unlikely that there will be any surprises relating to historical mining in this area as far as can be assessed from existing sources. The desk-based assessment suggests that an appropriate approach to this site would be to carry out further survey work, in the form of a geophysical survey. It would also be of value to carry out a metal-detector survey, using strictly archaeological methods of survey and analysis, in the area of the "Butter Cross" base to determine if this was used as a marketing site (from dropped small artefacts) or if it was a waymarker in the medieval landscape. The results of the survey work can then be used to inform the need for any further work to investigate features identified by these surveys. A condition is recommended to achieve this.

4.14 Burnley Wildlife Conservation Forum (BWCF)

The BWCF is disbanded but previously wrote to object to the application and further representations have been received from the former Chairman, Mr Peter Hornby, which maintain the objection. The letters state that the land comprises semi-natural grazing pasture which is in a prominent elevated part of the adjoining open countryside. This semi-natural grazing pasture comprises a mosaic of both drier and marshy grassland and boggy drainage ditch habitats. The September '21 Ecological Survey & Assessment accompanying the application confirms the vegetation species found in their earlier April '21 Ecological Survey & Assessment when an extended Phase 1 Habitat Survey found a wide range of drier and marshy grassland wildflower, grass and sedge species, notably Cuckooflower, Bog Stitchwort, Brooklime, Marsh Thistle, Self Heal, Thyme-leaved Speedwell, Meadow Vetchling, Common Mouse-ear and Celandine, and considered that the ditch and marshy grassland are of ecological value at the site level. As a result of this diversity of grassland habitats present on this plot of land, it is used for foraging for food by a wide range of bird species and most importantly as foraging and also nesting habitat for 4 upland breeding birds: Skylark, Meadow Pipit, Curlew and Lapwing. This is confirmed by breeding bird surveys undertaken as part of the April '21 survey which recorded a total of 35 bird species utilising the

site, most importantly including counts of up to 5 Skylarks, 7 Meadow Pipits, 4 Curlews and 6 Lapwings. The later September '21 assessment is misleading as it was too late in the year for the breeding season. The L.E.R.N. assessment of the Local Plan sites states that species have been recorded with European and NERC Act section 41 protection, along with the Lancashire Biodiversity Action Plan long list and key species. Wildlife & Countryside Act Schedules 1, 5 & 8 species have been recorded within 250m of the site. The site is in the Historic Woodland & Grassland Ecological Network stepping stone habitat. The proposal would result in a significant adverse effect on biodiversity, most especially in respect of birds.

The former Chairman of the BWCF, Peter Hornby, has made further comments in respect of amended plans for 111 dwellings, maintaining the objection and stating that there would still be a loss of the existing open landscape area of significant wildlife habitat which will result in a loss of a substantial area of biodiversity asset, especially for ground nesting and foraging by upland breeding birds. The letter repeats the points made in the earlier BWCF response and also states that since construction work began on the housing development on the adjacent plot of land, which is still in progress, the resulting disturbance has had an adverse effect on the species and numbers of birds present on this adjacent plot of land. This adverse effect will continue until the construction work is completed and only then will the species and numbers of birds present on the land recover. The letter concludes stating that the amended development proposal would still result in a significant adverse effect on biodiversity, most especially in respect of birds and consequently, object to the revised proposals.

4.15 Habergham Parish Council

Habergham Eaves Parish Council objected to this site being placed in the Local Plan for the very reasons which are now causing concern in the community. A summary of the points of objection is provided below:

- Number of houses is in excess of that allocated in the Policy HS1/4 of the Local Plan which has an indicative number 188 dwellings and no evidence of need for the extra.
- Burnley has thousands of empty homes which could be renovated and returned to people to live in and there is no justification to infringe any further on green belt land [it should be noted that it is not Green Belt land].
- Traffic will exit through the housing estate to north which is of great concern. The area is already saturated in traffic as vehicles access Rossendale Road from the existing estates
- Rossendale Road itself is a busy main road with housing on both sides and therefore parking on both sides, leading to poor sight lines, especially coming out from estates onto it.
- Impact at peak times
- Increase of traffic will also flow onto Rossendale Road from the proposed nearby industrial estate, heading for both Manchester and the M65 and lead to congestion and affect the quality of life for the existing community.
- The claim the development will improve biodiversity is contradictory as the Assessment of the Biodiversity Net Gain shows a 32% loss of habitat units.
- The use of enhancements proposed for biodiversity (i.e. the bat and bird boxes proposed) will not mitigate for the losses of habitat associated with the BNG Metric and is not a meaningful substitute for the provision of appropriately designed wildlife habitat.

- The proposal needs to demonstrate in advance it will (as it claims) that it will improve biodiversity.
- The proposed watercourse will be of limited value to biodiversity.
- The ponds will be of limited value for wildlife unless they are securely fenced and designed to support significant areas of marginal vegetation. They will periodically dry out during the summer months, making them sub-optimal as wildlife habitat.
- Disappointed that the developer is choosing not to install any renewable energy systems in homes.
- Disappointed that the developer has not included a stand alone play area and instead is relying on existing play facilities and footpaths in the area.
- Disappointed that the loss of green fields is not resulting in a substantial contribution from the developer to compensate for the extra strain on services, especially education, within the existing community.
- Query provision made for the Grade II listed Butter Cross, and should be preserved and protected.

4.16 Burnley Civic Trust

Share the concerns of Habergham Eaves Parish Council about this application and for the following reasons, object to the proposed development:

1. This proposal is being used in tandem with the development of an adjoining site. Whilst provision for development is included in the district plan (to which we objected at the time) the total no of houses envisaged was 188 but now taking the two sites together permission is sought for 223 houses [total would now be 198 houses].
2. The Buttercross must be preserved.
3. Play areas and/or a community centre should be provided.
4. The provision for renewables is insufficient
5. The biodiversity provisions are contradictory.
6. Access is dependent on existing or other anticipated provision and the existing houses will be greatly affected by the traffic which will be generated by these houses which is unfair.
7. The amount of traffic spilling on to Rosendale Road not only from these housing developments but from the proposed industrial development is unacceptable and will cause great distress to the local community.
8. Query what provision will be made for bettering the infrastructure - schools, medical centres etc

4.17 Anthony Higginbotham MP

The MP has written to draw attention to views expressed by a number of constituents, raising specific concerns relating to the volume of traffic, both noise and air pollution and environmental impacts, particularly to ground nesting birds. Some constituents wonder whether the land could be used for other means such as a community vegetable patch with the potential for creating more local jobs and promoting local food produce. The letter requests that the constituents' concerns are fully considered and taken into account.

4.18 Publicity

Objections from 17 properties at Micklehurst Crescent, Buttercross Close, Rossendale Road, Rossendale Avenue, Helm Close and Plane Tree Close were received to the initial application for 122 dwellings. Further notifications relating to amended plans (for 111 dwellings) has led to objections from 24 properties

(Micklehurst Crescent, Buttercross Close, Rossendale Avenue, Rossendale Road, Fairways Drive and Vandyke Avenue) and the most recent notification of minor changes and inclusion of MUGA within open space has led to six objections (Micklehurst Crescent, Buttercross Close and Rossendale Avenue). A summary of the points of objection is provided below:

- Loss of attractive open fields, countryside and impact on landscape
- Destruction of open farmland
- Affect on dog walkers and ramblers
- Brownfield sites/empty homes are available in Burnley
- Question the need for the development and slow down of other sites and properties unsold
- Impact on ecological habitats
- Removal of peat and release of carbon into the atmosphere and impact on climate change
- Large amount of wildlife in the area, birds such as Sparrowhawks, owls, Curlews, Starlings, Snipe, Red Bunting, Skylarks and Lapwings, bats, deer, hedgehogs, newts and insects
- Loss of land, trees and hedgerows
- Loss of habitat for ground nesting birds
- Will add 300+ people to the local area, putting pressure on local roads
- Will add 200+ cars to the roads
- Rossendale Road already has excessive traffic and will not cope with the increase
- Will worsen congestion, long queues of traffic on Rossendale Road which has been narrowed to single lane
- Quiet cul-de-sac at Micklehurst Crescent will become a rat-run
- Traffic calming measures are not enough to deter the use of the private road
- Would like the private access road to Micklehurst Crescent closed or bollards used, no parking and access only signs are needed
- Will lead to major issues of highway safety, noise and pollution at an over-subscribed junction at Rossendale Avenue where there are log jams at peak times to leave Rossendale Avenue
- Inadequately designed junction at Rossendale Road and speeding traffic west and east of Rossendale Road and road reduced to single lane
- The part of Rossendale Road that is 40mph should be reduced to 30mph
- Concern regarding the proposed speed cushions on the private access road and how this will affect farm traffic
- Disruption to means of access to four properties using the private access road where farm access and access for existing residents, farm machinery and emergency vehicles is required on a 24/7 basis
- Impact on traffic should be considered along with other developments in the area
- Considerable walk to bus stops
- Impact on the risk of flooding by building on land that has the ability to hold water
- The sewerage system through Micklehurst Crescent is an aging system
- Contamination from the development site into the existing watercourse
- No public services near the site

- Concern for the provision of services for children such as nurseries, schools, youth clubs and education and for adults such as jobs, training, education and public transport
- Concern for the provision of services such as surgeries, dentists, hospitals, shops, pharmacies and recreation
- Impact on health
- Access to clean air
- Currently a quiet and peaceful area which will be spoilt by vehicle noise
- Impact from noise, dirt, pollution, disruption and disturbance during construction
- Loss of privacy, daylight/sunlight, visual amenity, overshadowing and overbearing effect of development
- New homes will overlook into garden, kitchen and living areas
- Should be bungalows rather than two storey houses adjacent to existing bungalows at Micklehurst Crescent
- Query the proposal for a multi-use games area near to houses occupied by mainly older people
- Will lead to an increase in crime and reduce community safety
- Application boundary is within land maintained by many residents for over 20 years
- Safety of children near to pond/water
- It is in the coldest, wettest and windiest parts of Burnley
- Insufficient protection for the local buttercross
- Question the sustainability credentials of the development
- Record of shallow mining on the hills to the rear of Micklehurst Crescent

5.0 Planning and Environmental Considerations:

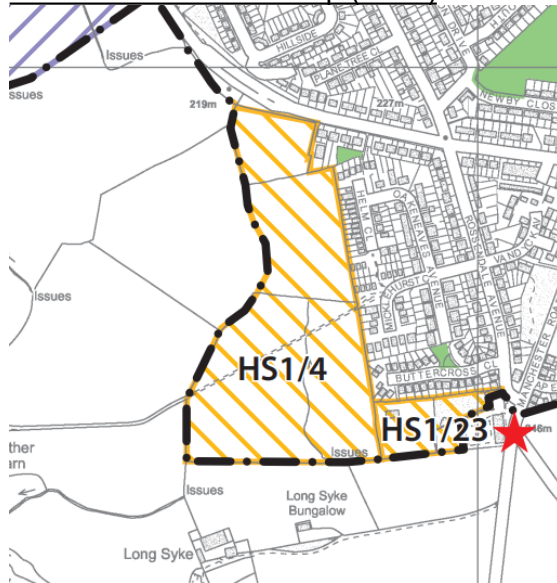
5.1 Principle of Proposal

Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the Borough. It also echoes the guidance in the NPPF by stating that "Planning applications that accord with the policies in this Local Plan... will be approved without delay, unless material considerations indicate otherwise".

Policy SP2 sets out the Housing Requirement for the borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1 identifies those sites that have been chosen through the local plan process to meet this requirement. The application site is part of one of the larger identified sites for housing, identified as Policy HS1/4 – Land at Rossendale Road (7.52ha) identified as a Greenfield site.

This application relates to 63% of the land area of the above housing allocation HS1/4 (that is, is 4.7ha). The application site area amounts to a larger area (5.19ha) in order to include land to the west of the allocated site which would be used to create a large landscaped drainage basin and no part of this would be built upon.

Extract from Policies Map (West)



Application Site area



Policy HS1 states that development on the allocated site will be acceptable in principle for housing development and will be required to be delivered in accordance with the site specific requirements [listed in HS1/4] together with the requirements of other relevant policies elsewhere in the Plan. The principle of developing the site for residential purposes has already therefore been established through the local plan process, taking into account the economic, social and environmental objectives of sustainable development.

Policy HS1/4 states that the site [as a whole] is acceptable for around 188 dwellings. The revised proposal is for 111 dwellings on part of this site. This would lead to a total of 198 dwellings on the allocation as a whole which is slightly higher but would be around the indicative figure. The proposal is acceptable in principle subject to the remaining site specific requirements (see below) and consideration of other plan policies.

Additional and Site Specific Policy Requirements and Design Principles

- 1) A mix of dwelling types, including a minimum of 55% 3+ bedroomed detached and semi-detached houses will be expected;
- 2) Appropriate traffic management systems will be required both at the site entrance and within the locality, for which contributions may be sought in accordance with Policy IC4;
- 3) Protected Species have been recorded on the site. An ecological survey will be required to accompany any planning application which identifies and addresses this issue in accordance with Policy NE1;
- 4) Appropriate landscaping and boundary treatment should include screening to the northern and western boundary to reduce the impact on the wider landscape, along with roadside trees and shrubs adjacent to Rossendale Road. New planting on the site will need to accord with Policy NE3; and
- 5) The presence of known heritage assets (Medieval and earlier) within close proximity of the site would suggest some limited potential for unknown archaeology of local-regional significance and suitable provision will need to be made for archaeological desk based assessment and field evaluation consistent with Policy HE4; and any further investigation or recording works that may be necessary as a consequence of development.

