

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 24th August, 2017  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 24th August, 2017 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 the Chief Executive's Office by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website [www.burnley.gov.uk/meetings](http://www.burnley.gov.uk/meetings).

### A G E N D A

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 14

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

**3. Additional Items of Business**

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

**4. Declaration of Interest**

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

**5. Exclusion of the Public**

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

**6. List of Deposited Plans and Applications**

15 - 16

To consider reports on planning applications for development permission:

- |    |   |         |
|----|---|---------|
| a) | <b>APP/2017/0155 Widow Hill Court, Widow Hill Road, Burnley</b>               | 17 - 34 |
| b) | <b>APP /2017/0296 - 1 Park Avenue, Burnley</b>                                | 35 - 44 |
| c) | <b>APP/2017/0293 - 1 &amp; 2 Gorple Cottages, Wallhurst Close, Worsthorne</b> | 45 - 54 |
| d) | <b>APP/2017/0164 - 66 Parliament Street, Burnley</b>                          | 55 - 60 |

e)	<b>APP/2017/0273 - 16 Highfield Avenue, Burnley</b>	61 - 66
f)	<b>APP/2017/0287 - 69 Red Lees Road, Cliviger</b>	67 - 74
g)	<b>APP/2017/0323 - 1 Pennine Grove, Padiham</b>	75 - 80
h)	<b>APP/2017/0333 - 488-490 Colne Road, Burnley</b>	81 - 88
i)	<b>APP/2017/0286 - 382 Padiham Road, Burnley</b>	89 - 94
<b>7.</b>	<b>Decisions taken under the Scheme of Delegation</b>	<b>95 - 100</b>
	To receive for information a list of delegated decisions taken since the last meeting.	
<b>8.</b>	<b>Part III - Appeals and other decisions</b>	<b>101 - 106</b>
	To receive for information the outcome of an appeal against the refusal of planning permission for the erection of an agricultural building at Deerplay Inn, Burnley Road, Clough Bottom, Cliviger - <b>APPEAL DISMISSED</b>	

## **MEMBERSHIP OF COMMITTEE**

Councillor Frank Cant (Chair)	Councillor Tony Harrison
Councillor Arif Khan (Vice-Chair)	Councillor Marcus Johnstone
Councillor Charlie Briggs	Councillor Lubna Khan
Councillor Margaret Brindle	Councillor Neil Mottershead
Councillor Trish Ellis	Councillor Mark Payne
Councillor Danny Fleming	Councillor Tom Porter
Councillor Sue Graham	Councillor Asif Raja
Councillor John Harbour	Councillor Cosima Towneley

**PUBLISHED**

Wednesday, 16 August 2017

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 27th July, 2017 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Khan (Vice-Chair, in the Chair), C Briggs, M Brindle, T Ellis, D Fleming, S Graham, J Harbour, T Harrison, L Khan, T Porter, A Raja and C Towneley

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
Amanda Rumbelow	– Property Solicitor
Alison McEwan	– Democracy Officer

### 22. Apologies

Apologies for absence were received from Councillors Cant, Johnstone, Mottershead and Payne.

### 23. Minutes

The Minutes of the last meeting held on 29<sup>th</sup> June were approved as a correct record and signed by the Chair.

### 24. Declaration of Interest

Cllr Briggs declared a prejudicial (other) interest in item APP/2017/0276 – Land east of Turf Moor, Burnley. He left the room and took no part in the debate or vote on this matter.

## 25. 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:

Cllr Alan Hosker	APP/2016/0263 Land south of New Barn
Cllr Jean Cunningham	APP/2016/0263 Land south of New Barn
Alex Cowling	APP/2016/0263 Land south of New Barn
Cllr Jean Cunningham	APP/2017/0262 22 Church Street, Padiham

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

### a. APP/2017/0200 - Land at Brownside Road & Lennox Street, Worsthorne

#### Withdrawn Application

The application was withdrawn.

### b. APP/2016/0263 - Land South of New Barn, Billington Road, Hapton

#### **Full Planning Application**

**Proposed erection and operation of 3 wind turbines measuring up to 100m in height, access tracks and associated infrastructure on land to the south and south east of the existing Hameldon Wind Farm**

**LAND SOUTH OF NEW BARN BILLINGTON ROAD HAPTON BURNLEY**

**Decision: That planning permission be granted subject to the following conditions:**

#### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1513601c (1:2500 Proposed site plan), HS Map Rev No. 1 Example of Standard Crane Platform, HS Map Rev No. 1 Example of access/jib roads, Example Candidate Turbine (Drawn CC, Nov 2015 at 1:200) and 12097005 (Proposed wind turbine substation elevations and plan), received on 18 May 2016; and, 1513602a (1:5000 Proposed site plan), received on 27 July 2016.
3. Prior to the commencement of development, a revised Traffic Management Plan to include additional mitigation works to facilitate access for construction purposes (to accommodate the swept path of delivery vehicles) 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 Traffic Management Plan.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) wheel washing facilities;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
  - viii) Contact details for the site manager.
5. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays.
6. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall include a formal watching brief and the evaluation and recording of any encountered remains and be carried out by an appropriately qualified professional. A record of any findings shall be submitted to the Local Planning Authority and to an appropriate historic archive within a period of three months following the completion of the recording and evaluation.
7. The Local Planning Authority shall as soon as practicable be notified in writing of the date when electricity from the development is first supplied to the grid.
8. The approved wind turbines shall cease to operate on or before 25 years following the date that electricity was first supplied by the development to the grid.
9. No later than the end of the 24th year of the supply of electricity from the development, a scheme for the decommissioning, removal of the wind turbines, sub-stations, control boxes and associated infrastructure including any hard surfacing and access tracks, traffic and de-construction management and the restoration of the land, together with timescales for the carrying out of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed in accordance with the approved timescales.
10. Prior to the erection of any of the approved wind turbines, details of their type, appearance and colour finish shall be submitted to and approved in writing by the Local Planning Authority. No part of the turbine structure shall display any logo or lettering unless otherwise previously approved in writing by the Local Planning Authority.
11. The approved turbines shall all rotate in the same direction which shall match that of the direction of the existing 6no. adjacent turbines at Hameldon Hill.

12. Any wind turbine that ceases to generate electricity for the grid for a continuous period of 12 months shall, unless otherwise approved in writing by the Local Planning Authority, be removed in its entirety from the site. This shall include removal of any above ground structure and underground structure (to a depth of one metre) relating solely to that respective turbine. The site of the respective turbine and structure shall be restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the expiration of the 12 month period. The scheme shall be implemented as approved within 12 months of the date of such approval.
13. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints relating to shadow flicker from the approved development that are made to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.
14. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints that are made in relation to noise from the approved development to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.
15. The approved turbines shall be installed and operated at all times only in accordance with the parameters of the noise assessment within the Environment Statement submitted with this application.
16. No development shall be commenced until the precise siting and height to blade tip of the turbines up to a maximum of 100m above ground level within a 50m distance of the following co-ordinates have been submitted to and approved in writing by the Local Planning Authority:-

Turbine/Structure number	Easting (X)	Northing (Y)
T1	381188	429706
T2	381260	429430
T3	381414	429884

The development shall thereafter only be carried out in accordance with the approved details of siting and height for each turbine.

17. No development shall be commenced unless and until a Radar Mitigation Scheme to address the impact of the development on air safety has been submitted to and approved in writing by the Local Planning Authority. The turbines shall not become operational unless and until all the measures contained within the approved Radar Mitigation Scheme have been implemented. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme at all times.  
In this condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the Air Traffic Control Radar at Warton Airfield ("the Radar") and the air traffic operations of the MOD which are reliant



upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

18. No development shall be commenced until a Primary Radar Mitigation Scheme to mitigate the impacts of the development on the M10 Primary Radar at Manchester Airport and associated air traffic management operations has been submitted to and approved in writing by the Local Planning Authority. No part of the any approved turbine shall thereafter be erected above ground level until the approved Primary Radar Mitigation Scheme has been fully implemented and the development shall at all times be operated in accordance with that approved Scheme.
19. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Specific measures for mitigating potential harm to, and loss of, peat substrates.
  - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons and lines of communication.
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - i) Use of protective fences, exclusion barriers and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
20. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for a procedure for the investigation and handling of any degradation of television or telecommunication reception quality resulting from the approved development. The submitted scheme shall include remedial measures and actions that will be taken to resolve any identified degradation and timescales for the implementation of such measures and actions. The approved scheme shall be implemented as approved.
21. No development shall take place (including demolition, ground works, vegetation clearance) until updated badger surveys have been carried out on the site and a Method Statement (which shall be informed by the updated badger surveys) detailing measures and precautions to avoid any possible harm to badgers during the course of development have been submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall thereafter be implemented in full at all times thereafter.

22. No site clearance, removal of trees or other vegetation shall take place on the site between the months of March to August inclusive unless written evidence of the absence of nesting birds has been first submitted to and accepted in writing by the Local Planning Authority.
23. Prior to the commencement of development, a detailed Landscape and Ecological Restoration and Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the submitted LEMP shall include the following:-
  - a) Description and evaluation of habitats and features to be restored, created or managed.
  - b) Ecological trends and constraints on site that might influence restoration, creation or management.
  - c) Aims and objectives of management.
  - d) Appropriate restoration, creation and 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.
  - h) Ongoing monitoring and remedial measures.
  - i) How contingencies and remedial action will be identified, agreed and implemented in the scenario that monitoring shows that the conservation aims and objectives are not being met. The approved LEMP shall thereafter be implemented in full at all times.
24. The approved turbines shall not at any time be illuminated other than the following:-
  - lighting that is necessary for the duration of the construction period;
  - lighting that is necessary during maintenance or emergencies; or,
  - a PIR-operated external door light on substation doors to allow safe access.
25. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order amending, revoking and re-enacting that Order with or without modification), the access tracks, other hard surfaced areas, substation and turbines shall remain unfenced/ungated once they have been constructed, unless otherwise approved in writing by the Local Planning Authority.
26. All cabling between the turbines and between the turbines and the substation, shall be located underground, unless otherwise approved by in writing by the Local Planning Authority.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. To ensure adequate access arrangements are put in place for large construction vehicles, in the interests of highway safety, in accordance with the National Planning Policy Framework. The revised Traffic Management Plan is required to be submitted prior to the commencement of development to ensure that the Plan can be implemented from the start of the construction phase of the development.
4. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works are satisfactorily protected, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006). The Construction Method Statement is required prior to the commencement of development to ensure that provision can be made for its implementation at the appropriate stage of the development process.
5. To protect the amenities of nearby residents, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
6. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
7. To confirm the start date of the operational life of the proposed turbines to allow a period of 25 years to be correctly calculated.
8. To ensure the wind turbines are brought out of use following their operational life, in accordance with the details of the application and to allow for appropriate decommissioning, in the interests of visual and local amenities, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
9. To ensure the effective removal of redundant apparatus and the restoration of the affected land, in the interests of the visual amenities of the landscape and the ecology and biodiversity of the site, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
10. To ensure these details are satisfactory and minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
11. To minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
12. To ensure that the turbines and their associated equipment are removed at the end of their operational life, in the interests of visual amenity, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
13. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
14. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).

15. In the interests of the amenities of nearby occupiers, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
16. To ensure that the final micro-siting and height details of the approved turbines take fully into account the constraints placed upon it by its proximity to the Hameldon Hill Met Office Meteorological Site and the need to ensure that the development safeguards the operation of its radar system, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document, July 2017. The details are required to be submitted prior to the commencement of development to ensure that the development is constructed in accordance with the approved details.
17. To ensure the wind turbines can operate without adversely affecting air traffic radar systems, in the interests of air traffic safety, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document - July 2017 and the National Planning Policy Framework. The Radar Mitigation Scheme is required to be submitted prior to the commencement of development to ensure that any measures contained within it can be implemented from the start of the construction phase of the development.
18. To ensure the wind turbines can operate without adversely affecting air traffic radar systems, in the interests of air traffic safety, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document - July 2017 and the National Planning Policy Framework. The Radar Mitigation Scheme is required to be submitted prior to the commencement of development to ensure that any measures contained within it can be implemented from the start of the construction phase of the development.
19. To minimise and mitigate the impacts of the development on the biodiversity of the site, in accordance with Policies E4, E5 and E6 of the Burnley Local Plan, Second Review (2006). The CEMP is required to be submitted prior to the commencement of development to ensure that it can be implemented from the start of the construction phase of the development.
20. To safeguard the amenities of occupiers of properties within the local area that may be potentially affected by a reduction in the quality of television/telecommunication reception, in accordance with Policy CC3 of Burnley's Local Plan: Submission Document, July 2017.
21. To ensure adequate protection for badgers which are a protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
22. To avoid harm to birds that may be nesting within the site, in order to give adequate protection to wildlife, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
23. To ensure adequate compensation for any losses to habitat and to protect and enhance biodiversity, in accordance with Policies E4 and E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.

24. To prevent light pollution within an open and exposed location in the rural area, in the interests of visual amenities, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
25. In the interests of the visual amenities of the area, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
26. In the interests of the visual amenities of the area, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).

**c. APP/2017 0247 - 54 Burnley Road, Briercliffe**

**Full Planning Application  
Re Submission - Proposed single storey extension and porch  
54 BURNLEY ROAD BRIERCLIFFE**

**Decision: That planning permission be granted subject to the following conditions.**

**Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: *Drwg No.BR 54/4, B.R 54/1A, received 12 May 2017*

**Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

**d. APP/2017/0262 - 22 Church Street, Padiham**

**Full Planning Application  
Retention of a non-illuminated, automated teller machine including associated alterations to shop front.  
22 CHURCH STREET PADIHAM**

**Recommendation: That planning permission is granted subject to the following conditions.**

**Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the amended D&A Statement received 6th July 2017 and the following approved plans: location plan received 17th May 2017 and plan reference number NM-GA-F1-N1 received 6th July 2017.
3. For the avoidance of doubt, the ATM shall be non-illuminated.

## Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the development is implemented in accordance with the approved plans to avoid ambiguity, and to protect the character and setting of the Conservation Area and the surrounding buildings.

### e. APP/2017/0276 - Land east of Turf Moor, Burnley

#### Full Planning Application Formation of memorial park LAND EAST OF TURF MOOR BURNLEY

**Decision: That planning permission be granted subject to the following conditions.**

#### Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), Sit1 (1:200 proposed site plan, dated 28/04/2017), Sit2 (1:200 proposed site plan with legend, dated 05/02/2017), Land1 (1:200 proposed site plan with planting schedule, dated 28/04/2017) and Illus 1 and Illus2 (coloured illustrations), received on 19 May 2017.
3. No external lighting shall be installed at any part of the application site other than low level lighting to illuminate the central memorial unless otherwise agreed in writing by the Local Planning Authority.

## Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To avoid excessive illumination, in the interests of the residential amenities of adjacent properties, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

### 26. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 5<sup>th</sup> June 2017 to 2<sup>nd</sup> July 2017.

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

24<sup>th</sup> August 2017

Housing and Development

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# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6a

Ref.