The proposed development would comply in principle with the spatial strategy for development in Policy SP4 and the specific housing allocation in Policy HS1.

The above requirements and other material considerations relating to plan policy requirements, including the impact of the development on traffic, ecology and neighbouring properties, are considered below.

5.2 Design, layout and visual impact of the development

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers.

The proposed scheme has been amended since first submitted to provide a greater amount of public open space, to increase separation distances with existing neighbouring houses and to improve the quality of the scheme.

The proposed open space amounts to a total of 0.9ha which exceeds the amount required by Policy HS4 (which would be 0.66ha based on the 111 dwellings) and is appropriately located with the main body to the north of the site to complement the public open space that is being created to the adjoining north side of the site. Public open space, in the form of amenity landscaping also forms a green corridor along the length of the retained watercourse (ditch) which contributes to the openness of the development and provides for biodiversity enhancements. The Grade II listed Butter Cross base would be located in this area which would be a suitable setting. Peripheral open space and planting to the south and west boundaries of the site would create a green and softer edge with the countryside. The applicant has included a ball court area (MUGA) within the main body of the public open space at the request of the head of Greenspaces and Amenities which would provide for the needs of older children and complement the play facilities to be provided on the adjoining open space (Barratt Homes development) which cater for younger children. The proposed MUGA would be enclosed by 3m high ball net fencing. A condition to require details of the surfacing and fencing is recommended. The areas of public open space would be maintained through a private management company which can be appropriately secured through a s106 Agreement.

The mix and range of house types complies with the site specific criteria of Policy HS1/4 that requires a minimum of 55% of three or more bedroom semi-detached and detached dwellings. Policy HS3 states that development should make efficient use of land and be built at a density appropriate to its location and setting. However, it states that developments should achieve a minimum of 25 dwellings per hectare (dph). In this case, the proposed development amounts to 23 dph which is a relatively low density which is acceptable on this greenfield site where a water course is integrated into the layout and additional open space provides the opportunity for more planting and a greener edge with the countryside. The proposed density would not differ

significantly from the indicative number stated in Policy HS1/4 for this part of the site and would comply with Policy HS3.

The applicant has amended the proposed house designs through the application process to remove three storey dwellings and to create distinctive and attractive street scenes that reflect the character of the local area. The applicant has included in the designs the requirement (in Policy HS4) for 20% of the dwellings to comply with the optional technical standards of Part M4(2) Building Regulations for adaptable homes. A reduction in the number of dwellings would create an increased amount of public open space and also achieves sufficient spacing between dwellings. The layout creates frontages orientated to provide a good level of surveillance over the main body of open space that would be used for play. In addition to planting in areas of public open space, the layout has also been improved to provide trees along the new streets.

In respect of the energy efficiency of the new homes, the houses would need to be constructed to comply with Part L1 of the Building Regulations 2021 which would achieve a high standard of energy efficiency. A condition is recommended to require details of photovoltaic (PV) panels which are likely to be needed to achieve the new higher building regulation requirements.

The design, layout, density and scale of the development complies with Policies HS4 and SP5 and would provide a high quality development.

5.3 Impact on traffic and highway safety

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access for new developments. The National Planning Policy Framework (NPPF) has similar requirements and states that it should be ensured that any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree. It also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy IC3 requires car parking to be provided in accordance with the standards at Appendix 9 which require two spaces a 2 and 3 bedroom property and three spaces for a 4 bedroom property.

Electric car charging points are required at detached properties on developments over ten dwellings. In this case, a charging point would be provided for each property.

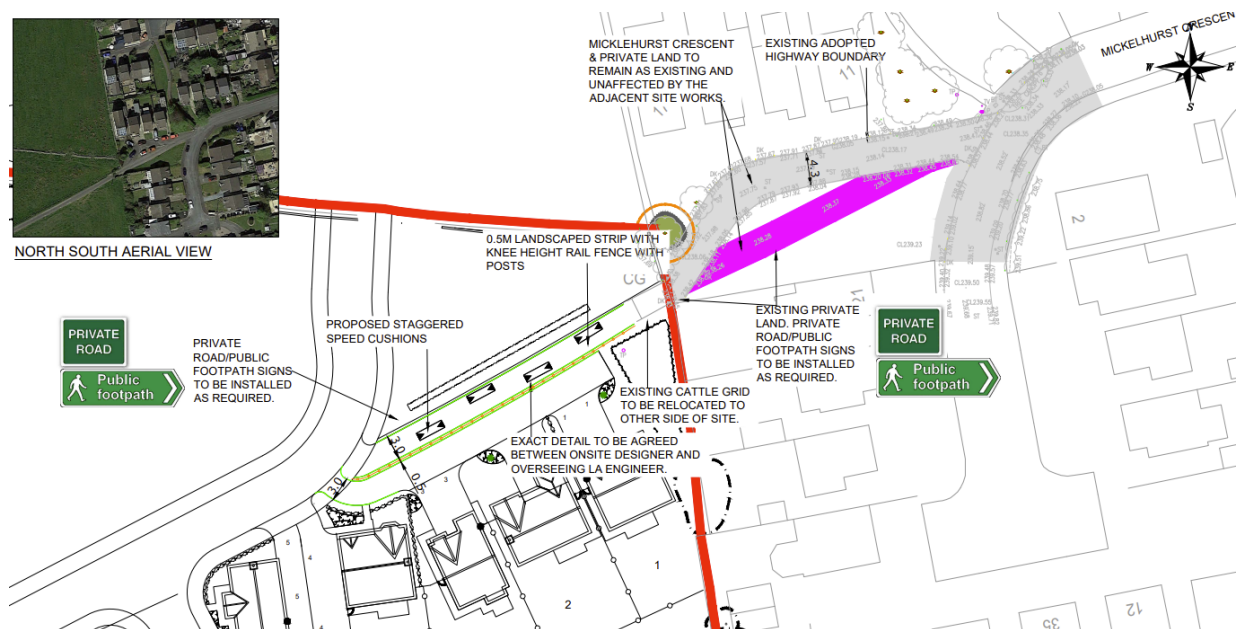
A Transport Assessment has been submitted with the application to assess the impact of the development on the highway network and to demonstrate measures to reduce reliance on the motor car. The supporting text at Policy HS1/4 states that Lancashire County Highway engineers have advised that vehicular access should be from Rossendale Road with appropriate sight lines and traffic management infrastructure. The new junction has recently been constructed as part of the planning permission for the site to the north of the current site. This junction has been designed with regard to the full housing allocation of Policy HS1/4 to ensure that it is suitable to cater for the remainder of the development. The new access from Rossendale Road would provide a suitable access and the local highway authority is satisfied that the additional traffic can be accommodated on the highway network subject to a contribution of £70,000 towards improvements to the signalised junction of Rossendale Road and Manchester Road. Contributions to these improvements have

already been secured from adjacent developments (FUL/2021/0273 and FUL/2022/0259) on Rossendale Road. The applicant agrees to this request.

The site is accessible to amenities and facilities within the urban area and is served by public transport, having bus stops on Manchester Road which provide services between the town centre and Manchester. The proposal would provide occupiers with good access to the existing public footpaths that cross the site.

Objection from neighbours to traffic refer to the potential impacts from the use of the private access between the site and Micklehurst Crescent. The plan shown below shows how the existing private access that serves four properties (including a farm) would be integrated by taking the path of a new estate road but at its easterly end, would be separated from the development by the geometry of the road design, traffic calming measures and signage. This would retain the private road (which has third party rights of way) but deter its use by others.

Measures to incorporate private access



The route to use the private road which leads to Micklehurst Crescent and Rossendale Avenue would be a less direct and favourable route and it is therefore likely that the new route to Rossendale Road would be more attractive for use by the current farmer and those other properties with a right of way along the public footpath route. Private road signs would also help to deter its use by others. The local highway authority consider the design of the scheme would achieve the objective in retaining the access road for those with a right of way only.

The local highway authority is satisfied with the estate road layout and off-street parking which complies with Policy IC3. A condition is necessary to prevent any garages being adapted to habitable rooms.

Subject therefore to a contribution to improve the off-site junction of Rossendale Road and Manchester Road, the proposal would provide satisfactory access and can be satisfactorily accommodated within the highway network without any significant impact on traffic or highway safety.

5.4 Impact on residential amenities

Policy SP5 seeks to ensure that development has no unacceptable adverse impact on the amenity of neighbouring occupants or result in unacceptable conditions for future users and occupiers of the development.

An amended layout and designs have addressed the separation distances in Policy HS4 (20m between elevations with habitable windows and 15m between habitable windows and a blank gable).

Development adjacent to Micklehurst Crescent



The separation distances set out in Policy HS4 would be achieved. Any land that has been taken into third party boundaries is a private matter.

A condition is recommended to withdraw some Permitted Development rights for some plots to prevent roof enlargements that could adversely affect neighbouring amenities.

The design and layout of the development would adequately safeguard the living conditions and amenities of the occupiers of neighbouring properties and future occupiers of the development. The proposal therefore complies with Policy SP5.

5.5 Impact on ecology

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible.

Ecological surveys and assessments, ecological baseline surveys and a Biodiversity Net Gains (BNG) assessment have been submitted. The BNG Assessment has been appropriately prepared and demonstrates a net gain of 5.62%.

The site is identified as semi-improved grassland and marshy grassland that provides a semi-natural habitat. Whilst no protected species such as bats, great crested newts, water vole or badgers have been recorded, the site is used by nesting birds and ground nesting breeding has been confirmed on or close to the site of priority and species of conservation concern. The proposed scheme which provides considerable greenspace for planting along the retained watercourse and proposed drainage basin and within open space areas, would provide opportunities for birds to nest, including priority species but this would be more difficult for ground nesting birds such as lapwing and skylark. GMEU concur with the ecological assessment that the loss of the semi-natural habitat is justified given the low numbers of these nesting birds at or close to the site, the site's location and the availability of similar habitat in the wider environment. The applicant's ecology consultant affirms that there 4,200ha of land to the south, south-west and south-east of the site which is potentially suitable habitat for ground nesting birds (whereas the whole of the housing site allocation is 0.003% of this area).

GMEU accept that the loss would be a negligible loss and that there would be a small net gain in biodiversity throughout the site and recommend conditions to secure long term maintenance and management of ecologically enhanced landscaped areas, measures to protect wildlife during construction and other measures such as bat and bird boxes and connectivity for hedgehogs/small mammals through fencing.

With these provisions, the proposal would have an acceptable impact on biodiversity and provide for appropriate biodiversity enhancement in accordance with Policy NE1.

5.6 Affordable housing provision

Policy HS2 requires affordable housing on sites of over 10 dwellings. This will normally be an on-site requirement and the exact amount of financial contribution/number and tenure of affordable units will be determined by economic viability having regard to the individual site and market conditions. The Developer Contributions SPD provides a guide to what the Council can expect for allocated sites which is based upon the Local Plan Viability Assessment which also takes into account other contributions that may be necessary.

The Developer Contributions SPD indicates that there is a viability ceiling of 10% for on-site Affordable Housing which has been agreed with the applicant. Eleven Affordable Homes would be provided as shared ownership dwellings amongst the remainder of the development. A s106 Agreement would be necessary to secure the agreed Affordable Housing.

5.6 Other contributions

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. The Developer Contributions SPD provides guidance on the level of contributions (including Affordable Housing) that are likely to be viable on housing site allocations and other sites in the borough based on the Local Plan Viability Assessment.

The Schools Planning Team (LCC) has requested a contribution of £293,887 towards 11 secondary school places which are required to address a shortfall in places that would arise from future demand as a result of the proposal. LCC is satisfied that there is adequate capacity for primary school children. The applicant has agreed to this request.

The applicant has not been asked by the East Lancashire NHS Trust to contribute to secondary healthcare. Similar requests have been previously made to the Council where it has been found that the requests, as they stand, do not meet the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, mainly due to the overall assumption that is made by the Trust that the development would directly lead to an increase in 111 households in the Trust area.

5.7 Other issues

The site is within Flood Zone 1 where there is the lowest risk of flooding. The proposal would provide a sustainable drainage solution to the site through an attenuation and swale that would also be landscaped to provide for biodiversity and visual amenity benefits. Subject to conditions recommended by the Lead Local Flood Authority and United Utilities, the site can be adequately drained and would not lead to an increase in flood risk on the site or elsewhere.

An air quality assessment has been submitted that indicates that there would be no significant adverse impact on air quality resulting from the proposed development. In accordance with the Air Quality Management SPD, electric vehicle charging points will be required as standard mitigation.

Ground Investigation reports have found no viable sources of pollution or ground contamination. The site falls within a low risk area to be affected by coal mining legacies and no further investigation is required in this respect.

5.8 Conclusion

The proposal seeks to develop a site that is allocated for housing purposes in Burnley's Local Plan. The proposed scheme has been amended since first submitted and proposes a high quality scheme that protects the amenities of existing neighbouring properties, provides safe access, provides for off-site highway improvements, would lead to biodiversity gains, provides affordable housing, public open space and a high quality layout and design that integrates into its surroundings. Objections to the proposal have been considered and have been addressed in the report. The NPPF states that decisions should apply a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay. The proposal complies with the development plan and there are no material reasons to outweigh this finding in which case the application should be approved.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a Section 106 Agreement to secure contributions to highway improvements, education, to provide affordable housing and a scheme for open space management and responsibilities.

Conditions

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

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

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

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

3. Representative samples of the external materials of construction to be used on the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground level. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

4. The development permitted by this planning permission shall be constructed, carried out and maintained thereafter in accordance with the following submitted surface water sustainable drainage strategy and design, construction management plan, and operation and maintenance plan:

- Drainage Strategy & Design, Manchester Road, Burnley, Seddon Homes Ltd, Ref: K40092.DS/001A, Rev A, 21 Sept 2023, RG Parkins, and associated drawings;
- Construction Management Plan for Sustainable Drainage Systems, Manchester Road, Burnley, Seddon Homes Ltd, Ref: K40092.CMP/003, 17 July 2023, RG Parkins; and
- Operation & Maintenance Plan for Sustainable Drainage Systems, Manchester Road, Burnley, Seddon Homes Ltd, Ref: K40092.OM/002, 17 July 2023, RG Parkins.

The Construction Management Plan shall be implemented and thereafter managed and maintained in accordance with the approved plan details for the duration of construction. The approved Drainage Strategy & Design and measures contained within the Operation & Maintenance Plan shall be fully implemented prior to any dwelling being first occupied 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 drainage system shall thereafter be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site and to reduce the risk of flooding on-site and elsewhere during and after construction of the development, in accordance with Policies CC4 and CC5 of Burnley's Local Plan (July 2018).

5. No dwelling shall be first occupied until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the approved surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and 3 control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework, in accordance with Policies CC4 and CC5 of Burnley's Local Plan (July 2018).

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

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

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

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

8. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP), including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - a. Description and evaluation of features to be managed;
 - b. Ecological trends and constraints on site that might influence management;
 - c. Aims and objectives of management;
 - d. Appropriate management options for achieving aims and objectives;
 - e. Prescriptions for management actions;
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g. Details of the body or organisation responsible for implementation of the plan; and
 - h. Ongoing monitoring and remedial measures.'The approved LEMP shall be implemented and adhered to at all times in accordance with the approved details and approved timescales in perpetuity.

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

(i) Geophysical survey using appropriate survey equipment over the site

(ii) A gridded metal-detector survey using an appropriate machine in the area around the "Butter Cross" base. A 25 m radius from the monument should be used as the initial area and extended if the results are deemed to merit a wider area of survey.

(iii) A programme of evaluation of any significant features identified by (i) and (ii) above

(iv) Any further excavation and recording of significant features identified in by (iii) above

This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net). A digital copy of the report and the photographs shall be placed in the Lancashire Historic Environment Record prior to the dwelling consented being first occupied.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

10. Notwithstanding the submitted landscape scheme, prior to the commencement of development, a scheme of landscaping, including details of trees and hedges to be retained and details of new tree, hedge and shrub planting and seeding together with details of species, heights and numbers on planting and details of their cultivation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory scheme that includes adequate tree cover to the open boundaries of the site with the surrounding countryside and provides a high standard of new and appropriate landscaping, in the interests of the visual amenities of the site and its surroundings and the biodiversity of the site, in accordance with Policies HS1/12, SP5, NE1 and NE4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate stage of the development.

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

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

12. No removal of or any works to hedgerows, trees and shrubs or site clearance shall take place between the 1st March and 31st August inclusive unless a competent ecologist has inspected the area (including an inspection for ground nesting birds) no more than 24 hours prior to its removal and has provided written confirmation to the Local Planning Authority that no nests or breeding birds will be harmed by the development and/or that there are appropriate measures in place to protect nesting bird interest on the site.

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

13. Prior to the commencement of development, a scheme for the provision and implementation of Biodiversity Enhancement Measures on the site to include bird and bat boxes and timescales for the completion of the measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed in accordance with the approved timescales and shall be retained thereafter.

Reason: To maintain and enhance biodiversity on the site, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that it can be coordinated with other landscaping and ecology related schemes for the site and implemented at the appropriate stages of the development.

14. The boundary treatment indicated on the approved Boundary Treatment Plan shall be carried out and completed prior to the completion of the development, in accordance with details of the materials and design of the proposed screen walls which shall be first submitted to and approved in writing by the Local Planning Authority.

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

15. 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 control and deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
 - Measures to control and deal with vibration.
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison.
 - Measures to control the emission of dust, dirt and other air-borne pollutants during construction.
 - Mitigation measures to minimise noise disturbance from construction works.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - Construction vehicle routing.
 - Delivery, demolition, and construction working hours and procedures for emergency deviation of agreed working hours.

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

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

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

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

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

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

18. The approved access junction and estate road 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 takes place within the site.

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

19. No development shall be commenced until 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). 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.

20. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established for this purpose.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highway's infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

21. No dwelling shall be first occupied until drop kerbs have been installed at the carriageway edge for that dwelling and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads and shall be so retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility, in accordance with Policies IC1 and IC3 of Burnley's Local Plan (July 2018).

22. No dwelling shall be first occupied unless and until all its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

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

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

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

24. Electric vehicle charging points which shall be in accordance with the relevant Department for Transport guidance (minimum power rating output of 7kW and fitted with a universal socket) shall be installed externally at each plot prior to its first occupation.

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

25. Prior to the first occupation of any dwelling, refuse bins and recyclable waste storage for each respective dwelling shall be provided within a concealed area

of the curtilage in accordance with details in the approved Refuse Plan. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

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

26. A minimum of 22 dwellings within the development shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes. Details of the plots to be constructed to comply with this specification shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. None of the specified plots subject to these requirements shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for that dwelling has been submitted to and approved in writing by the Local Planning Authority.

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

27. Prior to the installation of any photovoltaic (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).

- 28 The development shall be completed with the chimney features as detailed in the approved plans prior to each dwelling being first occupied.

Reason: To ensure the satisfactory implementation of the proposal and the inclusion of detailing which contributes to the quality of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

Janet Filbin
28th February 2024

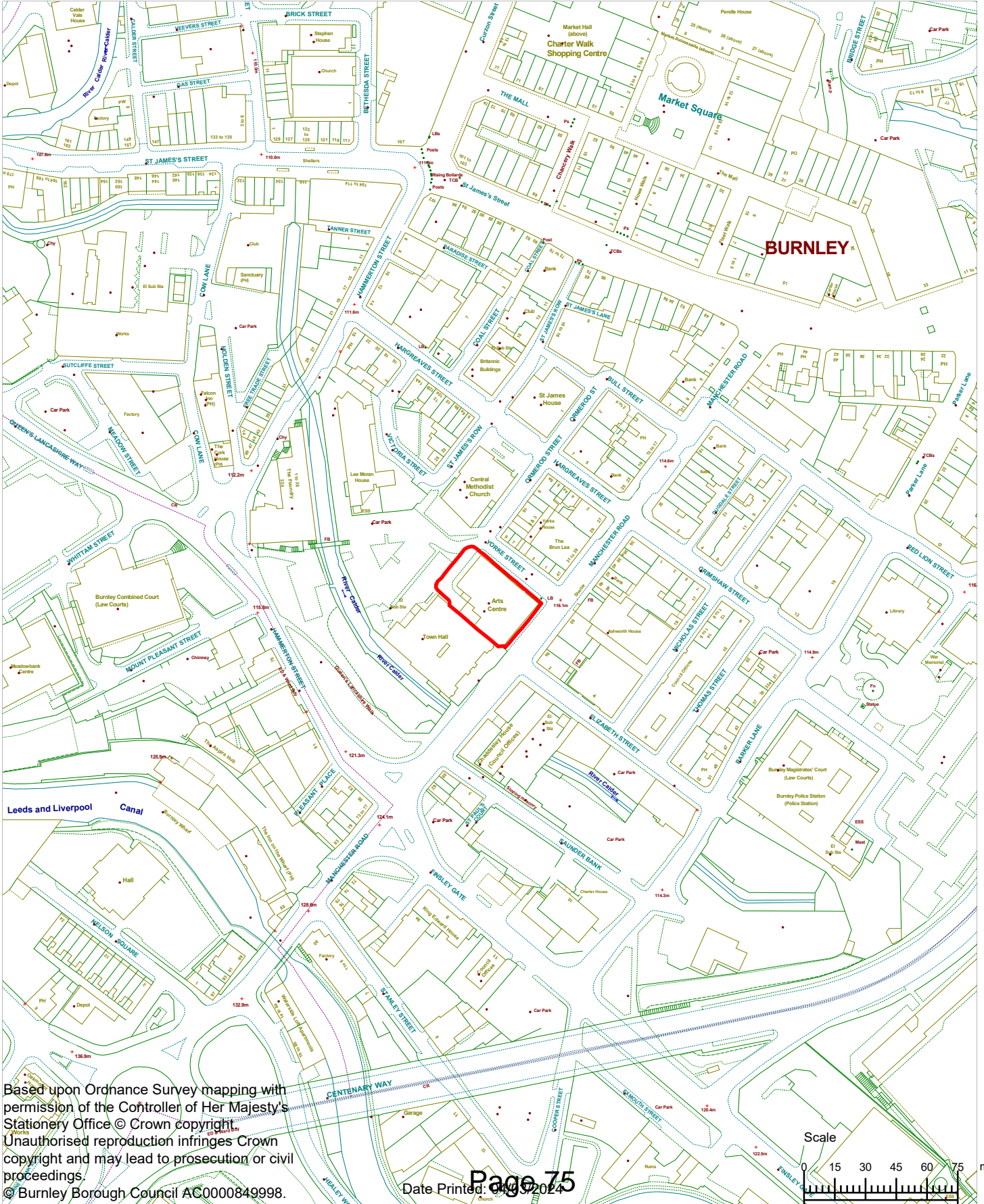
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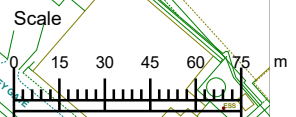
Paul Gatrell Head of Housing and Development Control

Burnley Mechanics, Manchester Road, Burnley

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Application for Listed Building Consent

BURNLEY MECHANICS MANCHESTER ROAD BURNLEY

Replacement of timber loading bay doors to the rear with powder coated aluminium

Applicant: Burnley Borough Council

Agent: Property Services (Liberata UK Ltd)

1.0 Application Property and Summary of Heritage Significance:

- 1.1 This application relates to Burnley Mechanics, a Grade II* Listed Building constructed in 1855 by the Mechanics Institute Movement to provide basic education to the working adults of Burnley. The building, which is a notable example of its kind and described by Pevsner as one of Burnley's best buildings, occupies a highly prominent position at the corner of Manchester Road and Yorke Street and contributes to a group of late Victorian and Edwardian commercial and public buildings within the Burnley Town Centre Conservation Area.
- 1.2 The Mechanics is a heritage asset of high significance, reflected in its Grade II* listing. The nature of this significance is derived primarily from its architectural and historic interest. On the first count it holds a high level of value for its classical proportions, rich sculptural embellishment and fine craftsmanship to its principal elevations being heavily influenced by the Italianate style of architecture, which combine to form a distinguished and highly intact example of mid-Victorian civic architecture and show the building to be of some status. In terms of historic and communal values, the building serves as an important reminder of a type of education and cultural facility, common from the mid C19 to early C20, which revolutionised access to education for working adults and played a vital part in the development of state funded adult education and public libraries, and in this case was important in the foundation of Burnley College. It also has strong associations with a number of industrialists and other individuals of notable social and financial status within Burnley during the textile revolution.



Historic image c.1880s Manchester Road and Yorke Street Elevations 1980s Rear Extension

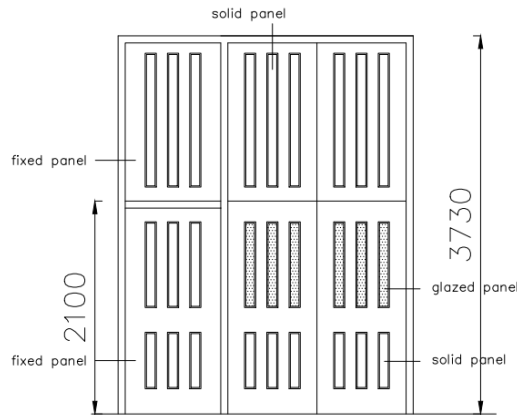
- 1.3 Substantial renovation in the 1980s resulted in the removal of much of the historic fabric with modern fit out including partitions and suspended ceilings. This has partially reduced the significance of the building's interiors and raises the value of surviving areas such as the basement and the former Tudor Room; and surviving features such as the historic staircases and decorative plasterwork.
- 1.4 This application relates to a utilitarian part of the building located at the rear and constructed in the 1980s to house a lift and hoist and other facilities for the back stage area. The extension makes no meaningful contribution to the significance of the listed building and is not readily visible within views from the public realm.