**APP/2017/0155**

Paul Gatrell Head of Housing and Development

Location:



## Widow Hill Court, Widow Hill Road, Burnley

**1:2500**



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Full Planning application  
Proposed erection of industrial units (B2) (re-submission of planning application APP/2014/0209)

WIDOW HILL COURT WIDOW HILL ROAD BRIERCLIFFE

**Background:**

The application seeks planning permission for the erection of four industrial units, comprising a total floorspace of 2422.9 sq. metres for general industrial uses (Use Class B2)

The application is being reported to Committee because it has been called in for a decision by three Ward members.

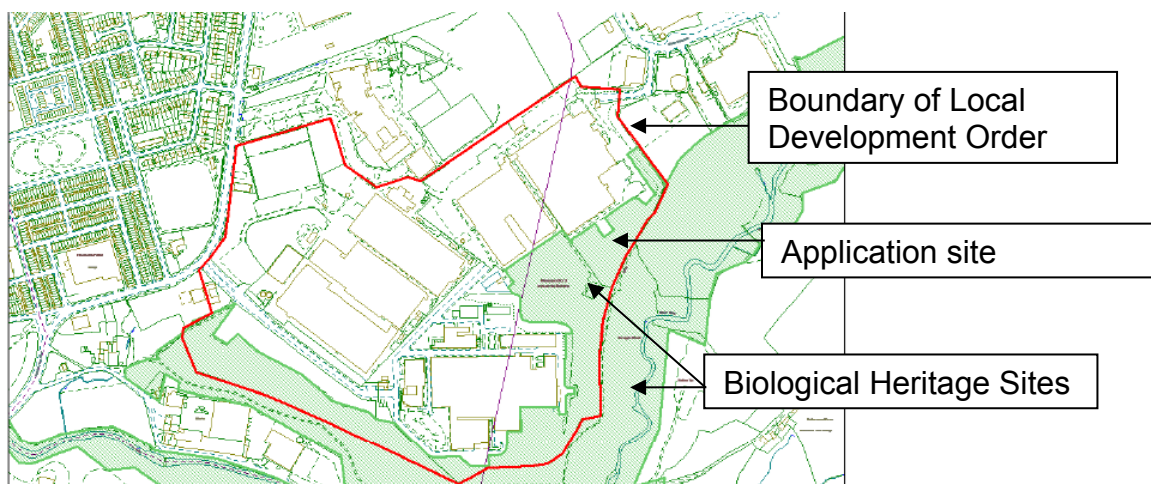
The application site, of 0.94 hectares, is located within Heasandford Industrial Estate which includes a number of businesses operating within the advance engineering and manufacturing sector.

The site is triangular in shape and the development comprises four industrial units with the larger unit of approximately 1246 sq.metres at right angles to the three smaller units (2 units at approximately 238 sq. metres and one at 693 sq.metres).

There would be four units of approximately 1246 sq. metres, 693 sq. metres, 235 sq. metres and 238 sq. metres. They would be constructed in Staffordshire blue brickwork to the elevations at low level with blue / grey polycoated steel sheeting above and with a blue / grey polycoated steel sheet roof.

The applicant sets out that the development would provide for 50 full time and 6 part time jobs.

A Local Development Order (LDO) is in place which includes the site and, subject to conditions, this allows certain types of development to be undertaken without the need for a planning application.



However, Condition 11 of the LDO excludes development within the Biological Heritage Site (BHS) and as the application site forms part of a BHS a full planning permission is required for the proposed development.

The site forms part of the Michelin Factory and Smallshaw Industrial Estate Grounds BHS which is designated for habitats such as pond, swamp, grassland and scrub, and for its amphibians (including great crested newt) and invertebrates. Adjacent to the site is also River Don BHS, designated for its species rich grassland, flushes and broad leaved (some ancient semi natural) woodland.

Extensive discussions have previously taken place in respect of the ecology aspects of the application having regard to the site's designation as a BHS and that a medium population of Great Crested Newts is known to be present on the site.

Objections have been received to the application in respect of the ecology issues.

### **Relevant Policies:**

#### Burnley Local Plan Second Review

E2 - Nature conservation locally important sites  
E3 - Wildlife links and corridors  
E4 - Protection of other features of ecological value  
E5 - Species protection  
E6 - Trees, hedgerows and woodlands  
EW1 - Land for Business (B1) and Industrial (B2) and Warehousing (B8) Development  
EW5 - Development and Improvement of Major Industrial Estates  
GP1 - Development within the Urban Boundary  
GP3 – Design and quality  
GP7 - New Development and the Control of Pollution  
TM2 - Transport Assessments  
TM3 – Travel Plans  
TM15 – Car parking Standards

#### Burnley's Local Plan – Proposed Submission Document, July 2017

SP4 Development Strategy  
SP5 Development Quality and Sustainability  
NE1 Biodiversity and Ecological Networks  
NE3 Landscape Character  
NE4 Trees, Hedgerow and Woodlands  
NE5 Environmental Protection  
EMP1 Employment Allocations  
EMP2 Protected Employment Sites  
EMP3 Supporting Employment Development  
IC2 Managing Transport and Travel Impacts  
IC3 Car Parking Standards

National Planning Policy Framework (NPPF)  
Wildlife and Countryside Act 1981

## Site History:

APP/2001/0036 – Outline application. Erection of buildings and use of land for metal recycling facility – withdrawn

APP/2008/0461 – Erection of 8 Class B2 units within 2 blocks – invalid application

APP/2014/0209 - Proposed erection of industrial units to support high-tech engineering uses - refused

## Consultation Responses:

1. Lancashire County Council (Highway Authority) comments that the development is unlikely to generate any adverse highway conditions and no objections are raised to the application subject to conditions requiring:

- a construction method statement to be submitted to cover the construction period
- The car park to be surfaced and marked out before the use starts
- The provision of cycle facilities
- The provision of motor cycle facilities
- The submission of a Travel Plan

*(Conditions are recommended to be imposed on any consent granted)*

2. United Utilities – comments as follows:

*Drainage comments:* In accordance with the NPPF and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The developer should consider the following drainage options in order of priority

1. In the ground (infiltration)
2. To a surface water body
3. To a surface water sewer, highway drain or other drainage system
4. To a combined sewer.

*Drainage Conditions:* UU raise no objection to the development providing the following conditions are attached to any approval:

Condition 1: Foul and surface water shall be drained on separate systems

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Condition 2: Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system directly or indirectly.

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

Reason: To promote sustainable development secure proper drainage and to manage the risk of flooding and pollution and flooding. This condition is imposed in light of policies with the NPPF and NPPG.

*Water Comments:* Further information will be required in respect of the supply of water for industrial purposes. The water mains will need extending to serve the development. This would be the subject of a private arrangement.

*(Conditions are recommended to be imposed on any consent granted)*

3. Natural England:

- The proposal is unlikely to affect any statutorily protected sites or landscapes.
- The NE Standing Advice should be applied in respect of protected species and the advice would be a material planning consideration
- The LPA should ensure that it has sufficient information to fully understand the impact of the proposal on a local site before the application is determined.
- The authority should consider measures to enhance the biodiversity of the site, in accordance with para 118 of the NPPF.

4. Lancashire Wildlife Trust object to the application on the following grounds:

- The application is not compliant with the paragraph/requirement 165 of the National Planning Policy Framework (NPPF), i.e. Planning decisions “*should include an assessment of existing and potential components of ecological networks*”. Lancashire environment Record Network (LeRN) has produced ecological network habitat maps for Lancashire and these are available at the Borough and other levels. The planning application does not take account of potential impacts on the network, discuss the conservation of the components and/or identify opportunities for restoration and enhancement of the ecological network(s) and their functionality. Approval of the application as it stands would be contrary to the requirements of the NPPF.
- It is acknowledged that the application would result in the destruction of approx. 0.59ha of the Biological Heritage Site (BHS) known as ‘*Michelin Factory and Smallshaw Estate Grounds*’ (BHS ref: 83SE02). However, an area of the BHS (approx. 0.17ha) to the northeast of the development site would become isolated from the rest of the BHS and the ecological information supplied by Bowland Ecology suggests that this area (polygon T) would not meet the guidelines for site selection in its own right and would most likely be removed from the BHS. Hence the development would

probably result in a reduction of the area of the BHS from 5.1ha to 4.3ha, a loss of 0.76ha or 14.9%.

- The application does not deliver a net gain in nature as required by paragraphs 9 and 109 of the NPPF. The application will result in a net loss in biodiversity in terms of the site's status (BHS) and area of Habitats of Principal Importance, as listed under Section 41 of the Natural Environment and Rural Communities Act (NERC 2006). Approval of the application as it stands would be contrary to the requirements of the NPPF.
- In order to be compliant with the requirement of the NPPF to deliver a net gain in nature, the applicant needs to provide at least 0.76ha of OFF-SITE compensatory habitat outside of the BHS that is capable of supporting Great Crested Newts. The land would have to be adjacent to the development boundary and within the tenure and/or control of the applicant. Note that in order to satisfy Biodiversity Offsetting guidance, a significantly larger area of land than that lost to development would need to be provided.
- The Management Schedules years 1-5 and 5-15 for Objectives A-D and Monitoring in Appendix 1 of the Habitat Management Plan are not costed. If the Council was minded to approve the application, the actions for years 1-5 and 5-15 should be costed up in full – including provision for increases in costs and/or inflation – and the applicant required to dedicate a commuted sum, e.g. through a Section 106 agreement, in order to deliver the Habitat Management Plan.

If approved as it stands, the application would be an example of unsustainable development and should be refused.

8. Burnley Wildlife Conservation Forum - object to the application for the following reasons:

- The land forms a significant part of the BHS which is designated for its important populations of amphibians, dragonflies and damselflies. It supports five amphibian species – frog, toad, smooth newt, palate newt and great crested newt. It is one of the borough's most important sites because it contains the Borough's only significant population of great crested newts and a wide range of dragonflies and damselflies including the emerald damselfly which is very rare in east Lancashire.
- The land forms part of the Burnley Aerospace Supplier Park Local Development Order where condition 11 states that no development is permitted within the boundary of the BHS. The LDO clearly acknowledges and accepts the importance and the integrity of the BHS.

- The proposed landscaping scheme submitted with the application is for the most part identical to the one submitted with the previously refused application. The only landscaping alteration is that a very small proposed pond has been moved a short distance to the south. The only other alterations are minor changes to the car parking layout. These alterations constitute minor insignificant changes and do not add any new wildlife mitigation features to those proposed on the refused application.
- The proposed landscaping scheme shows newt exclusion fencing to be installed along all the boundaries between the development and proposed landscaping. Newt exclusion fencing, even when regularly inspected and maintained in good condition is often less than 100 % effective because newts and other amphibians especially small juveniles can easily flatten themselves to crawl under the smallest gaps. The present newt exclusion fencing has been very poorly maintained with some sections having fallen down. They serve no useful purpose and the proposed newt exclusion fencing will be ineffective as a newt protection measure.

9. Environment Protection Team raise no objections subject to the following:

- There is potential for noise nuisance to nearby residents during the construction phase, and therefore I would recommend a condition relating to hours of construction.
- Similarly, if any operations may present a noise or light nuisance, particularly outside the hours of 8am and 6pm, I would recommend a condition addressing the potential for nuisance.

*(Conditions are recommended to be imposed on any consent granted)*

10. The Business Support Officer of the Regeneration & Planning Policy Team supports the application. Heasandford is close to full capacity with the last available plots of land on the estate now either developed or under offer. The redevelopment of the Michelin site has been very successful with all plots developed and occupied or under offer. Additional industrial space on the site will no doubt be popular with similar users and will provide welcomed increases in employment numbers. In terms of the wider Borough property market demand still remains high for quality industrial space and is currently outstripping supply. Any additional accommodation would help to alleviate some of the built up demand.

11. Greater Manchester Ecology Unit (GMEU) is the Council's consultant on Ecology matters. Following site visits and assessment of the ecology information submitted by the application it is recommended that the proposal will result in the loss of an area of BHS and will also isolate a further area of BHS in the north east. There would be a net loss of approximately 18% of the BHS area. The site still contains the ecological interest that it was designated for and it is not 'poor quality habitat' as put forward by the applicant.

The small compensation area suggested is not adequate to compensate for the impacts of the development and the proposal offers no net gain in biodiversity.



It is recommended that the application is refused on these grounds.

*(The comments are set out in more detail in the planning and environmental considerations below.)*

### **Planning and Environmental Considerations:**

The application site forms part of the former Michelin factory curtilage. However, it appears to have remained largely unused since the factory closed down. There is some evidence that, in the past, part of the site has been excavated and levelled with hardcore in preparation for future expansion, but no planning permissions have been granted on this area and no building work has taken place. Some tree planting took place on the site around 20 years ago and grass cover has established over the years. The land has recolonised to a natural state.

The policy basis against which this scheme should be appraised is set out in the context of national and local development plan policies. At a national level the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development. For decision-taking this means 'approving development proposals that accord with the development plan without delay.' The NPPF advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

There are three dimensions to sustainable development – economic, social and environmental and the NPPF sets out that these roles should not be taken in isolation because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly through the planning system.

The NPPF does not change the statutory status of the Local Plan as the starting point for decision making. Development which accords with an up to date development plan should be approved without delay.

The main issues for consideration of the application relate to the economic benefits of the scheme; the highway implications of the proposal; the layout and design of the site and buildings; the principle of development on the site which lies within the Biological Heritage Site; and whether or not the BHS and known protected species on the site can be satisfactorily mitigated or compensated for.

#### **The Economic Benefits of the Scheme**

The site falls within the Heasandford Industrial site where Policy EW5 of the Local Plan sets out that the expansion and improvement of the estate will be permitted subject to a range of criteria including provision of landscaping and screening; accessibility by a choice of transport modes including a Travel Plan where necessary; and retention and enhancement of any built and natural features/ areas that contribute to the amenity or biodiversity of the area.

A Local Development Order is in place which covers the site and adjacent buildings and the purpose of the LDO is to accelerate development at the Burnley Aerospace Supplier Park site through simplifying the planning permission requirements. The

LDO specifically sets out that no development is permitted within the boundary of the BHS, so the LDO provisions do not apply to this site.

The applicant puts forward that the proposal will complement the current offer allowing businesses to grow and expand leading to additional jobs and bring economic wealth and prosperity to Burnley.

It has not been put forward that end-users have been identified and it appears that this is a speculative development

The NPPF sets out that significant weight should be placed on the need to support economic growth and Council's should plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries.

The development has the potential to support the aerospace and advanced manufacturing uses in the area and provide jobs in the town and in principle would deliver economic benefits to the town's economy.

#### *The Highway Implications of the Proposal*

The access to the site is via a private internal road leading from Widow Hill Court which leads from Widow Hill Road.

A Transport Statement has been submitted by the applicant in support of the planning application which sets out the anticipated traffic movements associated with the site in order to assess the cumulative impact on the junctions in the vicinity of the site. The statement indicates that the development will operate within the capacity of the junctions and the Highway Authority accept the conclusions and consider that there will be no adverse highway impacts, subject to a number of conditions.

A Construction Method Statement will be required by planning condition which provides for the parking of the vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development, the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dirt and dust during construction; details of working hours, etc. to ensure that the site operates without detriment to highway safety during the construction period.