2.0 The Proposal:

- 2.1 This application seeks listed building consent for the removal and replacement of the modern timber loading bay doors and frames to the 1980s rear extension at both ground and first floors.
- 2.2 The doors are designed to enable large pieces of equipment to be transported into the building and are sized accordingly. Severe warping has occurred due to the insufficient physical support resulting in operational difficulties. Additionally, the doors do not provide any opportunity for enhanced security at ground floor level where they are vulnerable to forced entry and vandalism.
- 2.2 The case for the proposed replacement doors and frames is made on the basis that the existing hold no historic or architectural value and their condition and design deficiencies are such that they are not fit for purpose and are considered to be beyond reasonable and practical repair. Moreover, the doors are positioned on a modern extension which makes no contribution to the significance (special interest) of the listed building in terms of how the building and its heritage values are appreciated and understood.
- 2.3 It is proposed to replace the doors and frames with a powder coated aluminium door system in a design that closely matches the existing. The first floor doors will be split at 1100 mm from floor level to provide a safety barrier when only the top doors are open. The aluminium construction will resolve the issues of warping and ease of operation and provide enhanced security.



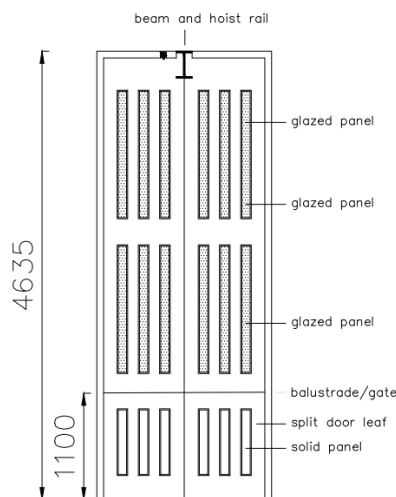
Existing Ground Floor Doors



Proposed Ground Floor Doors



Existing First Floor Doors



Proposed First Floor Doors

- 2.4 The application has been submitted following pre-application engagement with the Council's heritage planner who is satisfied that the proposal reflects the options discussed and the advice provided.

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

3.0 Relevant Policies:

3.1 Burnley's Local Plan (July 2018): Policy HE2 (Designated Heritage Assets) outlines the key requirement for proposals to have regard to the desirability of sustaining and enhancing the significance of listed buildings and, where appropriate, securing a viable use most consistent with their conservation. All levels of harm should be avoided. The policy adopts the NPPF's categories of 'substantial' and 'less than substantial' harm and the corresponding policy tests (as set out in NPPF 207 and 208). In summary, these tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm.

3.2 The National Planning Policy Framework (Dec 2023): The conservation of heritage assets in a manner appropriate to their 'significance' is the focus of the NPPF. In particular paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 206 continues setting out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 208 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

3.3 Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 as below.

4.0 Planning History:

4.1 The site has an extensive planning history which mainly relates to internal and external works to maintain the upkeep and safeguard the viability of the building.

5.0 Consultation Responses:

5.1 Historic England: Do not offer their advice.

5.2 Publicity: No responses received

6.0 Assessment:

6.1 The main issue for consideration is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building, its setting or any features of special architectural or historic interest that it possesses. With regard to the NPPF and Local Plan Policy HE2 this can be defined as the impact of the proposal on the significance (special interest) of the Listed Building affected with 'preservation' in this context meaning doing no harm to the significance as opposed to keeping it utterly unchanged.

6.2 Having regard to the relevant policy and legislation, as set out above, the main issue is whether the proposed alterations will preserve (not cause harm to) the special interest (significance) of the Listed Building.

7.0 Impact on the significance (special interest) of the Listed Building:

7.1 The long-term heritage objectives to preserve or enhance the special interest (significance) of listed buildings is to retain any historic or traditional features where they are capable of reasonable repair. Where they are beyond reasonable repair, it is desirable to replace them on a like-for-like basis in the same material so as to preserve the character of the building. In this case,

however the doors proposed for replacement do not hold any historic or architectural value and are positioned on a modern extension which makes no contribution to the significance of the listed building and is therefore less sensitive to alterations. Accordingly, their replacement with a suitable alternative is considered acceptable.

- 7.2 Whist powder coated aluminium fails to replicate the texture and patina of timber and in many situations is unlikely to be unacceptable for use on listed buildings, in this case it is proposed to replicate the style and dimensions of the existing such that the proposed doors would not detract from the overall aesthetics of the listed building or how it is appreciated visually. In this respect, to most observers the replacement doors are unlikely to be especially distinguishable from those they replace when viewed from a normal distance.
- 7.3 The special interest of the listed building has been assessed and the impact of the proposal on significance examined. The conclusion being that the degree of physical and visual change would have no greater than a neutral impact in that it would not diminish the special interest of the listed building nor would it alter the experience or understanding of its significance to any appreciable degree. It is therefore considered that the proposed alteration would preserve the special interest of the listed building in its entirety in accordance with Policy HE2, the NPPF and the duty assigned by the LBCA Act.

8.0 Recommendation:

- 8.1 In giving considerable importance and weight to the duties at Section 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in consideration to the objective of the NPPF and Policy HE2 of Burnley's Local Plan I would recommend that listed building consent be granted subject to conditions.

9.0 Conditions and Reasons:

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

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

2. The development hereby permitted shall not be carried out other than to the specifications as indicated on the approved drawings except where modified by the conditions of this consent. The approved drawings are: Mechancis/Mec 01 (Proposed Loading Bay Doors at 1:100 Scale) received 22 February 2024.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings.

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

4. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

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

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

EEP (Principal Planner)

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Part One Plan

Agenda Item 6d

Housing & Development Control
Town Hall, Manchester Road

Ref.

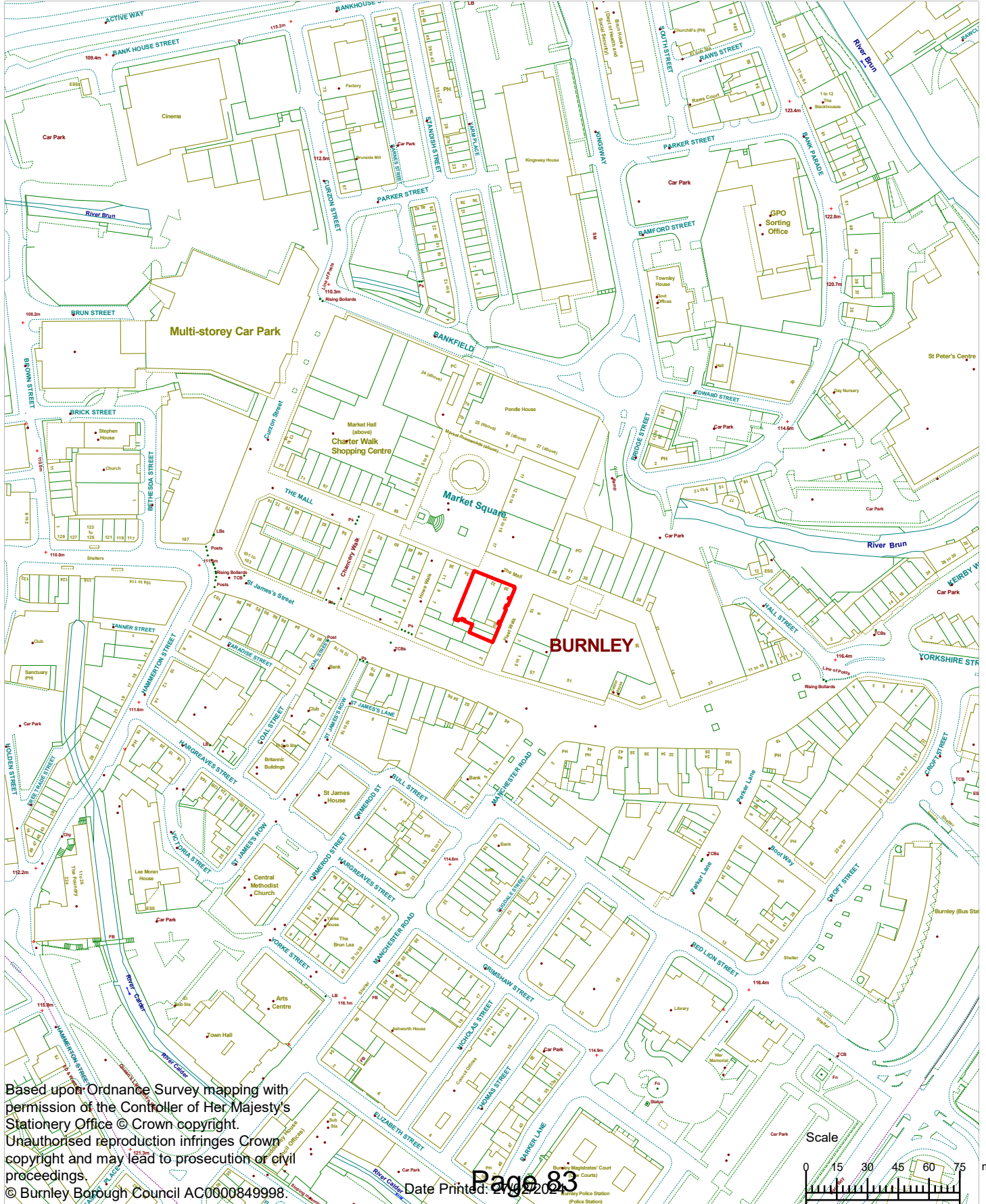
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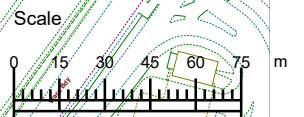
Paul Gatrell Head of Housing and Development Control

30-32 The Mall, Burnley

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Town and Country Planning Act 1990
Installation of new shopfront
30-32 The Mall, Burnley, Lancashire, BB11 1BA.



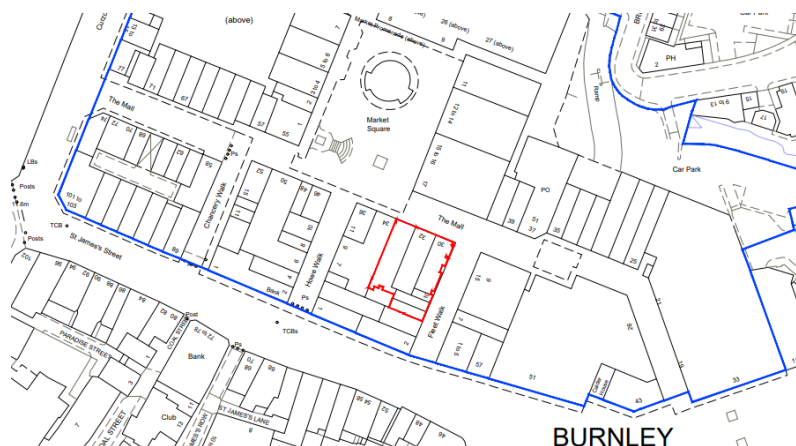
Background:

This application is presented to committee as the applicant is Burnley Borough Council.

The application site consists of 5 vacant retail units in the Charter Walk Shopping Centre, including 30 & 32 The Mall and 6-10 Fleet Walk. The units are to be combined and occupied by JD Sports.

The site is not located within a Conservation Area and does not relate to a listed building.

Location Plan



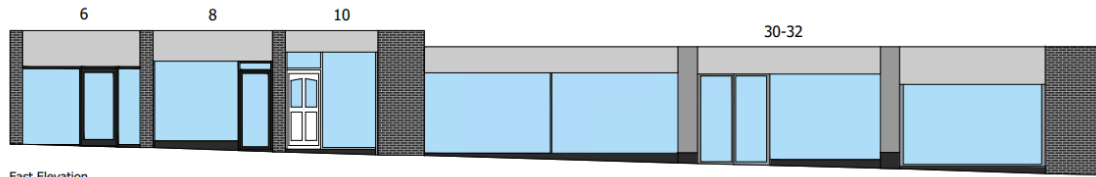
Proposal:

This application seeks permission to install a new shopfront to be constructed with a black aluminium stall riser, grey fascia panels and glazing. Vinyl and security film is to be applied to the shop front windows.

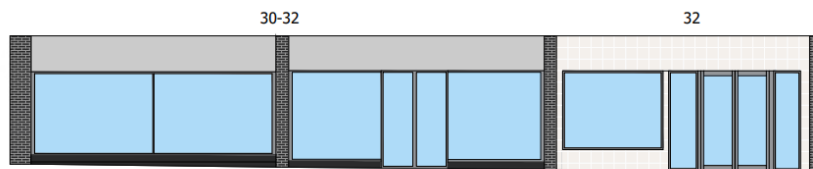
Note that Advertisement Consent isn't applied for. If approved, the Case Officer suggests the following note on the Decision Notice:

This is a grant of planning permission only. It is not a grant of Advertisement Consent. Should Advertisement Consent be necessary for works approved within this planning application, separate consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 will be required.