A total of 60 on-site parking spaces will be provided together with turning and manoeuvring areas, which is acceptable in terms of the car parking standards set out in the Local Plan. A condition requiring these spaces to be surfaced and marked out would be appropriate before the use starts. Motor cycle and cycle provision would be required by planning condition to ensure that there is a choice of modes of transport, complementing the bus service which runs along Eastern Avenue.

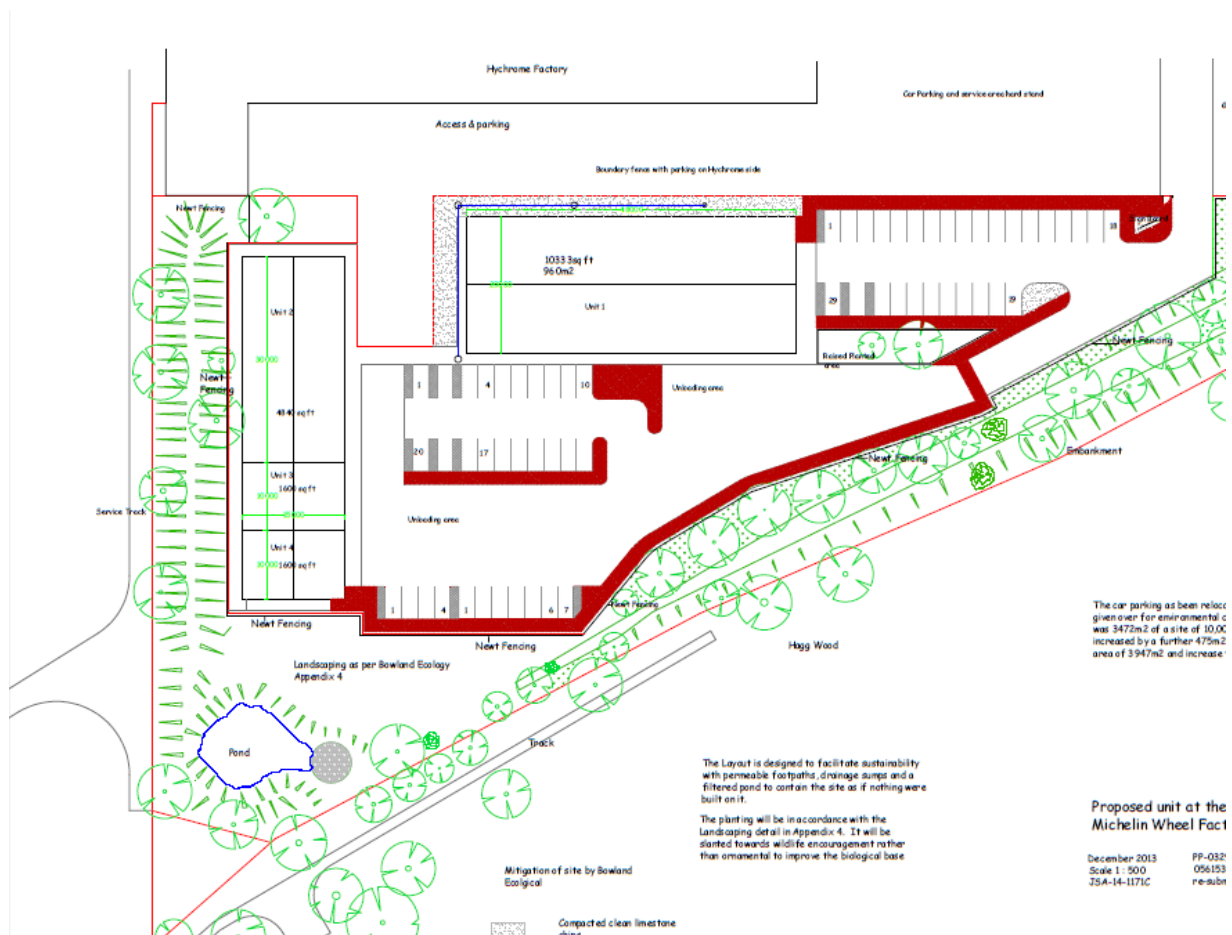
It would also be appropriate to require a Green Travel Plan by planning condition, in line with Policy TM2, which sets out targets and mechanisms for achieving reductions in car use, especially single occupant journeys; management of parking; targets and mechanisms for increased use of walking, cycling and public transport; management and delivery of freight movements; and provision for effective monitoring and regular review.

On this basis, the proposal should not have an adverse impact on the highway network.

*Layout and Design of the site and buildings*

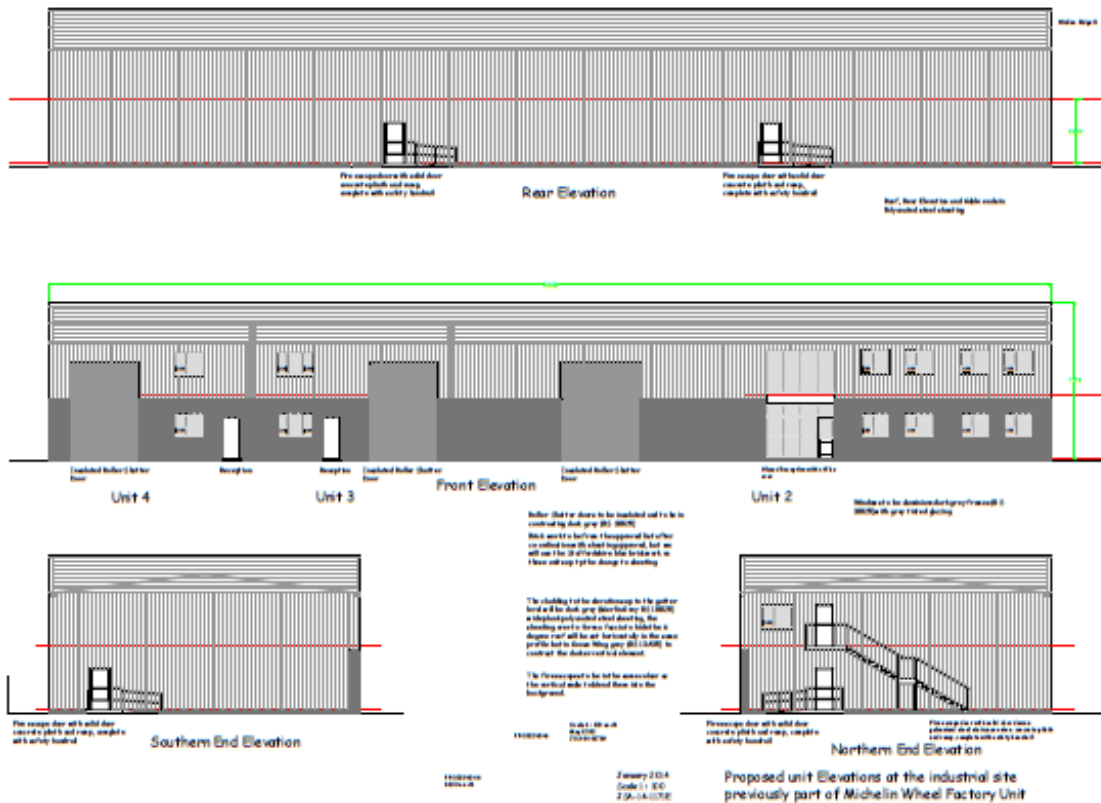
The layout of the site is acceptable and provides for the larger unit set at right angles to the three smaller units to take account of the triangular nature of the land. The car park would be split into 3 car parking areas and the manoeuvring and turning facilities broken up into three areas with areas of landscaping.

The measures suggested in respect of the ecology mitigation inform the landscaping requirements to some extent. The layout includes allocated space to incorporate an ecological enhancement / compensation area around the southern and western boundary. A new pond will be created to the western end of this retained area. A new fence is proposed to separate the development area from the remaining Biological Heritage site. (the ecology issues are considered later in this report).



Layout of the buildings on the site.

The buildings and proposed materials are typical of the design of other buildings within Heasandford Industrial Estate and are acceptable.



Typical elevations

The materials for the buildings would match those specified in the LDO for the buildings which are permitted by the Order and would comprise Staffordshire blue brickwork to the buildings at low level with blue / grey polycoated steel sheets with a grey steel sheet roof.

The materials are acceptable and would harmonise with the surrounding buildings on the estate.

*Impact of the Proposal on the Biological Heritage Site (BHS) and the protected species on the site*



Typical views of site

The site forms part of the Michelin Factory and Smallshaw Industrial Estate Grounds BHS which comprises an area of land to the east of the Michelin Tyre Factory and adjacent industrial units. Of particular interest is a pond with a seasonally fluctuating water level and associated areas of swamp, grassland and scrub.

The amphibians present include breeding great crested newts with smooth newts and common toad. The pond supports an assemblage of breeding dragonflies and damselflies - the regionally scarce emerald damselfly as well as common hawkers and common darters dragonflies and azure, blue-tailed and large red damselflies.

The open water has abundant bog pondweed and common duckweed, occasional broad-leaved pondweed and common stonewort. The swampy areas beside the pond and elsewhere on the site are dominated by bulrush and common spike-rush with hard rush around the margins. Other frequent species include jointed rush, toad rush, greater bird's-foot-trefoil, tufted forget-me-not, lesser spearwort, cuckoo-flower, glaucous sedge, marsh willowherb, common marsh-bedstraw and occasional sneezewort, common yellow sedge, great willowherb, hoary willowherb, branched bur-reed, bog mosses (*Sphagnum*) and narrow buckler-fern, an uncommon plant in East Lancashire.

The grasslands and disturbed ground around the pond and swampy areas includes species such as tufted hair-grass, Timothy, Yorkshire fog, yarrow, common spotted-orchid, common knapweed, creeping thistle, curled dock, creeping buttercup, field horsetail, white clover and zig-zag clover.

The adjacent scrub consists of self-sown grey willow, goat willow and silver birch with planted sycamore, grey alder, ash, crack willow and white willow.

Butterfly species include green-veined white, small heath, meadow brown, small copper, large skipper and small skipper.

A significant consideration for the application is whether the development will have an adverse impact on this designation and the species contained within the BHS.

Policy E2 of the Local Plan sets out that development likely to have an adverse impact on Biological Heritage Sites will not be permitted.

Policy E5 sets out that development on site supporting a protected species will not be permitted unless adequate provision is made to avoid disturbance to the species or habitat, or, adequate provision is made to facilitate the survival of the species, reduce the disturbance to a minimum, and provide adequate alternative habitats to sustain the viability of the local population of the species.

Policy EW5 of the Local Plan includes within the criteria for the development and improvement of major industrial estates that applications are required to demonstrate that development retains and enhances any built and natural features / areas that contribute to the amenity or biodiversity of the area.

In addition, Paragraph 9 of the NPPF sets out that pursuing sustainable development involves seeking positive improvements including 'moving from a net loss of biodiversity to achieving net gains for nature'

Paragraph 109 sets out that the planning system should contribute to and enhance the local environment , including ‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’.

Paragraph 118 of the NPPF sets out that when determining planning applications, lpa’s should aim to conserve and enhance biodiversity by applying a set of principles, including that if significant harm resulting from a development cannot be avoided (through locating to an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

*Ecology Assessments and a Habitat Management Plan have been submitted as part of the application and these set out the views of the applicant’s ecologist as follows:*

The submitted Ecology Assessment acknowledges that the area of the development site is approximately 0.94 Ha, located within the Smallshaw Estate Grounds and Michelin Factory BHS and that the BHS encompasses approximately 4.98 Ha in total. As a result of the development approximately 0.45 Ha of plantation and 0.14 Ha of semi-improved grassland within the BHS will be lost. Approximately 0.35 Ha is to be retained as landscaping / habitat creation area. The development will lead to a net loss of 0.59 Ha from the BHS.

The majority of the habitat lost would be woodland plantation of low ecological value in terms of its floral composition. A smaller area of more florally significant grassland habitat will also be lost. The area to be lost also provides terrestrial habitat for great crested newts.

Areas making up 1.16 Ha in total, that could be brought into positive management to help to mitigate this loss have been identified within the development site. In addition the creation of new breeding habitat for great crested newts, bat roosting habitat and bird nesting habitat will also assist in off-setting ecological impacts.

The assessment comments that the BHS is designated on the basis of the presence of breeding great crested newts and dragonfly/ damselfly populations. The habitat lost will not affect either of these populations

Opportunities for mitigation, compensation and enhancement of the development site and the wider BHS have been identified which inform the production of a detailed management plan. This along with mitigation required in terms of newt licencing, it is considered that there will be no residual impact from the development with regard to the BHS or great crested newts.

*Advice from the Council’s Ecology consultant*

The submitted reports and the ecological aspects of the development have been fully assessed by the Council’s qualified ecology consultant (Greater Manchester Ecology Unit))and are set out in summary in the ‘Consultation Responses’.

Based on the ecological consultant’s figures, overall the development site represents some 21% of the entire remaining area of the BHS. Within the development footprint,

it is claimed that some 0.35ha will be retained. However, from the newt fencing shown on the landscape plan the proposals will also isolate 0.16ha of the BHS in the north east. Overall this means that the proposals would result in a net loss of some 18% of the BHS area. Based on figures from the Lancashire Wildlife Trust, previous development has already resulted in a loss of some 8% of the original BHS.

Following site visits It is considered that the BHS within the application site still retains the ecological interest for which it is selected and is not considered to be “poor quality habitat” as stated in the Design and Access Statement. The BHS is primarily designated for its amphibian interest, including the specially protected species great crested newt. Amphibians spend most of their time on land; the grassland, scrub and developing woodland on the application site supports excellent terrestrial habitat for amphibians.

Policy E2 of Burnley’s adopted Local Plan states that “Development likely to have an adverse effect on the Biological Heritage Sites....will not be permitted.” Direct loss of some 18% of the BHS area supporting good quality habitat is clearly an adverse effect. To compensate for this direct loss, the applicant is proposing some habitat enhancement and management within 0.35ha of the application site, although see above. We do not consider such a small compensation area adequate for the impacts of the development and on its own this proposal offers no net gain for biodiversity, as required by the National Planning Policy Framework.

A management plan has been submitted for the wider BHS area outside of the application site. It is proposed that qualitative improvements to the remaining area of the BHS will compensate for quantitative losses. This is questionable, given the extent of the potential loss. In addition the majority of this land appears to be outside of the ownership or control of the applicant.

No information has been provided on the available mechanisms for the implementation of the management plan, including appropriate permission, funding and responsible parties. The management plan is fundamentally the same plan that was submitted for the previous application and still covers 15 years rather than the lifetime of the development or in perpetuity.

The applicants have not demonstrated that there will not be an adverse effect on the BHS and the proposal would be contrary to Policy E2.

As set out above, paragraph 118 of the NPPF sets out that when determining planning applications, lpa’s should aim to conserve and enhance biodiversity by applying a set of principles, including that if significant harm resulting from a development cannot be avoided (through locating to an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

On balance it is advised that the development would result in significant harm to biodiversity for which insufficient avoidance, mitigation or compensation has been included within the proposals put forward.

## **Planning Balance and Conclusions**

The Highway Authority is satisfied that there will be no significant impact on the highway network resulting from the development. The design and materials of the development are acceptable.

The issue for consideration is whether the economic case for the development would be outweighed by the potential harm which would be caused to biodiversity.