Existing Elevations

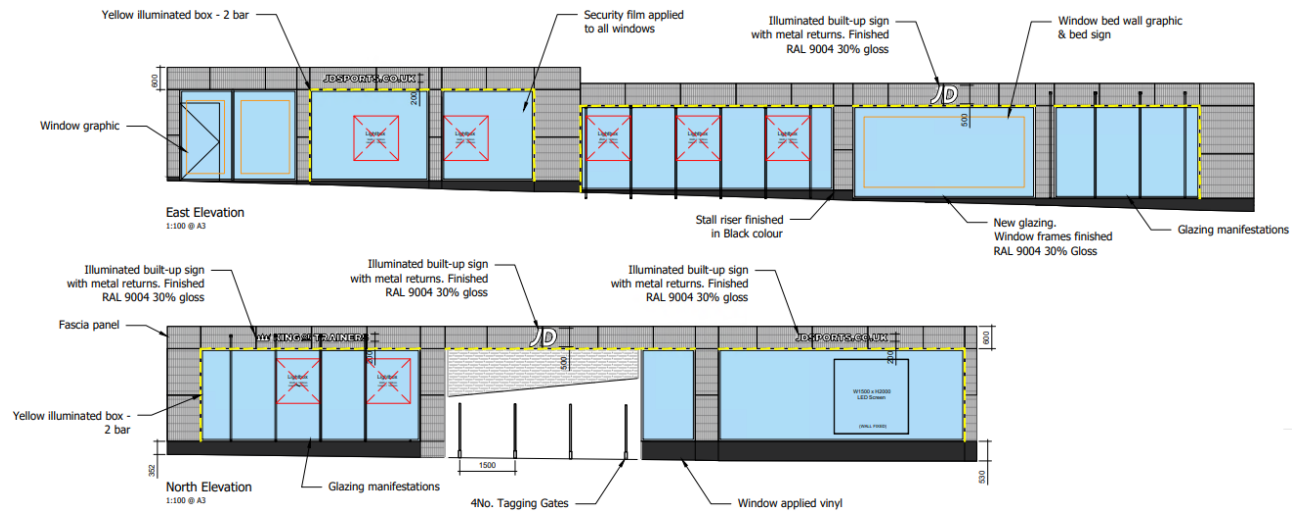


East Elevation



North Elevation

Proposed Elevations:



Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP5 – Development Quality and Sustainability
- TC3 – Primary and Secondary Frontages
- TC8 - Shopfront and Advertisement Design

NPPF 2021

Shopfront & Advertisement Design SPD 2019

The Council has a Shopfront & Advertisement Design (Adopted June 2019). The SPD sets out detailed planning and design guidelines for the design of shopfronts and signage on commercial buildings. The document supports policy TC8 of Burnley's adopted Local plan and is a material planning consideration in the determination of planning applications.

Site History:

No relevant site history.

Consultation Responses:

LCC Highways – The Highway Development Control Section of Lancashire County Council has no objections to the planning application subject to the following condition: *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.*
- *Measures to protect vulnerable road users (pedestrians and cyclists).*
- *The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.*
- *Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.*
- *Measures to control the emission of dust and dirt during construction.*
- *Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.*
- *Construction vehicle routing.*
- *Delivery, demolition, and construction working hours.*

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

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

Planning and Environmental Considerations:

Principle

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

Design & Appearance

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

The Shopfront & Advertisement Design SPD states that:

The Council is keen to encourage good quality contemporary design in modern (post-1945) unlisted buildings and new build units in streets with a mixed or predominantly modern character. Successful modern shopfronts will employ careful proportioning and good quality materials, and will be designed to respect surrounding buildings and local character.

The design of the proposed shop front would be in keeping with the town centre location, and the materials proposed would not have a significant detrimental impact on the character or appearance of the centre. The proposal is seen as an overall improvement to the appearance of the application site and the wider parade of shops and would therefore in turn enhance the appearance to this part of the centre. As such, it is considered the proposal complies with the local plan policies.

Residential Amenity

The property is a town centre premises and there are no residential properties that would be adversely affected by the development. As such the proposal accords with policy SP5.

Highway Safety

The highway authority has no objection to the proposal. Subject to the submission of and adherence to an acceptable Construction Management Plan (CMP) or Construction Method Statement (CMS) there are no envisaged highway safety implications.

Conclusion:

No objections have been received in relation to the proposed development. The proposal is considered acceptable, and the design of the development would preserve the appearance and character of the town centre and does not raise any amenity or highway safety issues. As such, the proposal complies with the relevant provisions of the local plan.

Recommendation:

The application is recommended for approval subject to the following conditions:

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

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

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

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

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

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

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

- 24 Hour emergency contact number.
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours.

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

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

Note

This is a grant of planning permission only. It is not a grant of Advertisement Consent. Should Advertisement Consent be necessary for works approved within this planning application, separate consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 will be required.

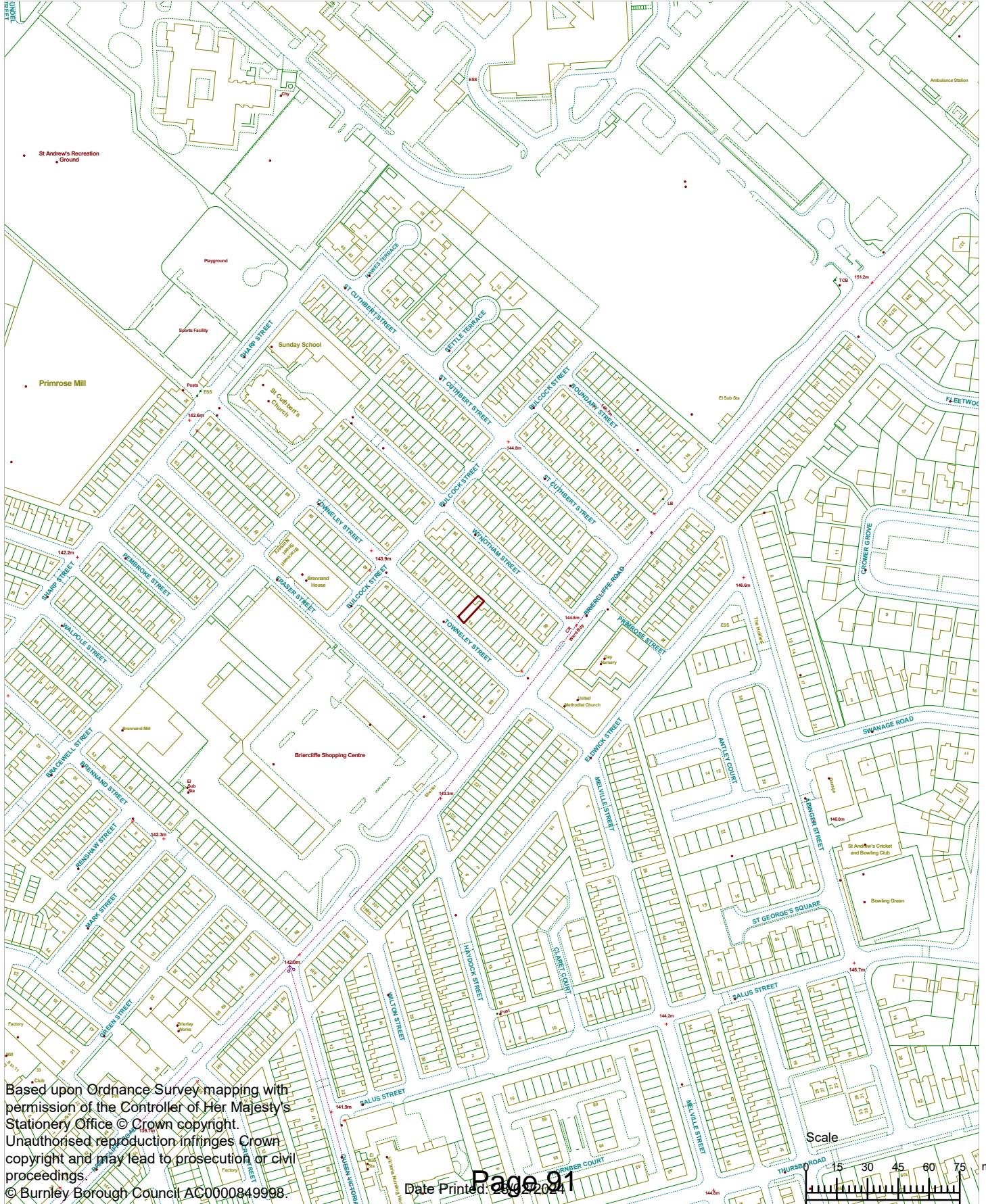
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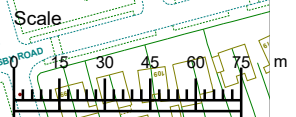
Paul Gatrell Head of Housing and Development Control

17 Towneley Street, Burnley

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**Application Recommended for Approval with
Conditions**
Queensgate

FUL/2023/0708

Town and Country Planning Act 1990

Change of use from family dwelling (Use Class C3) to children's care home (Use Class C2), with an attic conversion and a rear single storey extension (Re-submission of COU/2023/0421).

17 Towneley Street, Burnley, Lancashire, BB10 1UJ

This proposal is a resubmission of COU/2023/0421 and seeks to address the previous reasons for refusal which related to inadequate living accommodation.

The proposal has been amended to show a revised layout within the property to accommodate two older children (Age 12 plus) from Lancashire living together with carers in a children's home environment.

The proposal is presented to DC Committee regarding the request from 3 elected Burnley Borough Councillors.

Site and Surrounding Area:

The application site is a two bedroom inner terrace house of traditional stone and slate construction, with dwellings to either side in an established residential area, with dwellings to front and rear also. The house has an enclosed rear yard with a single storey 'outrigger' extension currently used as a kitchen. No off-street parking is available.

The property is within the development boundary limits of the Principal Town of Burnley as defined by the Local Plan.

Application Site:





Proposal:

The application seeks permission for the change of use of the property from a dwelling (Use Class C3) to a children’s care home (Use Class C2).

The home would accommodate up to two children and includes the removal of the existing outrigger kitchen extension with a larger rear single storey extension and the conversion of the attic to provide additional living accommodation. The Planning and Design Statement describes the proposed use as:

“The application seeks planning permission for the change of use of the application site from a Class C3 family dwelling house to a Class C2 residential care home for up to 2 young people with the addition of a rear modern kitchen extension and an indoor playroom on the first floor level.

The 2 young people residing at the property would be between the ages of 5 and 12. As referred to above, they would have been taken into care for a variety of reasons, some simply because they have no legal guardians and are not of an age to live by themselves. Once they turn 18, it is envisaged that the majority of young people would be able to go on to live normal lives, potentially within the local community.

Support to the young persons at the home would be provided by 3 members of staff. Staff would work on a shift basis. 3 members of staff would be on duty throughout the day and overnight there would be 1 staff on duty. 1 member of staff would sleep in and 1 would be working waking nights.

Staff change overs would occur at around 10.00 am / 22.00 pm – Therefore after peak hours.

As with other care homes, the home would aim to provide the young persons with an environment as close as possible to a normal family home. They would take meals together and help with daily chores. They would each have their own bedroom but would share other facilities in the home.”

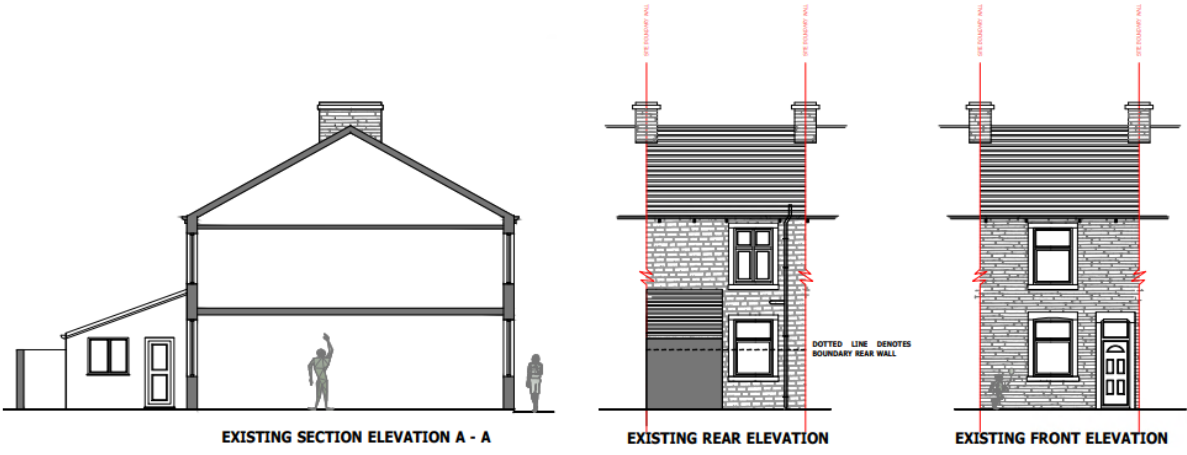
Following discussions with both the agent and provider with LCC Childrens Health the proposal is now for older children (Age 12 plus) to provide local homes for Lancashire children.

The proposal includes the rearrangement of the ground floor to create a staff bedroom plus office, demolition of the existing ‘outrigger’ extension and construction of a new, larger single storey extension within the rear yard. The property to accommodate a bedroom, bathroom and playroom/study to the first floor. The application also seeks to convert the attic room to a bedroom with ensuite and with natural daylight and ventilation provided by three velux rooflights.

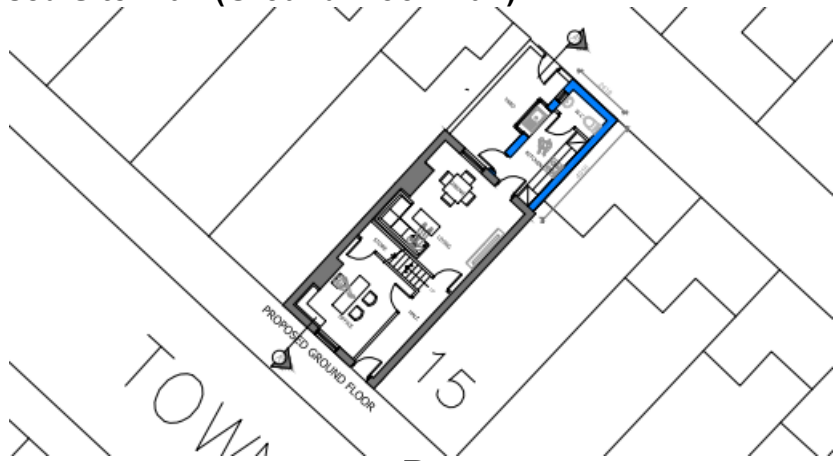
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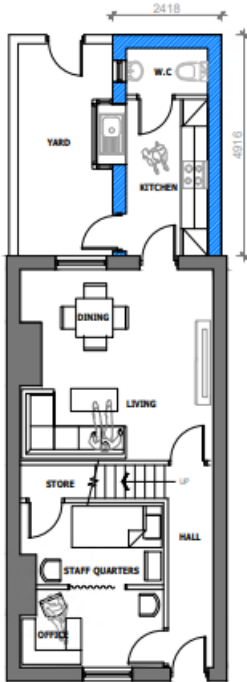
Existing Plans:



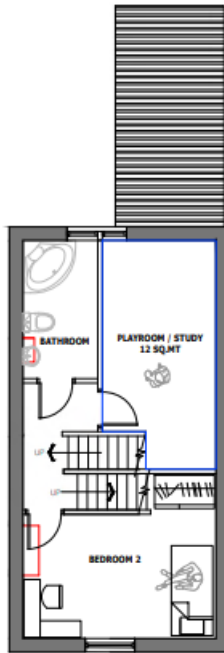
Proposed Site Plan (Ground Floor Plan):



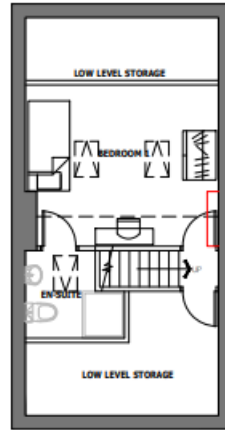
Proposed Plans:



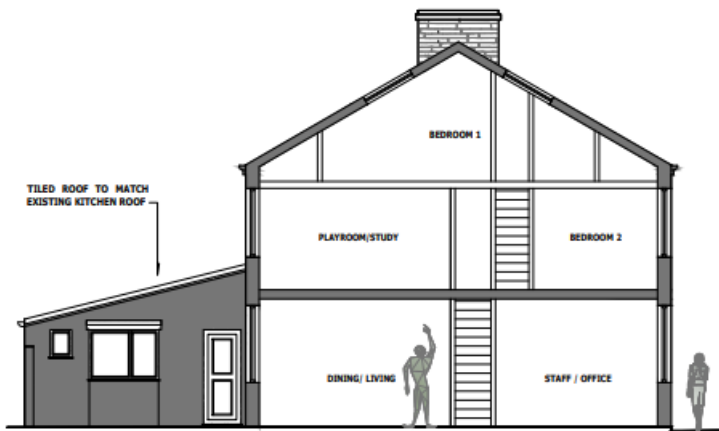
PROPOSED GROUND FLOOR



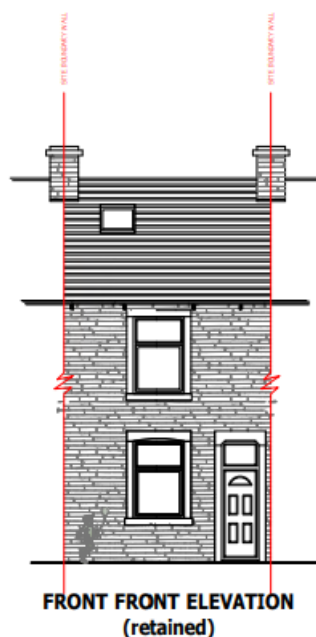
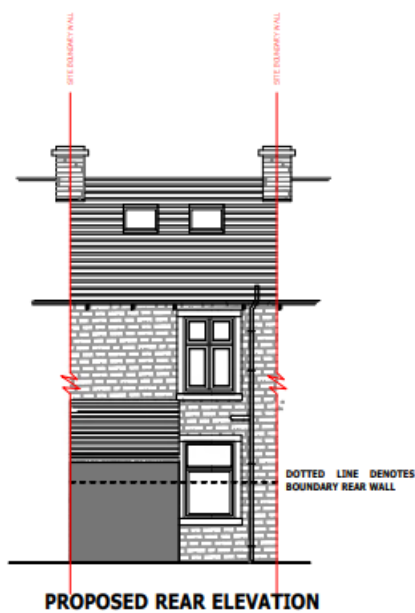
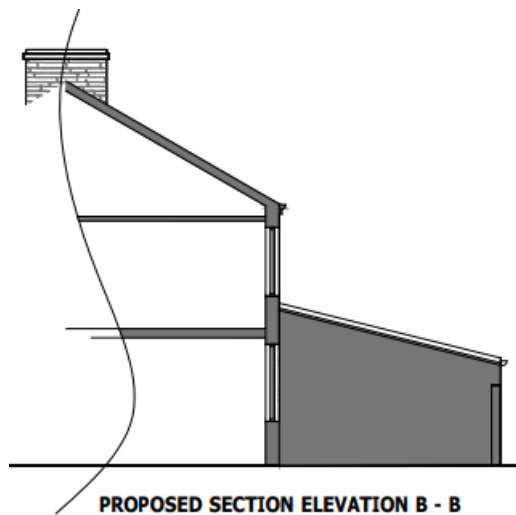
PROPOSED FIRST FLOOR



PROPOSED ATTIC



PROPOSED SECTION ELEVATION A - A



Relevant Policies:

Burnley's Local Plan (July 2018)

HS5: House Extensions and Alterations

NE5: Environmental Protection

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

IC3: Car Parking Standards

Appendix 9: Car Parking Standards

National Planning Policy Framework (2023)

Planning for Health (SPD) (October 2022)

A Written Ministerial Statement on planning for accommodation for looked after children has been issued (23 May 2023). This states:

The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support.

Recent Relevant Planning History:

COU/2023/0421 – Change of use from dwelling to children's care home and rear single storey extension and new window opening to front elevation, Refused (August 2023)

Consultation Responses:

Lancashire County Council Highways:

“The Highway Development Control Section of Lancashire County Council has no objections to the planning application and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

The application site comprises of a terrace property with no off-street parking, however I am of the opinion that the level of vehicle movements associated with a development of this nature and size at this location would not have an unacceptable impact on the adjacent highway.”

Lancashire County Council Childrens Health:

Lancashire County Council Childrens Health originally objected to the proposal due to lack of information from the agent and provider. However following discussions with both the agent and provider now withdraw their objections as the proposed care home is now for older children. They have also stated that they are committed to working with Lancashire County Council to provide local homes for Lancashire children.

Notification Responses:

After consulting nearby neighbours, one comment/objection has been received during the neighbour notification period concerning:

- Parking issues
- Not a safe environment for vulnerable children to live
- Drugs
- Fighting
- Dwellings predominately HMO's.
- Landlords not interested in looking after the properties
- Rat infestations

Article 35 Statement:

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

Principle of Proposal:

The site is located within the development boundary of Burnley, as defined in the Policies Map of the Local Plan as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. The National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development.

Paragraphs 60, 61 and 62 of the NPPF relate to the delivery of a sufficient supply of homes. Paragraph 60 sets out the Government's objective of significantly boosting the supply of homes, highlighting the importance of addressing the needs of groups with specific housing requirements.

Furthermore, Paragraph 61 explains how housing need in an area should be assessed and understood, and paragraph 62 advocates planning policies that address and reflect the needs of particular groups in the community.

A recent Ministerial Statement (dated 23/05/23) sets out the Government's commitment to support the development of accommodation for looked after children, indicating that the planning system should not be a barrier to providing homes for the most vulnerable children in society. This should be achieved by providing 'the right homes, in the right places with access to good schools and community support.'

Given that the application site is within a residential area, the proposal to change the use of the application property into a children's home for the care of two looked after children is considered acceptable in principle. However, whilst the principle of a residential use of the premises as a children's care home is accepted, it is necessary to consider the aspects of this proposed use which might function differently to a residential dwellinghouse and may have the potential to adversely affect the amenities of the area.

The main issues for consideration are the:

- Impact upon residential amenity
- Visual amenity and design
- Highway safety and parking
- Other matters

Impact upon residential amenity:

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy SP5 of the Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking. Similarly, Paragraph 135 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users.

Paragraph 4.2.7 of the Planning for Health (SPD) (October 2022) states Policy SP5 Clause 2) h) seek to ensure adequate conditions for occupiers of new development.

The need for the facility was not originally addressed in the application, following discussions with LCC Children's Health and both the agent and provider the care home is now for two older children from Lancashire. The home is, within an established community close to all amenities including a park and has access to public transport. It is also recognised that the proposed use would be one of providing a home for a child / two children and as such is acceptable in principle within a residential area.

It should be considered whether the care home (C2) living conditions are worse than those experienced by persons living in the property as a dwelling (C3). The net difference is that it is proposed to use the front room as an office and sleeping accommodation for employees, and that this area is consequently no longer available to residents. The amount of external space is slightly reduced by the enlarged rear kitchen extension and is typical of that available to residents in the locality.

On occasions where the two children and three members of staff (stated as the number to be in attendance during the day) are all in the living/dining area, these five will share an area of approx. 17sq.m. and a kitchen of approx. 8.3sq.m. There are no space standard guidelines referred to in the Local Plan in respect of C2 uses, however if the Council's space standards for HMOs are applied as a guide, the floor areas are above the required minimum. The Council's HMO standard requires (in respect of an HMO of up to 5 people) a minimum floor area of 11.0m for a living room/dining area and 7.0m for a kitchen. The previous application which was refused failed to provide a separate playroom/study for up to two children, this application contains two separate bedrooms and a playroom for up to two children living at the property.

A matter for consideration is whether the proposed C2 use will have a more intensive use of the property than if it was occupied as conventional housing C3 use.

A key consideration when assessing impact upon amenity of nearby residents is potential noise and disturbance. The proposed use will undoubtedly generate noise. Likewise, a C3 use will generate noise, particularly if children play in the yard. It is difficult to gauge whether the proposed use will generate more or less noise than a C3 use as this is dependent upon respective levels of management/parenting and upon the proclivity of children involved.

A two-bedroom dwelling would normally be considered to house up to two adults plus one or two children, with regular visitors. The proposed use is an intensification in that two children will live at the address and up to three adults will be present at any one time. In addition, it is anticipated that occupants will be visited on occasion by representatives of agencies and other professionals, however the level of visitation may

differ in an additional amount, than from an expected level of visitation by friends and family in a C3 situation. The question therefore is whether the intensification is likely to have an unacceptable adverse effect upon the amenity of neighbours. It is reasonable to assume that an increase in numbers of occupants plus shift-working will lead to a corresponding increase in potential for disturbance, for example from opening and closing house and car doors when shifts change over (10.00 and 22.00 according to the submitted Planning and Design Statement).

The proposed external alterations of the single storey kitchen extension and the installation of 3 velux rooflights to the roof (one to the front and two to the rear) would have the appearance of a normal dwellinghouse.

Despite the proposed single storey kitchen extension bisecting a 45-degree line if taken from the centre of the ground floor window of the adjoining dwelling to the south-east (No. 15 Towneley Street) the net impact of the proposed extension on neighbours will be minimal.

The most significant potential difference between the proposed use and the use of a C3 dwellinghouse of this size would be the day-to-day operation and activity associated with the 'care' aspect of a children's home. There would be staff presence at the site 24/7, with staff movements at the site each day, potentially along with visits.

It is not possible to quantify the precise quantity or regularity of comings and goings from the home, as visits would vary, and staff movements would only reach the upper limit during staff and other agency meetings. Nor would it be reasonable or enforceable in planning terms to restrict by use of a planning condition who could visit the property and when, or to limit the number of visitors present on the site at any given time. It is acknowledged that this would be the case for a family dwelling. As such activities associated with up to two children and 3 staff movements must be wholly acceptable.

It is considered that, although the property is a mid-terrace unit, given the size of the care home proposed, the 24-hour shift patterns, with only two shift changes, the proposed children's home could operate without undue impact upon the amenity of nearby residents as a result of noise and disturbance. Activities associated with the operation would not be over and above what is expected of a residential property of this size. The proposal is therefore compliant with Policies HS5 and SP5 of the Local Plan, which seeks, amongst other matters, to ensure proposals do not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties. It would not conflict with Section 12 of the National Planning Policy Framework and guidance contained within the Councils planning for health (SPD).

Impact on visual amenity and design:

Policy SP5 requires, amongst other considerations, development to be of an appropriate scale and form and not result in unacceptable conditions for future users and occupiers of the development. Policy HS5 further states, 'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5'

Section 12, Paragraph 131 of the National Planning Policy Framework states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which we live and work and helps make acceptable to communities.

The only operational development of significance is the demolition of the existing outrigger extension and replacement with an extension that will project to the rear wall of the yard with the internal loft conversion to form bedroom with ensuite and storage, with the installation of three rooflights to the roof.

Many houses on this terrace and in this locality have similar extensions, plus the yards are bounded presently by tall masonry walls and is to the rear of the property. Accordingly, the proposal is considered to be of a good standard of design that would not result in any harmful visual impact to the host building or its setting therefore satisfying the requirements of Local Plan Policies SP5 and HS5 of Burnley's Local Plan and the NPPF.