The NPPF says that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out the three dimensions of sustainable development to be:

Economic – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and co-ordinating development requirements, including the provision of infrastructure.

Social – supporting strong, vibrant and healthy communities by providing a supply of housing required to meet the needs of the present and future generations and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Environmental – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving a to low carbon economy.

The NPPF advises that these roles should not be undertaken in isolation because they are mutually dependent and to achieve sustainable development, economic, social and environmental gains should be sought jointly through the planning system. The development raises conflicting issues in respect of the economic aspects of the development and the environmental roles.

As set out above, the development could satisfy the aims of Policy EW5 of the Local Plan providing it retains and enhances any built and natural features/areas that contribute to the amenity or biodiversity of the area. It is situated within an existing Industrial Estate and would provide a development which could complement the existing aerospace and advanced manufacturing uses in the locality. In economic terms it would potentially bring benefits to the economic prosperity of the town by providing employment opportunities and supporting the existing business in the area. However, it does not retain and enhance areas which contribute to biodiversity and as such it is contrary to the economic policies of the Local Plan.

The Council's ecological consultant has advised that the development would result in significant harm to biodiversity for the reasons set out in the report. It would lead to the destruction of an area of the BHS and destroy great crested newt sheltering habitat and insufficient avoidance, mitigation or compensation has been included within the proposals.

It is not proposed to provide any additional compensatory land to mitigate for the area which will be lost. The proposal provides only for the improvement of the existing habitat.



On balance it is considered that the harm caused to biodiversity would outweigh the economic benefits which may be achieved by the development. Furthermore, the arguments put forward by the applicant are not likely to be sufficient to form the basis of a successful application for a Derogation Licence to Natural England.

There is a presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay.

The development is not in accordance with the policies of the adopted Burnley Local Plan and it would not represent sustainable development when taking the policies of the NPPF as a whole.

For these reasons the development should be refused.

**Recommendation:**

That planning permission is refused for the following reason:

1. The development would result in significant harm to biodiversity in that it would lead to the destruction of an area of the Michelin Factory and Smallshaw Industrial Estate Grounds Biological Heritage Site and would potentially harm great crested newts and destroy great crested newt sheltering habitat. Insufficient avoidance, mitigation or compensation measures have been included within the application proposals.

The development would represent unsustainable development and would be contrary to Policies EW5; E2, and E5 of the Burnley Local Plan Second Review and contrary to Paragraphs 9, 109 and 118 of the National Planning Policy Framework.



Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0296

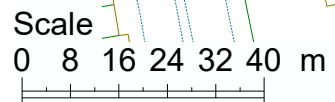
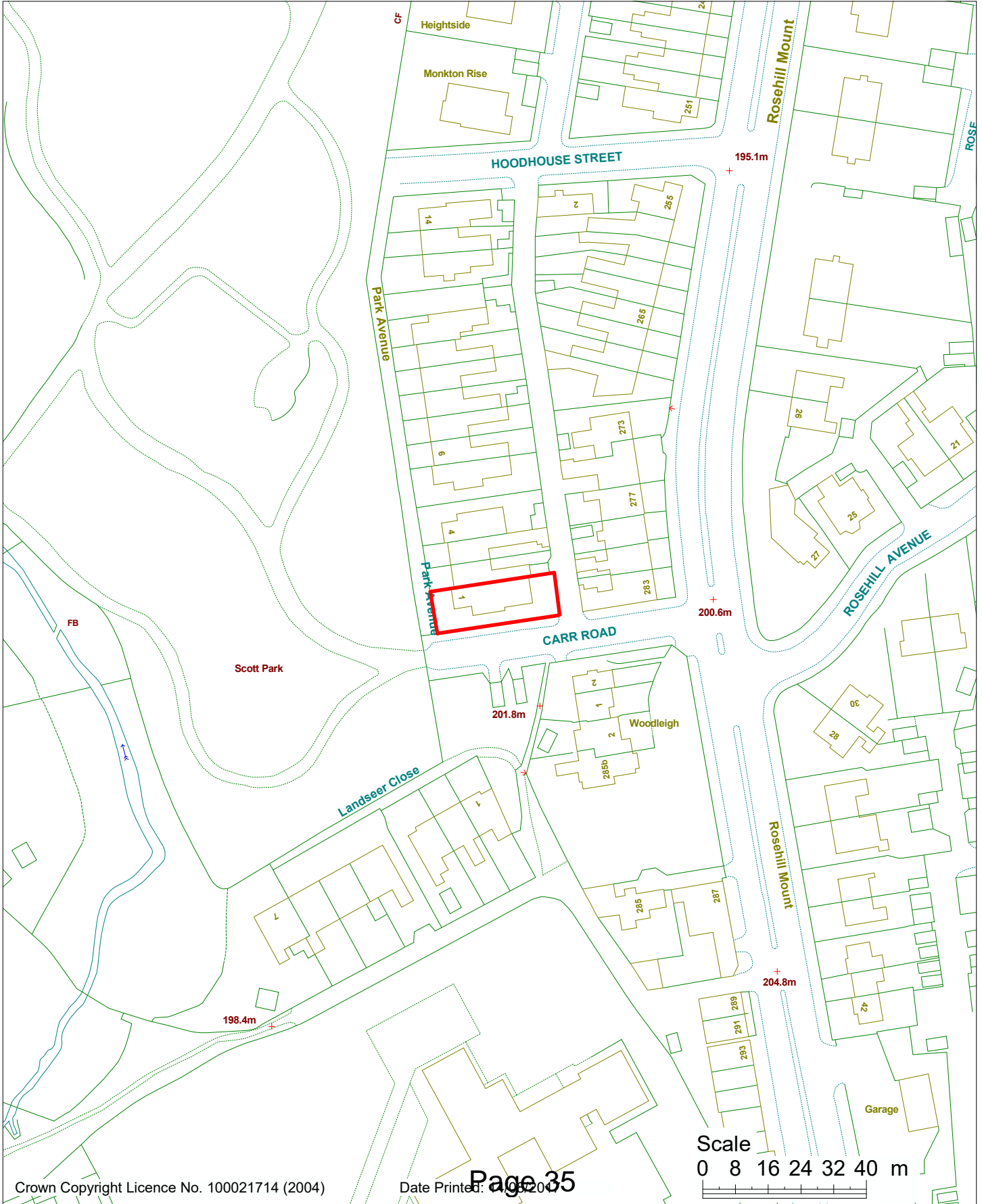
Paul Gatrell Head of Housing and Development

Location:



## 1 Park Avenue, Burnley

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**Application Recommended for Approval**  
Rosehill with Burnley Wood Ward

**APP/2017/0296**

Full Planning Application

Proposed change of use from residential dwelling house (Use Class C3) to supported housing scheme and erection of single storey extension to the rear.

1 PARK AVENUE BURNLEY

**Background:**

The application relates to a large end of terrace dwelling, facing Scott Park.

Objections have been received.



Application site

**Relevant Policies:**

Burnley Local Plan Second Review

- H3 - Quality and design in new housing development
- H12 – Non-residential uses in residential areas
- H13 - Extensions and conversion of existing single dwellings

Burnley's Local Plan – Proposed Submission Document, July 2017

- HS4 – Housing Developments
- HS5 – House Extensions and Alterations
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability

## Site History:

No applications.

## Consultation Responses:

Highway Authority –The proposal is for a rest bite residential care facility with seven bedrooms for six patients and overnight manager. This being the case the parking requirements are less than those required for the previous five bedroom house. There are no highways issues with the application and therefore I raise no objections.

Environmental Health – No objections but request the imposition of a condition restricting working times during the construction phase.

*[Comment – Given the residential setting of the property this condition would be reasonable and is included in the recommendation].*

Designing Out Crime Officer (Police) – Recommendations for general security against intruders at the residential premises.

*[Comment – copy of the comments will be forwarded to the applicant. The recommendations indicate a very rigorous approach to security that the applicant may not wish to implement]*

Neighbouring Residents – Letters from 15 neighbouring residents making objections to the proposal. The representations include reference to a range of issues reflecting perceptions and concerns about the possible adverse impact on the safety and well-being of the locality arising from the proposal. The planning considerations are summarised as follows:

1. Insufficient car parking; access may be restricted by congestion; no transport assessment submitted.  
*[Comment – No objections from LCC Highways. The applicant notes that experience on other sites is that their residents are less likely to own a car and more likely to use public transport, taxis or be transported to the facility by friends or family. The car parking is therefore only required for the on-site staff]*
2. Construction disturbance.  
*[Comment – a condition is recommended to regulate construction working hours]*
3. Future use may change/intensify.  
*[Comment – A condition is recommended to restrict the use]*
4. Loss of privacy; overlooking from the rear first floor office.  
*[Comment – A condition is recommended to require obscure glazing of the rear window]*
5. Insufficient information about ecology, including bats.  
*[Comment – The application for change of use of the dwelling would not normally be expected to include an ecology survey. No external work is*

*proposed, other than the small rear extension, and there are no alterations to the roof proposed. Bats and wildlife are also protected under other legislation]*

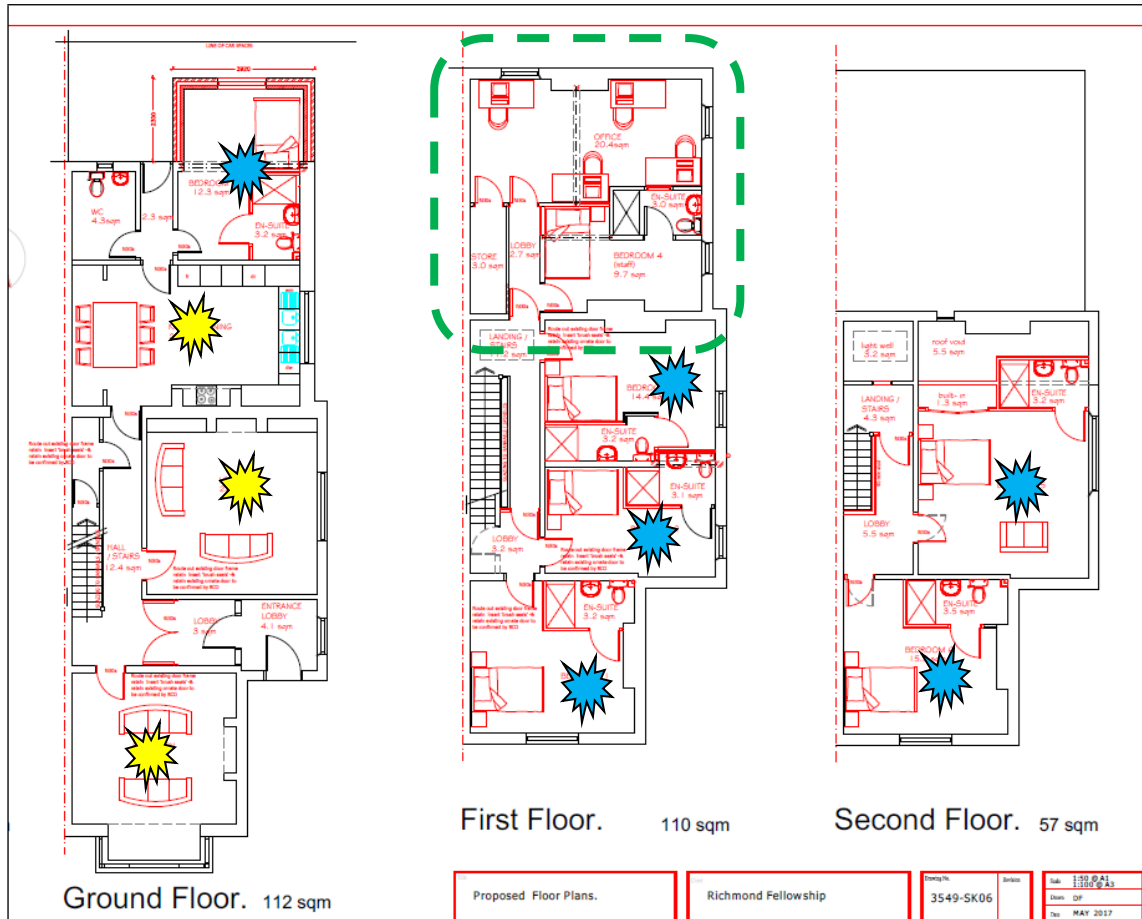
6. Loss of large house to the Boroughs housing stock.  
*[Comment – The loss of one property will have a negligible impact on the Boroughs Housing stock. The proposal will be addressing a specific housing need by providing supported housing supported by the Lancashire Care NHS Foundation Trust. However a condition is recommended requiring the house to revert to use as a dwellinghouse if/when the use ceases].*
7. Damage to heritage; the house may be harmed by alterations.  
*[Comment - The property is not listed nor is it situated in Conservation Area with Article 4 restrictions]*
8. Need for a noise assessment in relation to internal noise impact on neighbours.  
*[Comment – C2 uses are compatible within residential neighbourhoods. The rooms will be used as they are at present (bedrooms) and it is considered that the proposal will not lead to any undue disturbance. In any event the facility will be managed by staff 24/7 so any potential disturbance would be minimised]*
9. Noise and disturbance arising from the coming and going of residents and staff;  
*[Comment from Applicant - The facility would be managed by an on-site manager 24/7 with 3 staff managing the property over a 24 hour period. The admission of service users would only be between the hours of 08:00 and 22:00. Given the scale of the proposal there would not be a lot of ‘comings and goings’ and the property would be managed to ensure any potential disturbance is minimised]*
10. Smoking outside the building.  
*[Comment – Were this to be retained as a residential dwelling, there would be no control over smoking so this is not a planning issue]*
11. External lighting may cause glare/disturbance.  
*[Comment- There is no external lighting proposed. The LPA would have no control over the addition of security lights if this were to remain a dwelling, however nuisance caused by poorly erected lighting could be dealt with under other statutory powers]*

### **Planning and Environmental Considerations:**

The application relates to a large end of terrace dwelling house facing Scott Park. Vehicular access is from Carr Road, leading from Manchester Road. Park Avenue (a pedestrian access) runs along the front of the terrace, separating it from Scott Park.



The house has two large reception rooms, a generous dining/kitchen, utility room, cellar, seven bedrooms (one with en-suite), a bathroom, and a single stairwell.

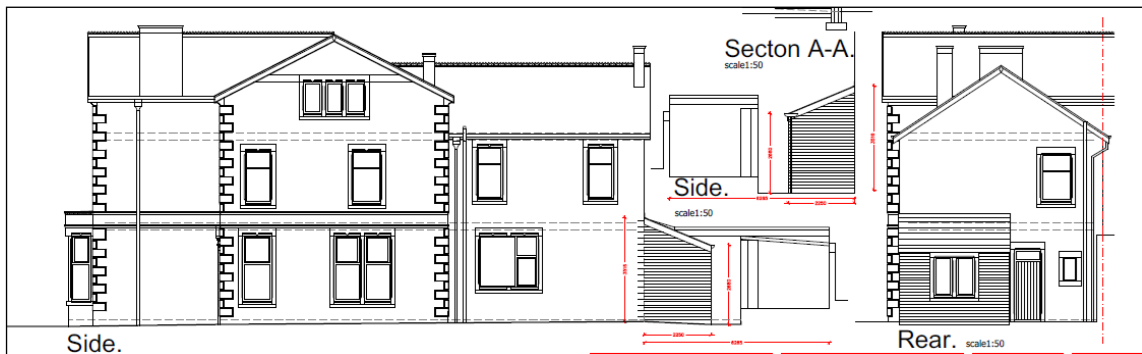
The proposal is to use the house for the accommodation of six persons with one resident (on a rota basis) carer. This will involve using the existing rooms within the house but also the addition of a small single storey rear extension.