Highway safety and parking:

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Policy IC3 seeks to provide adequate car parking to be provided for developments as appropriate to their nature and scale.

The application site falls within a sustainable location, where amenities and public transport are within walking distance. As such, staff do not need to rely on private vehicles as a primary mode of transport. In addition, as it is likely that more on-street parking is available during the day than night, and most staff and visitors will likely be present during the day than the night. With that in mind, the vicinity of the site will be sufficient to accommodate the likely car parking demand of the development.

Whilst it is accepted that the arrival and departure of each staff members, particularly during hand over times has potential to raise parking concerns, it is thought that the proposal is unlikely to generate any undue increased traffic pressure on the highway bearing in mind the proposed occupation and staffing levels and availability of on-street parking.

The proposed change of use will unlikely generate a level of traffic that would have a material impact on the safe and effective operation of the surrounding highways. To conclude, LCC Highways have no objections.

Other Matters:

Concerns have been raised with regards to perceived behavioural matters and the types of children uses the property The National Planning Policy Framework Para 96 seeks to ensure that development is inclusive, and the fear of crime does not undermine

quality of life, community cohesion and resilience. The courts have held that the fear of crime can be a material consideration. However, there must be some reasonable evidential basis for that fear.

In that regard, the management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections. Moreover, the children at the facility would be supervised by a member of care staff. As such and due to the small scale of the proposal, it is considered that sufficient safeguards would therefore be in place to minimise the risk of crime and to protect local children or future occupants.

Conclusion:

The site is an existing family dwelling, and it is considered that the proposed use caring for up to two older children will be different from that of a family dwelling as they are not related to each other. However, the proposal allows for individual bedrooms and a playroom for the two children to have adequate private facilities. It also provides adequate staff facilities for the dwelling to change its use to a Use Class C2 Care Home.

The site is in an established residential area located close to local services, schools, and amenities. It is well connected to public transport which would allow staff, service users and their families to access the site. The proposed care home would provide a local home for children from Lancashire. The accessibility of the site and its potential to offer local accommodation within a well-served residential area weighs in favour of this application.

The physical alterations of the kitchen extension and the insertion of the three rooflights to the building and the proposed change of use would not have a detrimental impact on the character and amenity of the surrounding area. As such the proposal is considered to be acceptable with Policies SP1, SP4, SP5, HS5 and NE5 of Burnley's Local Plan (July 2018) and in accordance with the National Planning Policy Framework and the guidance contained within the Council's planning for health supplementary planning document listed above.

Recommendation:

That planning permission be granted subject to the following conditions:

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

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

2. The development shall be carried out in accordance with the submitted application form received 23rd November 2023 and the following submitted Drawings:

Drawing No. 2207/01A, Existing and proposed plans and location plan, received 23.11.23

Reason: To ensure continued compliance with the Development Plan.

3. No materials shall be used for the proposed development other than those referred to on the submitted application form and the approved plans, and so retained.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy SP5 of the Local Plan, and the NPPF.

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

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

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment, the approved use shall only be used as a residential care home for up to 2 children who shall be housed from within a 40-mile radius of the application site and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal to meet local needs and in order that the Local Planning Authority can assess future changes of use in the interests of amenity and highway safety to accord with Policy SP5 of Burnley's Local Plan (July 2018).

Informative Notes:

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
2. May I also bring to your attention the requirements of the Building Regulations 2010 which is a separate statutory approval that may relate to your development. The Council's Building Control Team can offer advice on your project and will provide you with detailed guidance in relation to all Building Regulation matters. They will also provide a fee proposal for undertaking a formal submission. Please refer to: [Building Control - burnley.gov.uk](http://burnley.gov.uk/building-control)

Melanie Jackson

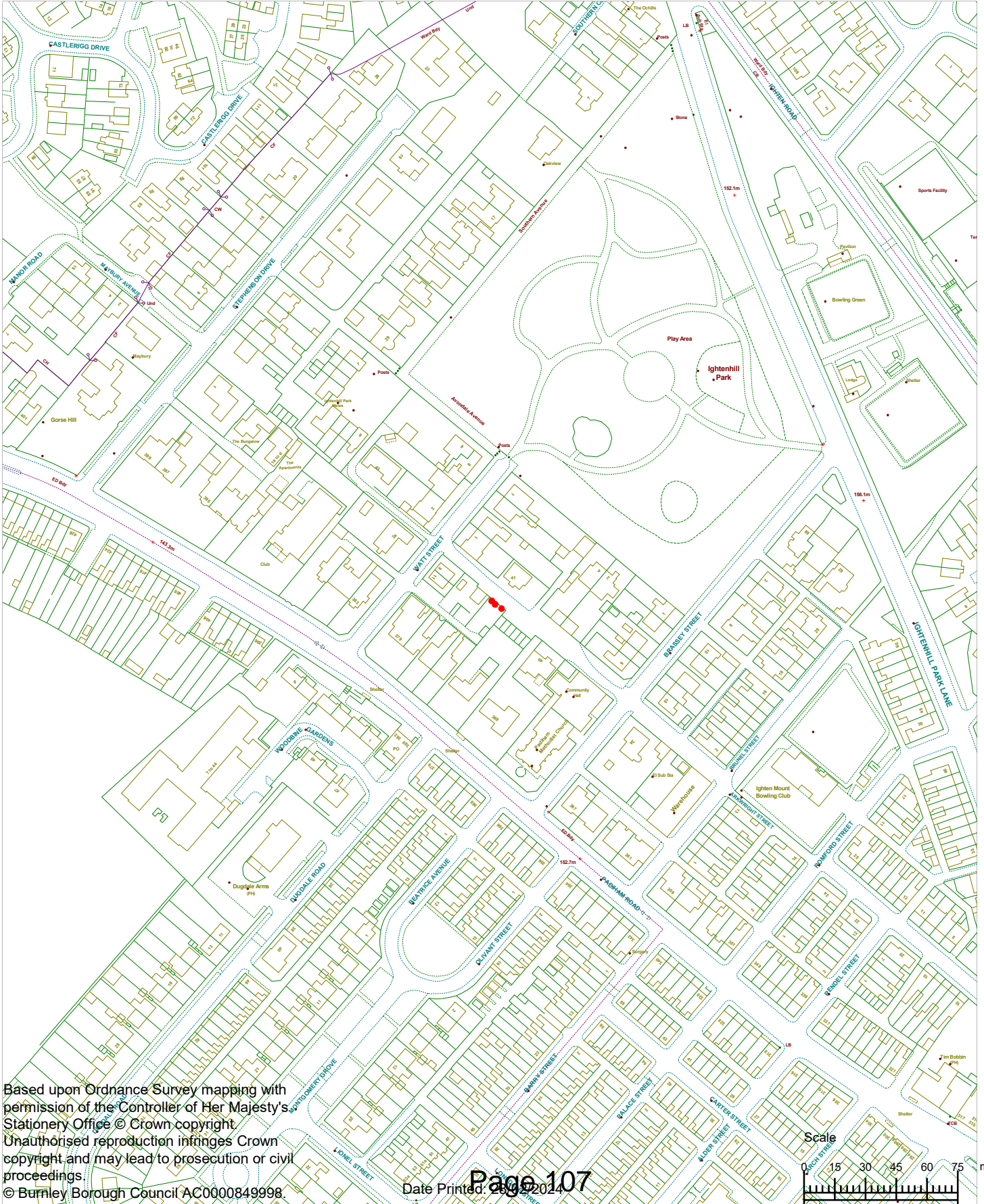
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Paul Gatrell Head of Housing and Development Control

373 Padiham Road, Burnley

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**Application Recommended for Approve with
Conditions**
Gannow

TPO/2023/0756

Town and Country Planning Act 1990
Application to crown reduce (by 25%) three trees protected by the Burnley
(Arkwright Street No.2) Tree Preservation Order 1988.
373 Padiham Road, Burnley

Applicant: Cllr Mark Payne

Background:

The application is being considered by this Committee due to the applicant being a Burnley Borough Councillor.

No objections have been submitted to the proposed tree work.

Relevant Policies:

Burnley's Local Plan 2018

NE4 – Trees, hedgerows, and woodlands.

Site History:

APP/2004/1058 – application to prune TPO tree(s) – c/c

Consultation Responses:

Neighbour – Has no objections to the proposed tree work. Dismayed that T1 is not being removed completely as it appears to be potentially dangerous.

Greenspaces and Amenities – One of the trees does have a severe lean, albeit a natural one, the wall has been built around the tree to accommodate the lean and does appear to provide some support. It does look like this tree has been affected by Horse Chestnut Bleeding Canker in the outbreak 15-20 years ago, but no obvious sign the disease has progressed. The tree in my opinion does require some attention, e.g. crown thin to reduce the end weight and the impact on the branch crack.

Planning and Environmental Considerations:

The three Horse Chestnut trees are located at the bottom of the rear garden which is across the other side of the back street; the trees overhang Arkwright Street at the rear of the property.

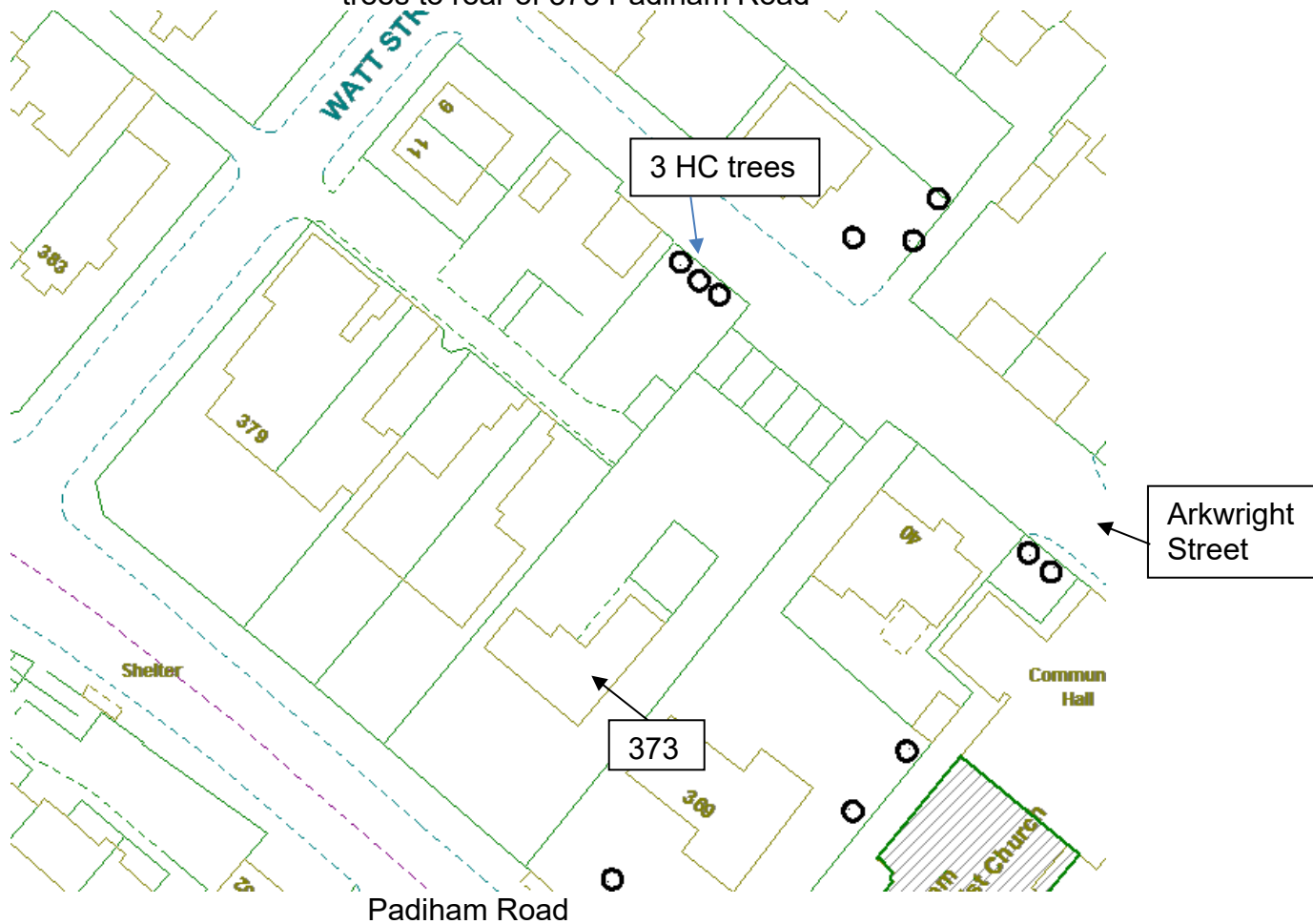
One of the trees has a lean and has been affected in the past by Horse Chestnut Bleeding Canker, however, there is nothing to suggest that the disease has progressed.

The application is to crown reduce the three trees by 25% which is considered to be acceptable and in the interests of good tree management.

If the applicant has concerns with regard to the condition/safety of any of the trees then he should contact an independent tree surgeon to assess the tree(s).



trees to rear of 373 Padiham Road



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.

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2. The tree work is restricted to the crown reduction (to a maximum of 25%) of three trees (T1, T2, T3).