**Proposed Layout**

*Dashed green line = shows the staff area (office and bedroom facilities)*

-  = shows the bedrooms
-  = shows the communal areas



**Proposed elevations**

The application is accompanied by a planning statement from which the following information can be summarised:

***The applicant***

The Richmond Fellowship (RF) is a registered charity and provider of specialist mental health services, founded in 1959.



### *Nature of the proposed use*

The application seeks a change of use to a facility that would be operated and managed by the Fellowship.

The accommodation would comprise the following:

- Reception Room;
- Lounge;
- Kitchen/Diner;
- Ground floor WC;
- Seven bedrooms, all with en-suite shower rooms (including one bedroom for Richmond Fellowship staff);
- Bathroom;
- Office (for a Richmond Fellowship staff member).

The purpose of the accommodation would be to provide short term respite accommodation for people with mental health needs. The typical length of stay would be seven days, but occupants may occasionally ten days. RF staff would be present 24 hours a day. Occupants would arrive/depart between 8am – 10pm, apparently with the assistance of a close family member or a member of staff, and on-street parking would then be used for a limited duration.

### Policies and Assessment

When considering Local Plan Policies H3, H12 and H13, all of these policies seek to ensure, amongst other things, that proposals,

- a) Are in keeping with existing properties,
- b) Will not adversely affect residential amenity as a result of the proposed activity,
- c) Will not intensify non-residential uses within a residential area,
- d) Will not adversely affect the residential amenity of neighbouring properties through overlooking, lack of privacy or reduction in light/outlook,
- e) Will not adversely affect the visual amenity of character of an area,
- f) Will provide an adequate residential amenity for occupants,
- g) Will not lead to an unacceptable loss of private open space, and that
- h) It will not threaten highway safety.

The relevant emerging Local Plan policies from the “Proposed Submission Document, July 2017” include HS4, HS5, SP4 and SP5, although as there are outstanding objections to these policies we can only give limited weight to them. That said, these policies follow the general thread of consideration that the existing local plan policies outline (as shown above).

The applicant is a registered charity and specialist provider of mental health services. They have pioneered and practised a social inclusion and recovery approach to mental health for more than 50 years, and they offer a wide range of housing, care, employment and community support across more than 120 services providing support for 9,000 people across the UK.

The applicant clearly outlines the nature and proposed running of this proposal within the supporting Planning Statement. They provide a housing related support service to enable people with mental health problems to live independently and manage their tenancies. As part of the wide and varied support schemes offered, the applicant provides supported housing schemes which comprise shared accommodation where

people have their own private rooms but share kitchens and living rooms. This is what is proposed here. The applicant has other supported housing facilities in Lancashire, including in Blackpool, Lytham St Annes and Chorley.

The facility will provide short term accommodation, respite care and support for people with lower level mental health needs such as depression and anxiety. The respite facility is a place of sanctuary for someone experiencing mental health difficulties. The facility will provide a service for individuals who for a short period of time may need space away from their usual domestic arrangements to receive additional support with their wellbeing. The applicants approach is effective at reducing hospital admissions and is supported and sought by Lancashire County Council and commissioned by Lancashire Care Foundation Trust. This development is a key element of the NHS England “NHS Five Year Forward View for Mental Health” which sets out a new shared vision for the future of NHS based care and new models of care. It is also identified as a key element of the Plan Lancashire Action Plan for improving outcomes for people experiencing a mental health crisis.

The scheme involves little alteration to the dwelling, other than the modest single storey extension proposed at ground floor level measuring 2.3m deep and 3.9m wide. These alterations are acceptable.

The applicant advises that the typical length of stay will be seven days, but occupants may occasionally stay 10 days. The premises will be staffed 24 hours a day, with occupants arriving and departing from the premises between 8am – 10pm, and there would therefore be no late admittance. They would generally make their own way to the facility via assistance from a close relative; or a member of staff, therefore vehicular movements will be limited.

The property is currently being used as a dwelling house (Use Class C3), and the application proposes to change the use of the property to a supported housing scheme falling under C2 use. Both the existing and proposed uses are “C” class uses; uses which are considered compatible within a residential locality.

### Representations

A number of representations have been received in relation to this proposal and these have been considered by the Local Planning Authority. The use is considered acceptable in principle however there are elements of the proposal that will require additional control. These can be dealt with specifically worded conditions.

### Conclusion

The adopted policies of the Burnley Local Plan and national planning guidance encourage the provision of development proposals which improve the physical and mental health and wellbeing of the public. The application seeks the change of use of no.1 Park Avenue to a supported housing scheme for people with mental health needs and the erection of a single storey extension. The facility will be operated and managed by the applicant who is a registered provider and are experienced in providing specialist housing and support services for people with mental health needs. As the scheme will be registered with the Care Quality Commission they will also have a role in overseeing the quality of the service provided.

The property and its location are considered appropriate to the proposed use which provides short-term, respite care for people experiencing mental health difficulties. The perceived potential disturbance to residential amenity and privacy has been considered however given the small number of bedrooms to be used and that the facility will be managed 24/7 by the applicant, there are no objections to the proposal. On this basis, the application is recommended accordingly.

### **Recommendation:**

That planning permission be Granted subject to the following conditions:

### **Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: 1:1250 location plan, plan drawings 3549-02, 3549-03 and 3549-SK06 received 13<sup>th</sup> June 2017.
3. The premises shall be used for supported housing (as described in Section 4, paragraphs 4.1 to 4.5, of the submitted Planning Statement) and for no other purpose including any purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification, and otherwise the building shall revert to use as a single dwelling house.
4. There shall be no more than 6 service users/occupants (see paragraph 4.4 of the Planning Statement) residing at the property at any one time. For the avoidance of doubt this does not include staff members.
5. There shall be no arriving or departing of service users/occupants between the hours of 2200hrs and 0800hrs.
6. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.
7. Prior to the commencement of the use, the first floor, office window in the rear elevation of the property facing the rear of no's 281/283 Rosehill Mount shall be replaced with opaque glass, or another suitable alternative agreed with the Local Planning Authority. This shall be retained in this window at all times while the property is being used for the use proposed, unless otherwise agreed in writing with the Local Planning Authority.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure that the development remains in accordance with the development plan.
3. To enable the local planning authority to consider any future change having regard to policy H12 of the Burnley Local Plan, Second Review and any other material considerations.
4. To prevent an intensification of the use hereby approved without proper due consideration by the Local Planning Authority, and to protect the amenities of nearby residents, in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review.
5. To protect the amenities of nearby residents, in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review.
6. To protect the amenities of nearby residents, in accordance with policies H3, H12 and H13 of the Burnley Local Plan, Second Review.
7. To protect the privacy of occupiers of the proposed dwellings adjacent, in accordance with policy H13 of the Burnley Local Plan, Second Review.

AR

Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0293

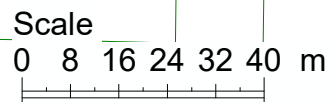
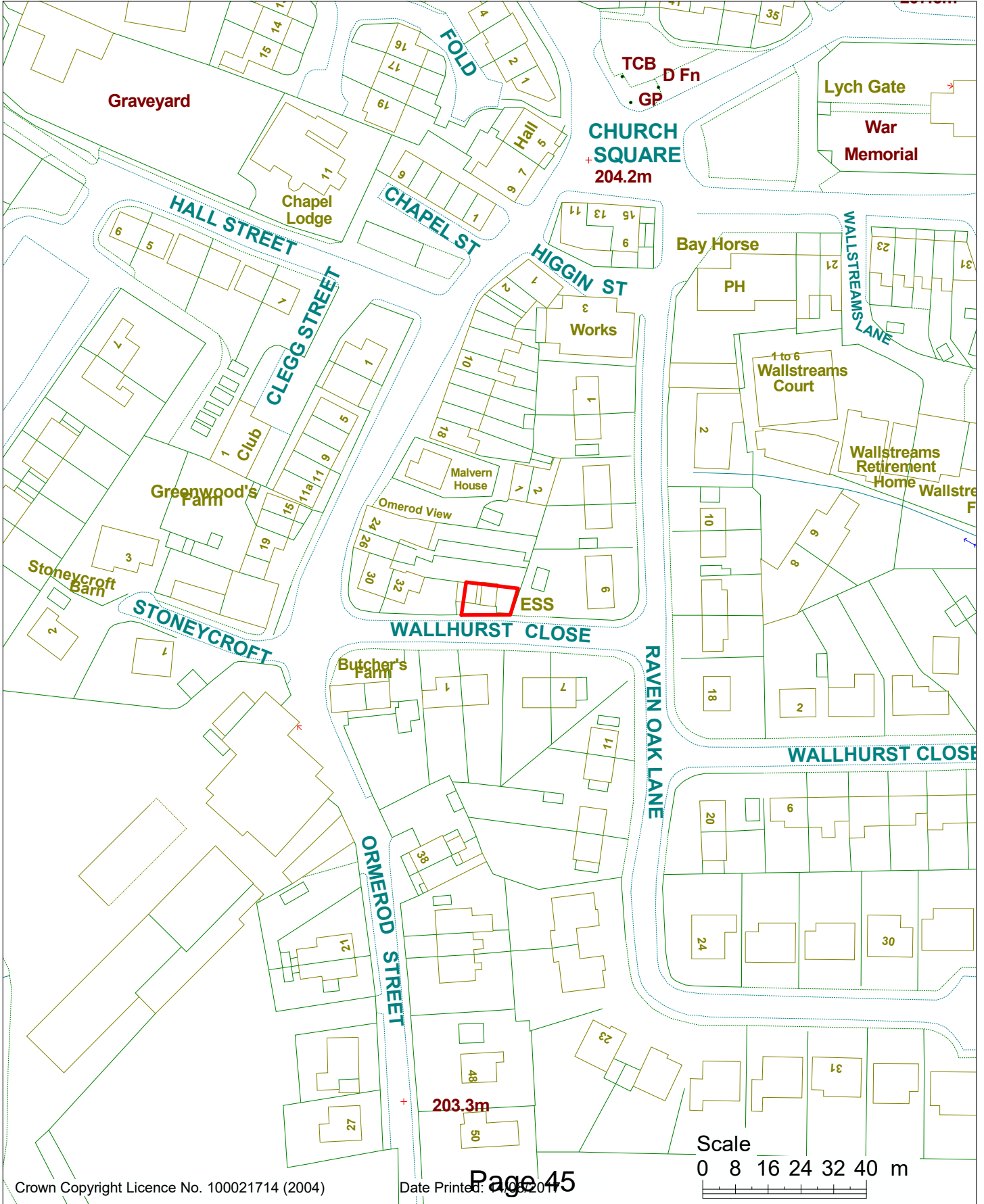
Paul Gatrell Head of Housing and Development

Location:



## 1 & 2 Gorple Cottages, Wallhurst Close, Worsthorne

1:1250



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**Application Recommended for Approval**

**APP/2017/0293**

Cliviger with Worsthorne Ward

Minor material amendment following a grant of planning permission  
Amendments to scheme for 2no. cottages including minor changes to design,  
boundary treatment, garden levels and retaining wall to front (variation of condition 2  
on planning permission APP/2016/0209).

1 & 2 GORPLE COTTAGES WALLHURST CLOSE WORSTHORNE BURNLEY

**Background:**

The proposal seeks approval for minor amendments to a scheme for a pair of semi-detached houses that are being constructed and nearing completion on land at Wallhurst Close within the Worsthorne Conservation Area.

The proposed amendments consist of the following:-

- Amended position of the front retaining wall onto adjoining footway
- Use of painted fascias and timber corbels where no fascias and stone corbels were approved
- Re-positioning of chimney stacks from rear roof slope to gable end ridges
- The lowering of the rear garden levels in line with the finished ground level of the dwellings and the erection of rear retaining wall and a 1.2m high boundary fence

As built, July 2017



**Relevant Policies:**

Burnley Local Plan Second Review

GP1 - Development within the urban boundary

GP3 – Design and quality

E12 – Development in, or adjacent to, conservation areas  
E13 – Demolition in conservation areas  
H3 – Quality and design in new housing development  
H14 – Gardens and backland development  
TM15- Car parking standards

Burnley's Local Plan – Submission Document, July 2017

SP5 – Development quality and sustainability  
HE2 – Designated heritage assets  
IC1 – Sustainable travel

The National Planning Policy Framework (the Framework)

**Site History:**

APP/2016/0209 - Proposal to erect 2no cottages and demolition of existing domestic garages. Approved 2 August 2016.

APP/2016/0509 – Approval of details reserved by condition (Conditions 3, 9, 14 and 16). Approved 11 January 2017.

**Consultation Responses:**

LCC Highways

No objections. The applicant will need to apply for a closing up order under section 247 of the Planning Act. The applicant will in the meantime need to ensure that the affected portion of the highway remains available for use and to ensure that the part of the highway which is now vulnerable to collapse is correctly supported.

Worsthorne with Hurstwood Parish Council

Object on the following grounds (summarised):-

- The developer has damaged the footpath and taken approximately 700mm off its width, leaving it unrestrained and without the permission of Lancashire County Council Highways department
- Sets a precedent for other householders
- Inadequate space to access the front of the houses
- Reduced footpath width is inadequate for pedestrians, particularly with a pram/wheelchair/mobility scooter
- The development has trespassed onto the land of the adjacent sub-station
- The development has made errors in their measurements and had the correct information been submitted then consider that the application could not have been approved
- Urge that the boundary be re-instated on the correct line and the footpath re-instated.

Publicity

Two letter of objection have been received from neighbouring properties. A summary of their points is listed below:-

- The developer has wilfully damaged the footpath and excavated a strip of some 600-700mm , reducing the footpath to 1100mm from 1800mm and with an excavation depth of some 1500mm, has left the footway unrestrained. This is contrary to the Highways Act.

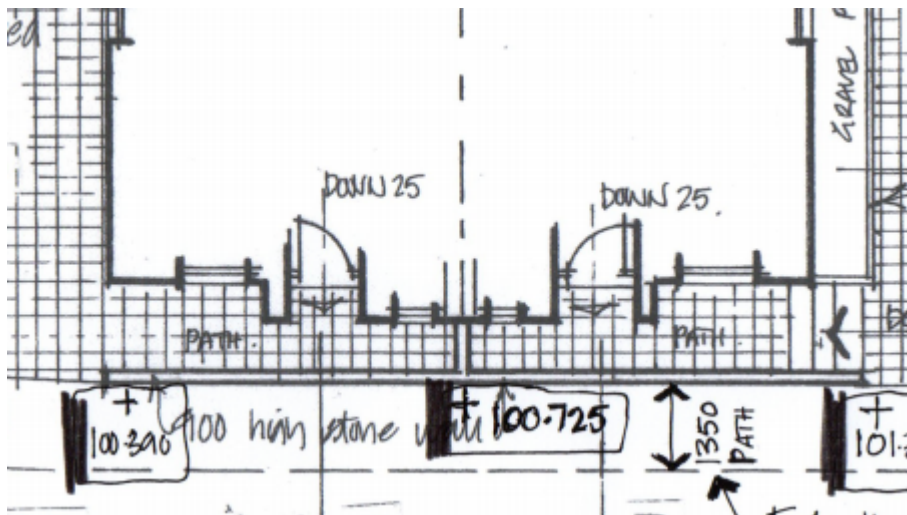


- The proposal to reduce the footpath to 1350mm should not be allowed and the developer has no right to this land
- The originally submitted drawings were incorrect and misleading. The main concern for the original application was that the site was too small for the development and should have been refused.
- The revised submitted drawings are misleading. Between the front retaining walls and the front doors there will be a gap of only 695mm to access the properties. Concerned that once the works proceed and it becomes evident that there is not enough space then the footpath will be reduced further.
- Express concern that there will not be enough space to provide the off-street parking space in respect of the higher of the two properties.
- The boundary treatment to the substation is not noted and question whether a stone wall is to be reinstated to be fitting with the Conservation Area.
- Question who will have future responsibility for the retaining wall.
- Would set a major precedent for all future developments

**Planning and Environmental Considerations:**

Impact on pedestrian/highway safety

Policy H3 requires new housing development to have adequate pedestrian access and car parking. The amendment that relates to the front retaining wall and encroachment onto the adjoining footway arises due to positioning of the houses which has not made due allowance for the difference in levels and the space required for the necessary retaining wall.



Once the retaining wall has been constructed the original footway would be reduced from a width of approximately 1.8m to 1.35m. The photograph above shows a footway of less than 1.35m but this will be increased by filling between the new retaining wall and the footway. An extract from the proposed plan copied above indicates that once the works are completed the footway would be 1.35m wide.

LCC Highways consider that the reduction in width to 1.35m along the site frontage would not significantly compromise safety and do not raise objections to the proposal. Notably, there are footways to each side of Wallhurst Close and variations in footway width. Their decision to not object to this proposal is based on the individual site conditions and would not suggest that in other incidences that a reduction of 450mm of footway would be acceptable. The remaining gap between the front door of the houses and the retaining wall would be restricted (approximately 750mm) but level access is also provided around the sides of the houses to the rear. LCC Highways also point out that the developer will be required to apply for and obtain a Stopping-up Order which is a separate process. In this case, however, given that the remaining width of footway would not unduly affect pedestrian and highway safety, the proposed amendment is acceptable.

#### Impact on Conservation Area

Policy E12 requires new development to preserve and enhance the character of conservation areas, having regard to its quality, siting, detailing, height, scale, materials, landscaping and external appearance. The proposed changes to the eaves treatment to introduce modest painted fascias would not unduly compromise the character of the new dwellings which have been designed to be in keeping with the Worsthorne Conservation Area. The re-positioning of the chimney stacks would be a positive change. The proposed amendments would therefore have an acceptable impact on the Conservation Area.

#### Impact on residential amenity

Policy H3 permits new housing development where, amongst other things, the amenity of neighbouring properties is protected and the development minimises overlooking, and provides a reasonable degree of privacy and outlook. The lowering of the rear garden levels by approximately 0.55m creates a lower garden to that of the adjoining property and allows a lower boundary fence (1.2m above the neighbour's ground level).

Rear garden boundary



The amended levels and boundary details are therefore likely reduce the potential for overlooking and would lead to appropriate revised boundary treatment. The proposed minor amendments would not therefore significantly affect residential amenities.

### Conclusion

The proposed minor amendments are acceptable.

### **Recommendation: Approve**

### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 16/51/3A, 16/51/6 and 16/51/7, received on 4 July 2016; and, drawing number 16/51/8, received on 21 July 2016, as amended by drawing numbers 17/46/1, received on 1 June 2017 and, 16/51/12, received on 22 June 2017.
2. The windows and doors used in the development shall be of timber construction only and any replacement windows/doors in the future shall also be timber only.
3. The rainwater goods and downpipes to be used in the development shall be aluminium or timber and painted black and soil pipes shall be constructed internally only as indicated on the approved plans unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no development shall be carried out on any part of the development within the terms of Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority.
5. The approved development shall be built in accordance with the details of levels as indicated on the approved plans and shall not be varied unless otherwise previously agreed in writing by the Local Planning Authority.
6. Neither dwelling shall be first occupied until its associated off-road car parking space has been constructed, hard surfaced and made available for use as indicated on the approved plans. The parking spaces shall thereafter be retained for the purposes of car parking at all times.
7. The approved scheme shall be carried out and completed in accordance with the details of foul and surface water drainage as indicated on drawing number 16/51/11, approved by the Local Planning Authority on 11 January 2017. The completed scheme shall thereafter be retained at all times.
8. Neither of the approved dwellings shall be first occupied until facilities for the storage of refuse and recycling waste have been installed at that dwelling in

accordance with details as indicated on the approved plans. The approved facilities shall thereafter be retained at all times.

9. Neither of the approved dwellings shall be first occupied until the stone boundary wall to the front of the site has been constructed and completed using natural stone to match the approved dwellings.
10. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
11. Neither dwelling shall be first occupied until its associated boundary treatment as indicated on the approved plans, has been constructed and completed in accordance with the approved plans, unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
12. The obscure glazing to the first floor front bathroom windows to each approved dwelling shall be retained at all times and any replacement glazing to these windows shall be with glazing of an equivalent level of obscurity to that which has been first approved.
13. No dwelling shall be first occupied until the existing access points to the garages have, as appropriate, been physically and permanently closed and the existing verge/footway and kerbing reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
14. The retaining structure to be built along the boundary with the adjoining highway shall be constructed and maintained in perpetuity in accordance with the 'Retaining Wall Design' details (prepared by D.J. Lingard & Associates Ltd Consulting Civil & Structural Engineers, dated June 2017).
15. The chimney stacks shall be constructed and completed in accordance with the approved plans prior to each dwelling being first occupied. The approved chimney stacks shall thereafter be retained at all times.

## **Reasons**

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. To ensure the use of appropriate traditional materials that reflects the character and appearance of the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).
3. To ensure the use of appropriate traditional materials that reflects the character and appearance of the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).
4. In order that the Local Planning Authority can assess any future changes to the approved dwellings, having regard to the potential impacts on the residential

amenities of neighbouring properties and the character of the area, in accordance with Policies H3 and E12 of the Burnley Local Plan, Second Review (2006).

5. To ensure the satisfactory implementation of the proposal in order to control the scale of the development and its impact on the outlook and amenities of neighbouring properties, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure adequate off-road parking for each of the approved dwellings, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
7. To ensure the satisfactory drainage of the site to prevent an increase in the risk of localised flooding, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
8. To ensure adequate provision for the appropriate storage of refuse and recycling storage facilities away from public views of the site, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy for Waste.
9. To ensure a satisfactory appearance to the development and the character and appearance of the Worsthorne Conservation Area, in accordance with Policies GP3, H3 and E12 of the Burnley Local Plan, Second Review (2006).
10. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
11. To provide adequate screening between gardens to protect the privacy of adjoining neighbours, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
12. To safeguard the privacy of facing properties, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
13. To ensure the satisfactory implementation of the proposal and to maintain the proper construction of the highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. To ensure and maintain the integrity of the adjoining highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
15. To ensure the satisfactory implementation of the development, having regard to the Worsthorne Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2006).

JF

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# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6d

Ref.

**APP/2017/0164**

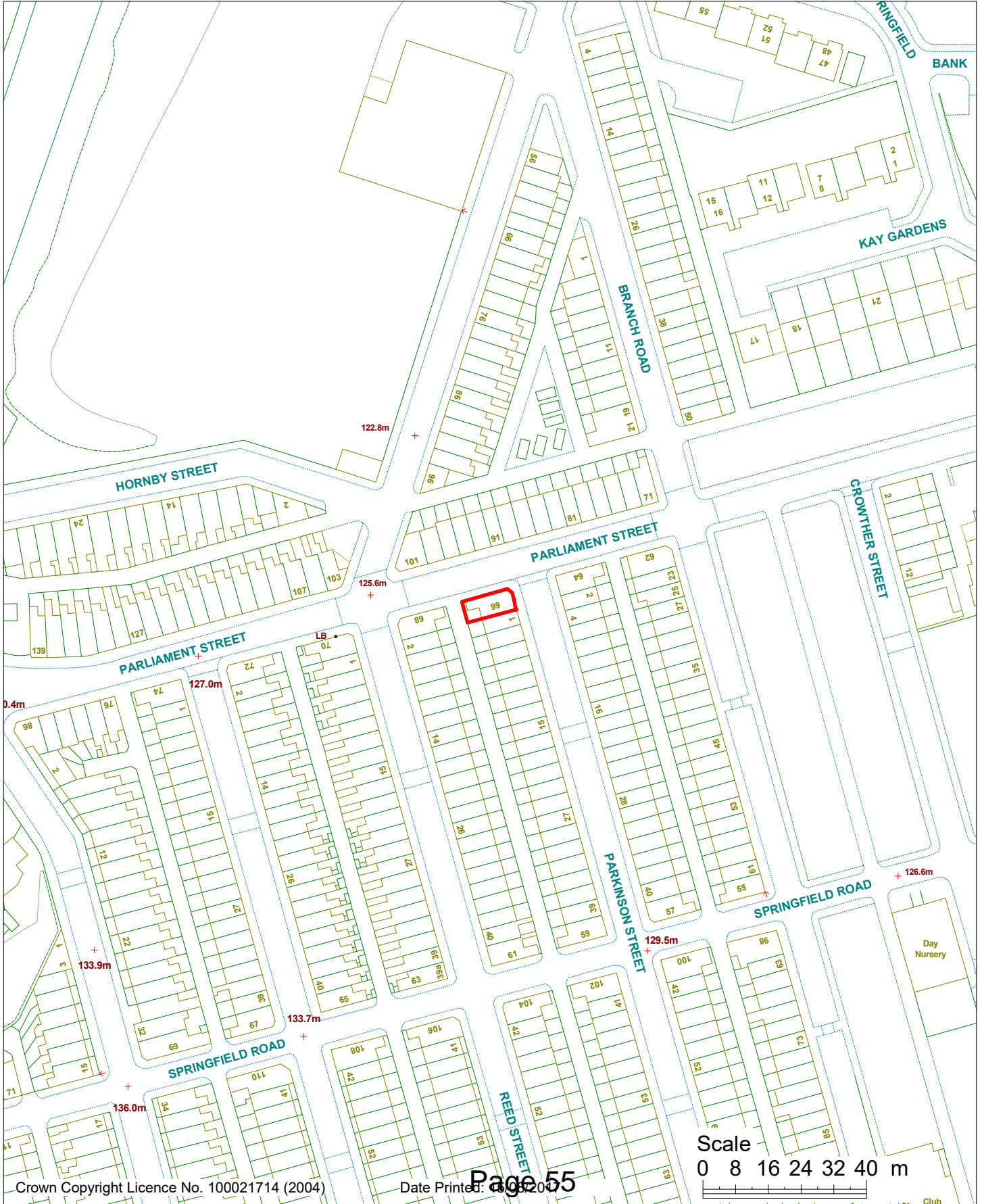
Paul Gatrell Head of Housing and Development

Location:



**66 Parliament Street, Burnley**

**1:1250**



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**Application Recommended for APPROVAL**

**APP/2017/0164**

Rosehill with Burnley Wood Ward

Full Planning Application

Proposed change of use of ground floor to A1 (off license)

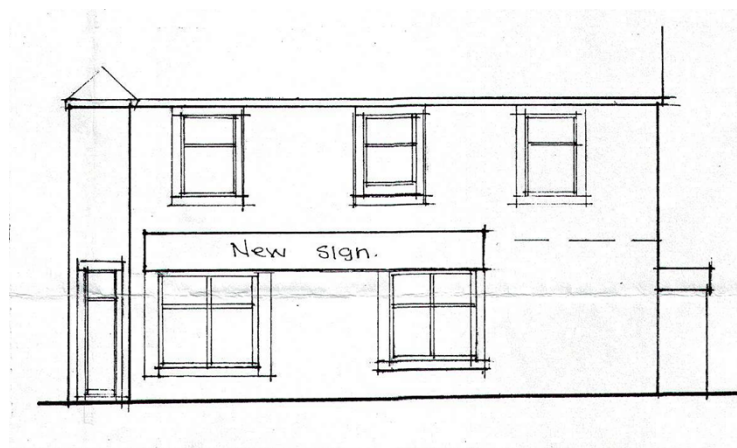
66 PARLIAMENT STREET BURNLEY

**Background:**

The proposal is for the change of use from a dwelling house (Use Class C3) to a retail shop (Use Class A1) opening between the hours of 07.00 Hours – 23.00 Hours each day of the week. No building alterations are proposed.

The existing roller shutters do not have planning approval and the applicant has been advised to remove these.

The new shop sign is not assessed part of this application and is subject to a separate Advert Application which must be submitted if the proposal is implemented.



proposed side elevation

Objections have been received.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

CF12 – Local and Village Shops

Burnley's Local Plan March (proposed submission document July 2017)

SP4 – Development Strategy

EMP5 – Rural Business and Diversification

National Planning Policy Framework

**Site History:**

No relevant history

**Consultation Responses:**

Environmental Health – No objections.

LCC Highways - *The proposal is located on Parliament Street with not dedicated parking facilities and waiting restrictions along the Parliament Street frontage. However the service being offered by this retail facility is likely to attract pedestrian traffic from the local residential areas rather than passing traffic and on this basis I would raise no objection to the proposal on highway grounds.*

Lancashire Constabulary – *Refer to the crime impact assessment. The applicant has been given a copy.*

**Planning and Environmental Considerations:**

The main issues for consideration in this application assessment are:

- Principle of development
- Effect on amenity
- Highway matters

**Principle of development**

The proposal represents the change of use of an existing dwelling to a relatively low-key commercial use. The location is considered to be acceptable for this type of development proposed and in accordance with the aims and provisions of the NPPF.

The building is located within a primarily residential and reasonably sustainable location within the main built up area. It benefits from relatively good access to public transport and facilities. The site is not within a defined shopping parade or town centre and has been vacant for some time such that its reuse is welcomed subject to all other material planning constraints.

In the National Planning Policy Framework (NPPF) there is support for business in Section 1 'Building a strong, competitive economy'. It advises that planning should operate to encourage, and not act as an impediment to, sustainable growth. Significant weight should be placed on the need to support sustainable economic growth through the planning system with a proactive approach to meet the development needs of business.

The proposal would involve the use of currently vacant premises which would provide additional jobs to the area. Having regard to the scale of the building, surrounding uses and the site's location it is not considered that an A1 retail use would be inappropriate in this location.

### **Effect on amenity**

Consideration must be given to the impact on adjoining land users/occupiers. Policy stipulates that development should not cause significant harm to the amenity of neighbouring occupants through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances.

It is noted residential property 1 Parkinson Street is attached to the application building. Therefore taking into account the mixed use area, subsequent level of street activity over the course of the day and no objection raised from the Environmental Health Section of the Council it is not considered the proposed retail use would lead to a significant loss of residential amenity which would warrant a refusal.