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

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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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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

14th March 2024

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2022/0690	Mrs K Sinclair	Land Between 5 & 7 Olde Back Lane Burnley BB11 5BH	Dicharge of conditions 3, 5, 7, 8, 9, 13 from FUL/2022/0443.	Conditions part discharged	29th January 2024
CND/2023/0559	Mr Neil Lewis	Land At Barden Lane Burnley	Proposed Discharge of Condition 34 (Coal mining report) of outline planning permission OUT/2021/0443	Conditions discharged	23rd January 2024
CND/2023/0587	Mr Alex Kenwright	Land At Accrington Road Burnley BB11 5QJ	Proposed Discharge of Condition 28 (Surface Water Sustainable Drainage Scheme) and Condition 32 (Foul Water Scheme) for Units 3, 4 and 5 (Phases 3 and 4) of outline planning permission VAR/2023/0150.	Conditions discharged	24th January 2024
CND/2023/0609	Mr D Ewart	Hapton Boatyard Simpson Street Hapton Lancashire BB12 7LJ	Discharge of Conditions: 3 (Materials), 7 (Construction Method Statement), 10 (Risk Assessment and Method Statement - protect canal), 12 (Surface Wate Drainage) and 13 (Remediation Scheme) from application FUL/2020/0346.	Conditions part discharged	2nd February 2024
CND/2023/0646	Healthcare Solutions	66 - 68 Bank Parade Burnley Lancashire BB11 1TS	Application to discharge condition no.12 (implementation of a programme of building recording and analysis) of listed building consent LBC/2023/0046.	Conditions discharged	26th February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2023/0621	Mr Darrell Stockburn	180 - 182 Manchester Road Burnley Lancashire BB11 4HH	Change of use of ground floor from public house (sui generis) to convenience store (Use Class E) and retention of first floor flat (Use Class C3)	Approve with Conditions	5th February 2024
FUL/2023/0650	Ms Emma Shaw	Unit 1 Queens Lancashire Way Burnley BB11 1HA	Proposed change of use from retail shop (Class E(a)) to eye clinic (Class E(e)) with intended alteration to install air conditioning plant and installation of a fire door	Approve with Conditions	26th February 2024
CND/2023/0665	Mr Brett Swinfield	Broadfield Specialist School (Former Hameldon Community College) Coal Clough Lane Burnley Lancashire BB11 5BT	Proposed discharge of Condition 3 (surface water drainage) of planning permission FUL/2022/0697.	Conditions discharged	23rd January 2024
CND/2023/0664	Ms Sandra Halstead	St John's Barn Off Green Lane Off Burnley Road Cliviger Holme Chapel BB10 4SU	Proposed discharge of condition no. 5 (Bat and owl boxes), condition no.7 (Biodiversity mitigation and enhancement plan), condition no.9 (Details of external lighting) and condition no.10 (Building recording and analysis) of planning permission FUL/2022/0692.	Conditions discharged	2nd February 2024
CND/2023/0679	Mr Neil Lewis	Land At Barden Lane Burnley	Proposed Discharge of Condition 5 (Boundary Treatments) of Reserved Matters approval REM/2023/0169.	Conditions discharged	23rd January 2024
CND/2023/0689	Mr Neil Lewis	Land At Barden Lane Burnley	Proposed Discharge of Condition 4 (External materials) of Reserved Matters approval REM/2023/0169	Conditions discharged	26th February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2023/0690	Mr S Arnfield	Land At Stoneyholme Recreation Ground And Burnley College, Grosvenor Street	Proposed Discharge of Condition 44 (Site investigation and remedial strategy) of planning permission VAR/2023/0259	Conditions part discharged	7th February 2024
HOU/2023/0703	Mr Eugene Redmond	16 Higham Road Padiham Lancashire BB12 9AP	Proposed rear extension to property. PAH/2022/0142 scheme is partly built and the application is to add a pitched roof onto the approved scheme.	Approve with Conditions	13th February 2024
CND/2023/0719	Mr Kyle Lovett Blackwel	Garage Colony Duncan Street Burnley Lancashire BB12 6HB	Application to discharge condition No 3 (External materials Sample), condition no.4 (Window), condition no.5 (Refuse and recycling storage strategy), condition no.6 (Boundary Treatment), condition no.7 (Car Parking), condition no.9 (Construction Method Statement), condition no.11 (Electric vehicle charging) and condition no.12 (Remediation Scheme and Method Statement) of planning permission FUL/2019/0342.	Conditions part discharged	1st February 2024
LBC/2023/0732	MR PINO CAFASSO	10 Grimshaw Street Burnley Lancashire BB11 2AS	Proposed extension to existing mezzanine floor and knocking though internal walls at first floor level.	Approve with Conditions	26th February 2024
FUL/2023/0645	Mrs C Banks	68 - 70 Westgate Burnley Lancashire BB11 1RY	Proposed ramp to enable disabled access to Oakmount Care Home.	Approve with Conditions	23rd February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CEU/2023/0740	Mr & Mrs S Durkin	Old Holme Farm Cemetery Lane Burnley Lancashire BB11 5QB	Use of the land for the storage and distribution of landscaping materials including turf and topsoil and aggregates.	Approve with Conditions	23rd February 2024
CEU/2023/0752	Mr K Aziz	137 Albert Street Burnley Lancashire BB11 3DE	Application for a lawful development certificate for an existing use of the property (formerly 1no. dwelling) as 2no. separate self-contained flats.	Lawful Dev Cert issued	30th January 2024
FUL/2023/0751	Kes Properties	165 Leyland Road Burnley Lancashire BB11 3DN	Conversion of a single dwelling house into two self contained flats (Retrospective).	Approve with Conditions	2nd February 2024
HOU/2023/0744	Joanne Roberts	640 Padiham Road Burnley Lancashire BB12 6TQ	Erection of Detached Garage on Existing Driveway	Approve with Conditions	30th January 2024
HOU/2023/0749	Miss Wendy Weaver	10 Lingmoor Drive Burnley Lancashire BB12 8UY	Demolish garage, erect two storey extension to side	Approve with Conditions	2nd February 2024
FUL/2023/0734	Tesco Plc	Tesco Superstores Ltd Finsley Gate Burnley Lancashire BB11 2HE	Proposed jet wash bay.	Approve with Conditions	2nd February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2023/0762	Mr T Akhtar	185 Casterton Avenue Burnley Lancashire BB10 2PF	Single storey rear extension and side extension.	Refuse	2nd February 2024
HOU/2023/0761	Mr Chrisptopher Wright	Holme Hill Pasturegate Avenue Burnley Lancashire BB11 4DD	Erect first floor balcony to east elevation.	Approve with Conditions	31st January 2024
FUL/2023/0672	Mr Neil Balmer	Higher House Nelson Road Briercliffe Lancashire BB10 3QE	Demolition of stable building and the erection of a mixed use agricultural and equestrian building	Approve with Conditions	5th February 2024
TPG/2023/0769	Miss Diane Rollin	Finsley Gate Wharf Finsley Gate Burnley Lancashire BB11 2FG	Application to prune T2 (Cherry) and T3 (Alder) protected by the Burnley (Finsley Wharf) Tree Preservation Order 1995.	Approve with Conditions	8th February 2024
CND/2023/0771	Mrs Jo Kemp	Land At Former Bull And Butcher Pub Manchester Road Habergham Eaves Burnley BB11 5NP	Proposed Discharge of Condition 20 (Validation and verification report following remediation of contamination) of planning permission FUL/2021/0135.	Conditions discharged	12th February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
NMA/2023/0772	Mr S Arnfield	Land At Stoneyholme Recreation Ground And Burnley College Grosvenor Street Burnley Lancashire BB12 0AN	Proposed Minor amendments to external elevations of Industry Hub building (Non-material Minor Amendment to planning permission FUL/2021/0270 and VAR/2023/0259)	Non-Material Minor Amendment Granted	7th February 2024
HOU/2023/0788	Mr John Towersey	88 Montrose Street Burnley Lancashire BB11 2JN	Proposed wet room extension	Approve with Conditions	16th February 2024
HOU/2023/0786	Miss Joanne Pate	50 Sandiway Drive Briercliffe Lancashire BB10 2JS	Erection of two storey and single storey extensions (Re-submission of HOU/2023/0669).	Approve with Conditions	5th February 2024
PAH/2023/0782	Calico Homes	24 Como Avenue Burnley Lancashire BB11 5LU	Proposed bedroom and wet room extension to rear which will extend: 6 metres beyond the rear wall; 3.4 metres maximum height; 2.6 metres height to the eaves.	Prior Approval not required accept	1st February 2024
FUL/2023/0687	Mr Bhag Singh	334 Padiham Road Burnley Lancashire BB12 6ST	Change of use of sandwich shop (Use Class E) to takeaway/hot food outlet (sui generis)	Refuse	26th February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2023/0781	Mr E Howard	Former Green Side Farm Burnley Road Hapton Burnley BB11 5QT	Demolition of barn and shed, and erection of dwelling	Approve with Conditions	26th February 2024
COU/2023/0728	Mr Waheed	184-186 Colne Road Burnley Lancashire BB10 1DY	Change of use of No. 186 Colne Road (Class E) to extend No. 184 Colne Road to one hot food takeaway with dining area (184-186 Colne Road).	Approve with Conditions	16th February 2024
HOU/2024/0009	Mr Sajjad Ahmed	3 Clockhouse Court Burnley Lancashire BB10 2SX	Part ground floor extension with first floor extension above	Application Withdrawn	25th January 2024
NMA/2024/0006	Mr Clive Durkin	Land To The West Of Briercliffe Road Burnley General Hospital Burnley Lancashire BB10 2PH	Proposed amendment to elevations to replace 50no. juliet balconies with windows and amend soft and hard landscaping scheme (Condition 5) to omit 7no. trees and replace an area of grasscrete with tarmacadem (Non-Material Minor Amendment to planning permission FUL/2021/0659)	Non-Material Minor Amendment Granted	22nd February 2024
PAH/2024/0013	Mr Shabir Ahmed	118 Brougham Street Burnley Lancashire BB12 0AU	Proposed single storey kitchen/shower room extension to rear which will extend: 5 metres beyond the rear wall; 3.8 metres maximum height; 2.7 metres height to the eaves.	Prior Approval refused	20th February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2023/0743	Tesco Plc	Unit 10 Riverside Mill Lune Street Padiham Lancashire BB12 8DQ	Proposed jet wash bay and air, vac and water bay.	Approve with Conditions	28th February 2024
CND/2024/0019	School Governors of St James CE Primary School	St James Lanehead Ce Primary School Briercliffe Road Burnley Lancashire BB10 2NH	Proposed Discharge of Condition 4 (FUL/2023/0109) Method statement - Existing & Buried Services. Method Statement - Unloading of materials. Site management and emergency contact. Traffic Management Plan. Wall & Roof Method statement.	Refuse	13th February 2024
NMA/2024/0022	McDermott Homes	Land To The North Of Higher Saxifield Street Burnley	Minor amendment to permit excavation of foundation trench at Plot 1 prior to submission and approval of details reserved by Condition 7 (Site access, off-site highway works and estate roads) and Condition 11 (Surface water drainage scheme) pursuant to planning permission FUL/2019/0315 for 130 dwellings.	Non-Material Minor Amendment Granted	7th February 2024
FUL/2024/0031	Mr Gareth Clarke	123 - 125 St Jamess Street Burnley Lancashire BB11 1PP	Proposed replacement of two shopfronts.	Approve with Conditions	20th February 2024

Application Number	Applicant	Location	Proposal	Decision	Decision Date
NMA/2024/0032	c/o agent	198 Rosendale Road Burnley Lancashire BB11 5DE	Proposed minor amendment to Condition 17 (Surface water sustainable drainage strategy) to permit demolition prior to submission and approval of details (Non-Material Minor Amendment to planning permission FUL/2023/0274)	Non-Material Minor Amendment Granted	13th February 2024

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

14th March 2024

Housing and Development

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APPEALS RECEIVED

Date: 30.01.2024 – 01.03.2024

File Ref	Location	Proposal	Date Appeal Determined	Decision
HOU/2023/0604	42 Hill Crest Avenue Cliviger Lancashire	Proposed single storey side extension.		

ALC - Appeal Allowed with Conditions

ALLOW - Enforcement Appeal Allowed

ALW - Appeal allowed

ALWCST - Appeal allowed with costs

APPABY - Appeal held in abeyance

ASP - Appeal allowed in part

AWD - Appeal withdrawn

DIS - Appeal dismissed

DISCST - Appeal dismissed with costs

DISMIS - Enforcement Appeal Dismissed

FEEDUE - Appeal Allowed, Awaiting Fee Payment

HCLOG - High Court Appeal Lodged

INPROG - Appeal In Progress

LOGGED - Appeal Lodged

QUASH - Quashed on Appeal

REMIT - Remitted to Secretary of State

VALID - Appeal Valid

WITHDR - Enforcement Appeal Withdrawn

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APPEAL DECISIONS

Date:

File Ref	Location	Proposal	Date Appeal Determined	Decision
FUL/2022/0718	Clearview Cattery Lower Childers Green Farm Mill Hill Lane	Proposed redevelopment of existing cattery to provide a new boarding cattery building, demolition of two stable blocks and original cattery buildings and erection of a manager's dwelling. (Resubmission of FUL/2022/0157)	15.02.2024	DIS

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