The proposed operating hours have been set out in the application as being 7am to 11pm (7 days a week, including bank holidays). The shop is located within an existing local shopping village where there is an existing mix of uses. For example, number 62 Parliament Street which is an Off-Licence and is open until 11 pm. 131-133 Parliament Street News (off-licence) is open until 10 pm. Given the existing evening and nighttime economy of the area it is considered that the proposed hours or the proposed use would not cause any significant detrimental effects to the residential amenity of neighbouring residential properties in particular terms of noise.

Parliament Street News is expected to close down and re-locate to the proposed premises and it is expected that majority of the customers will travel by foot.

### **Highway safety**

The Highway Engineer has reviewed the proposed use and the impact on the surrounding highway network. The proposed development is situated within an area with a range of shopping facilities and other amenities and has taken the view that potential customers could link their visit to the shop with visits to other amenities in the area. Whilst there are no parking spaces dedicated to the shop and a reliance on street parking it is not considered that the traffic generated and the demand for parking will be so low as to not have a significant impact on the highway network. As such it is considered the proposed use acceptable in highway safety terms.

### **Other matters**

Concerns have been raised regarding increase of traffic, noise and crime. The relevant bodies have not raised any objections to these matters and if these issues arise then there is separate legislation to tackle this.

### **Conclusion**

The proposed development would have no significant detrimental effects to the vitality and viability of the local village shops; furthermore the development would have no significant detrimental effects on residential amenity, parking or highway safety. The proposal complies with the local plan policies.

**Recommendation:**

That planning permission be granted subject to the following conditions:

**Conditions:**

1. The development must be begun within three years of the date of this decision
2. The development hereby permitted shall be carried out in accordance with the following approved plan:
3. The proposed operating hours of the use hereby permitted shall be between the hours of 0700 and 2300 only.
4. The existing roller shutters shall all be removed within 3 months of the date of this decision.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To protect the amenities of occupiers of nearby properties, in accordance with Policy GP1 of the Burnley Local Plan Second Review.
4. In order to protect the appearance of the building and visual amenity, in accordance with Policy GP1 of the Burnley Local Plan Second Review

AA - 09/08/2017

# Part One Plan

# Agenda Item 6e

Housing & Development  
9 Parker Lane

Ref.

**APP/2017/0273**

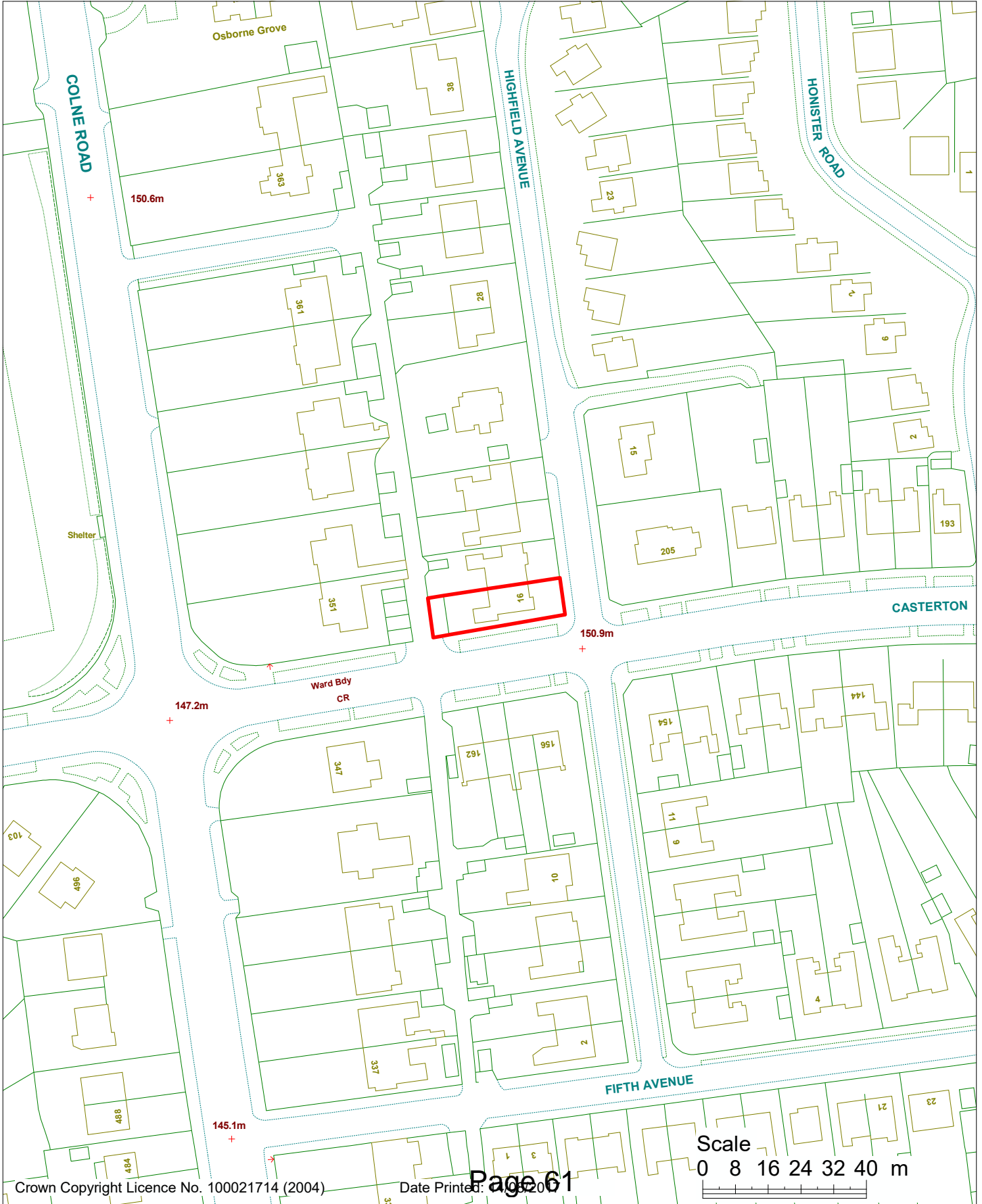
Paul Gatrell Head of Housing and Development

Location:



**16 Highfield Avenue, Burnley**

**1:1250**



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**Application Recommended for APPROVAL**  
Ward

**APP/2017/0273**

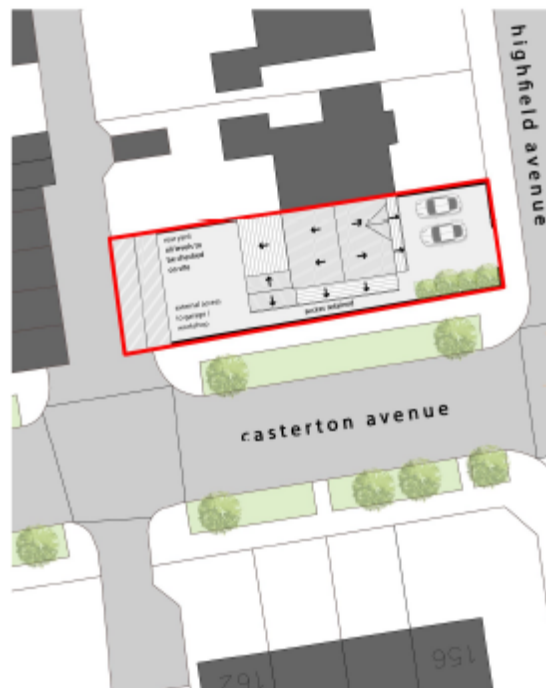
Full Planning Application

Proposed extension to side of property to create a ground floor WC and shower area, existing utility area to be demolished and rebuilt.

16 HIGHFIELD AVENUE BURNLEY

**Background:**

The proposal is intended to create a narrow extension to the southern elevation of the property which would face Casterton Avenue. The extension would include a Utility, WC and Cloaks area.



The applicant is related to a Ward Councillor and therefore the application is before the Committee

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design & Quality

H13 – Extensions and Conversions of Existing Single Dwellings

Burnley’s Local Plan March (proposed submission document July 2017)

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS5 – House Extensions and Alterations

National Planning Policy Framework

**Site History:**

No relevant history

**Consultation Responses:**

No representations made

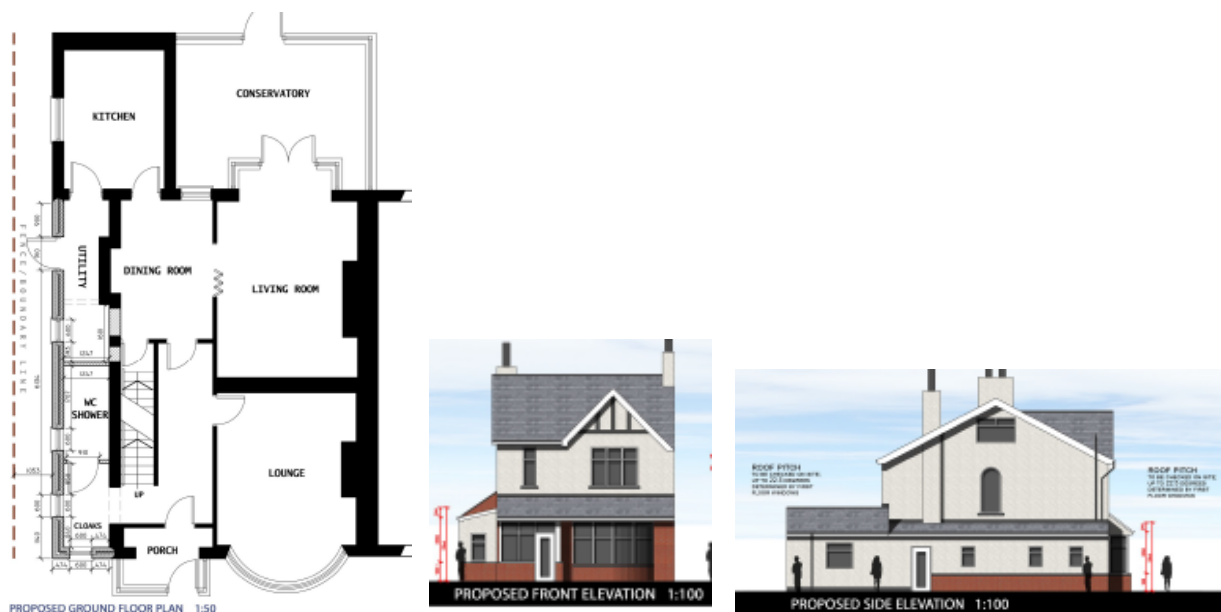
**Planning and Environmental Considerations:**

The NPPF sets out a presumption in favour of sustainable development and identifies twelve key planning principles, one of which is the need to secure high quality design and a good standard of amenity.

The main issues for consideration are:

**Principle of Development**

Extensions to an existing property within its curtilage are acceptable in principle.



**Design and Visual Impact**

The single storey side extension to the property is considered to have a minimal addition to the property, which will provide an extension and create a reasonable sized cloak area, shower and utility. The lean-to roof design is considered to be visual acceptable and is the most appropriate solution for this narrow extension. The



proposal would not have a detrimental impact in terms of the creation of an over dominant addition.

The structure is only single storey therefore not visually detrimental to the character of the existing dwelling or area.

**Amenity Impact**

The proposed extension is located to the gable elevation at the end of the road and due to the separation distance involved and the extension being single storey along with a screening boundary, the proposals size and mass does not have a detrimental impact on residential amenity for occupiers of dwellings to the this side or across the road..

Windows are proposed to the side elevations which serve the shower, utility and cloaks area. However, due to adequate screening along the boundary, it does not have a detrimental impact from overlooking.

**Parking and highway safety**

There is adequate off street car parking provision at the site to serve the dwelling. No additional bedroom space is being created and there would be adequate off street car parking retained at the site.

**Recommendation:**

That planning permission be granted.

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: **8005/30, 8005/10A, received 01 June 2017**

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

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# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6f

Ref.

**APP/2017/0287**

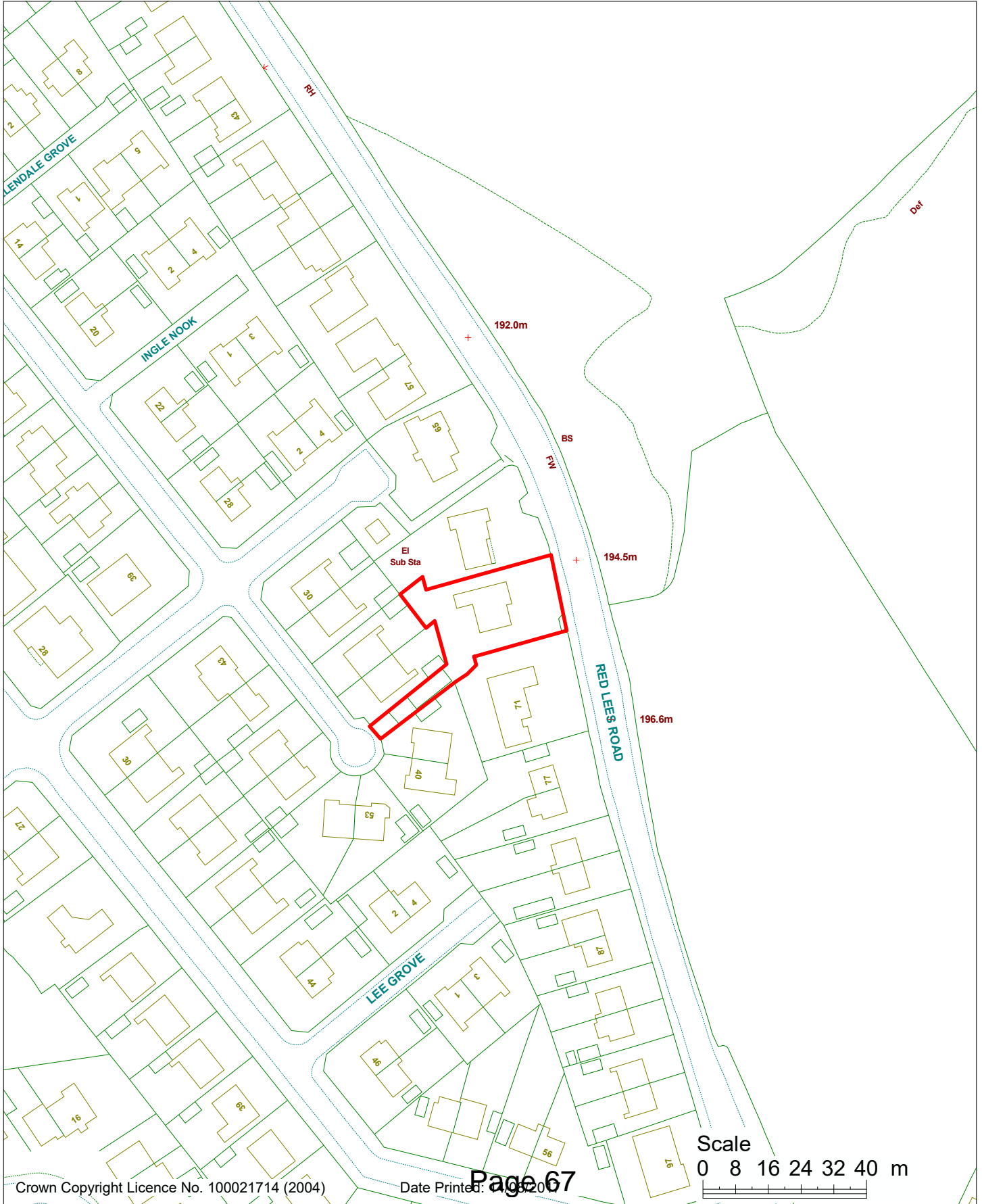
Paul Gatrell Head of Housing and Development

Location:



**69 Red Lees Road, Cliviger, Burnley**

**1:1250**



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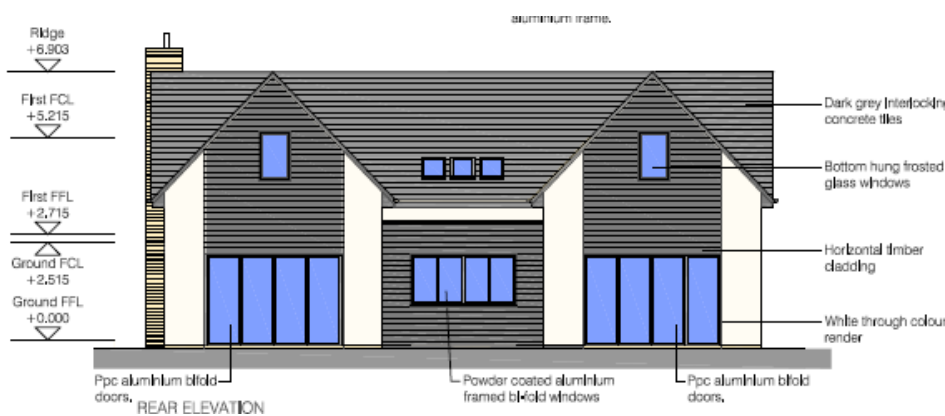
Full Planning Application

Variation of condition 2 of planning permission APP/2016/0014. Proposed extension to the side and roof. Amendments to the external finishes - variation to facade materials

69 RED LEES ROAD, CLIVIGER

**Background:**

Planning permission was granted for an extension to the side and roof with external finishes to the front and garden/driveway.



Condition 2 of the permission was imposed as follows:

*“The development shall be carried out in accordance with the following drawings; 1520-PL11 A, 1520-PL12 A, received 12 January 2016 & amended drawings: 1520-PL10 B, 1520-PL13 B, 1515-SP02, received 22 January 2016”.*

The condition now seeks to vary condition 2 and provides alterations to the external façade:

1. Chimney finish to be natural stone (*previously approved as render*).
2. Dormer face clad in dark grey timber effect panels, Cedral weatherboarding or similar (*previously approved as tile hanging*).
3. Dark grey timber effect cladding, Cedral weatherboarding or similar and approved, to rear elevation (*previously approved as mid brown timber effect cladding*).
4. Dark grey coloured garage (*previously approved as mid brown timber effect*).
5. Bi-fold windows added to middle bay, rear elevation, in lieu of windows on a full height glass and aluminium framed screen.
6. 2 windows removed from side elevation D. Remaining window position adjusted.
7. 1 skylight from the rear of side elevation C moved to the front of the side elevation (*previously approved was 3no. skylights to the rear*)

An objection has been received.

**Relevant Policies:**

Burnley Local Plan Second Review 2006

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

H13 – Extensions and Conversions of Existing Single Dwellings

Burnley’s Local Plan March (proposed submission document July 2017)

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS5 – House Extensions and Alterations

National Planning Policy Framework

**Site History:**

APP/2016/0014 – Proposed extension to the side and roof. Amendments to the external finishes and front garden/driveway. Re-submission of APP/2015/0477 - *Application Granted*

**Consultation Responses:**

67 Red Lees Road has objected, raising the following issue:

- Finds the new window location obtrusive in the garden sitting area.

## Planning and Environmental Considerations:

### Key Issues

Planning permission (app/2016/0014) was granted in February 2016 for significant alterations to the existing dwelling including an extension to the side and roof. The development has commenced and has reached a reasonably advanced stage.

Consequently, the key issues under consideration for this variation of approved plans are the impact of the amendments upon visual impact and neighbour amenity impact.

### Visual Impact

The current application seeks to move the proposed sitting room gable window towards the rear elevation by approximately 500mm and remove the 2 lounge windows. The alterations to the window would have limited effect to the visual appearance and it is considered to have an insignificant impact overall.

Whilst the proposed changes to the external finish, and changes to the roof would have an impact on the visual appearance of the dwelling in comparison to the previously approved scheme, it is not considered that these changes would be detrimentally harmful. It is deemed that this element of the proposal would have no adverse visual impacts, in accordance with Policy GP3.

It is considered that the proposed changes to the previously approved plans would maintain that the development is of a high quality design which relates to the built form in the surrounding area.

### Neighbour amenity

Concerns have been raised with regards to the proposed changes to the window. The previously approved window was acceptable to the neighbours, however the neighbour believes this change will result in overlooking and loss of privacy impacts to the enjoyment of the neighbouring properties garden.

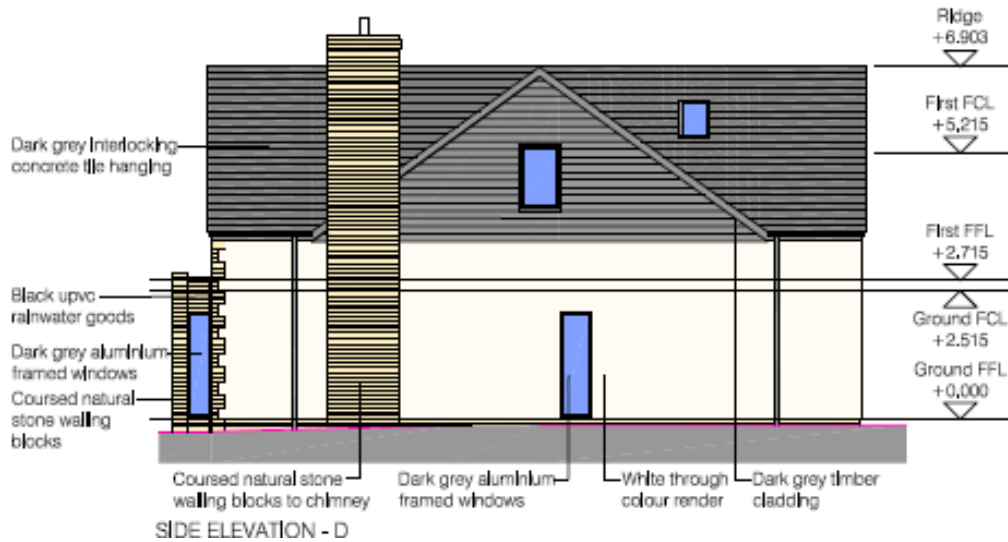
There would be no impact to any habitable rooms.

*Window opening in its new position*





*View into neighbour's garden when stood up to the window*



The proposed window does not result in any harmful overlooking or loss of privacy impacts upon the neighbouring property. It is considered that the new location for the window would not result in any greater loss of privacy impacts than the previously approved scheme.

Given the relatively minor relocation of the window, it is considered that the proposal would not result in any significantly worse overbearing impacts upon the neighbouring property than the previously approved scheme. The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring property.

**Conclusion**

The proposed amendments are suitable for planning approval having been considered against the relevant local and national planning policies.

**Recommendation:**

That planning permission be granted.



**Condition:**

2. The development shall be carried out in accordance with the following drawings:  
*1520-PL12 C, 1520-PL13 D, received 08 June 2017. 1515-SP02, 1520-PL12 C & 1520-PI13 C received 30 May 2017.*

**Reasons:**

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

AA -14 August 2017

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Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0323

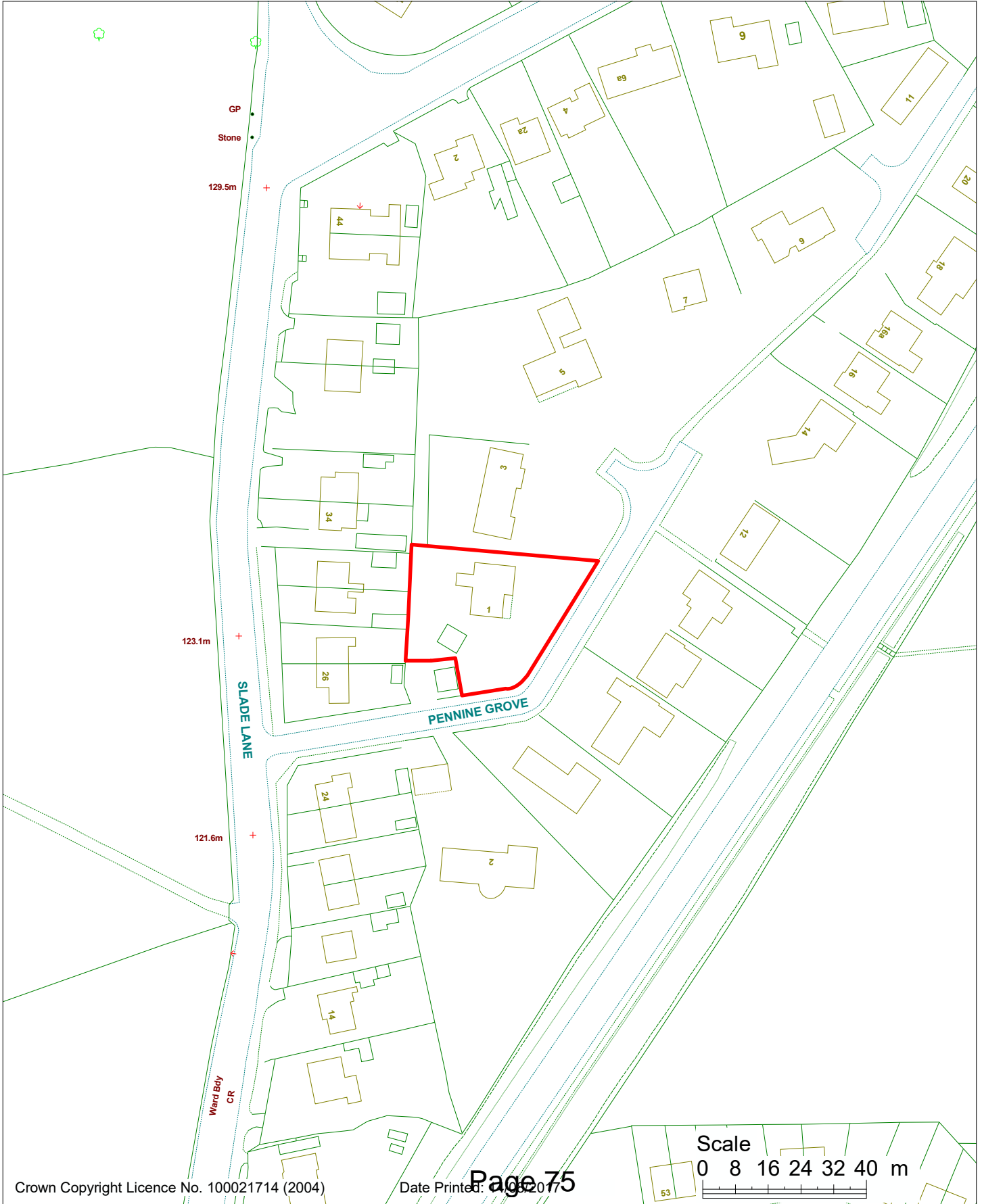
Paul Gatrell Head of Housing and Development

Location:



## 1 Pennine Grove, Padiham

1:1250



Scale

0 8 16 24 32 40 m

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Full Planning Application  
Pitch roof and small side extension to double garage.  
1 PENNINE GROVE, PADIHAM

**Background:**

Objections have been received to the proposals.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

Burnley's Local Plan – Proposed Submission Document, July 2017

H55 - House Extensions and Alterations

SP5 – Development Quality and Sustainability

**Site History:**

None.

**Consultation Responses:**

*Neighbouring residents* – 2 letters received objecting to the proposals for the following reasons;

- We are against the proposed west elevation window; we feel we will be overlooked and have some loss of privacy when are using the decked area of our garden (30 Slade Lane).
- We are against the pitch roof; we feel that the height and shape could cause some overshadowing on our decked area (30 Slade Lane).
- We are against the use of the proposed side extension; we feel that given the close proximity to the boundary of our garden a games room would not be appropriate and are concerned about the potential future noise levels (30 Slade Lane).
- The proposal submitted to turn the garage into something that resembles a house by using a pitch roof and the addition of a doorway is not acceptable (28 Slade Lane).
- By adding the extension to the garage it will bring the building closer to my boundary fence, with the window looking into my garden; this is an invasion of my privacy, the garage is elevated above the height of my land (28 Slade Lane).
- The higher the building the less light I will have in my garden and the potential for shadowing (28 Slade Lane).
- The proposed games room will increase the noise and disturbance (28 Slade Lane).

- Any excavation of the land could cause issue with drainage; we are at a lower level than the proposed building and am concerned that water will run from their property to mine to pool and leave me with a wet garden (28 Slade Lane).

**Planning and Environmental Considerations:**

The property is a detached dwelling located on Pennine Grove which is a cul-de-sac and is accessed off Slade Lane, Padiham. The proposal involves alterations to the garage consisting of a small extension and the formation of a pitched roof over the existing flat roofed garage/extension.

The main considerations are design/appearance and privacy/outlook.

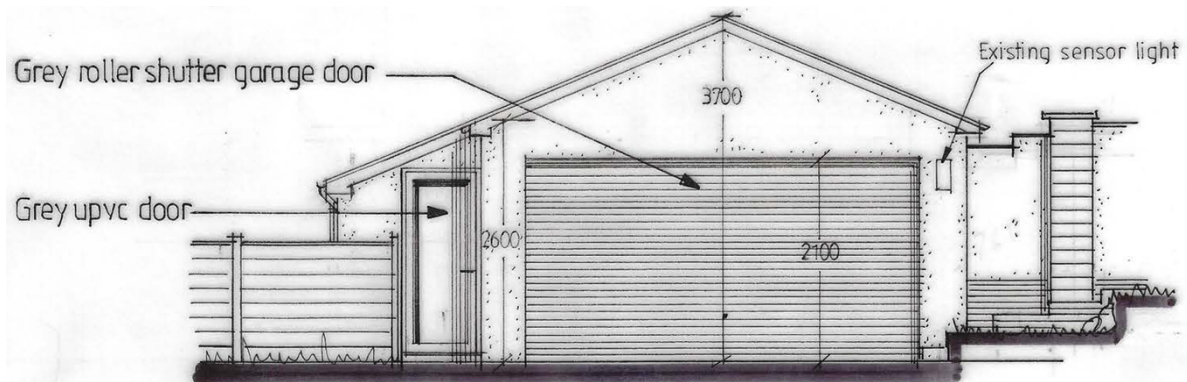


*existing flat roofed garage*

*1 Pennine Grove*

**Design/materials**

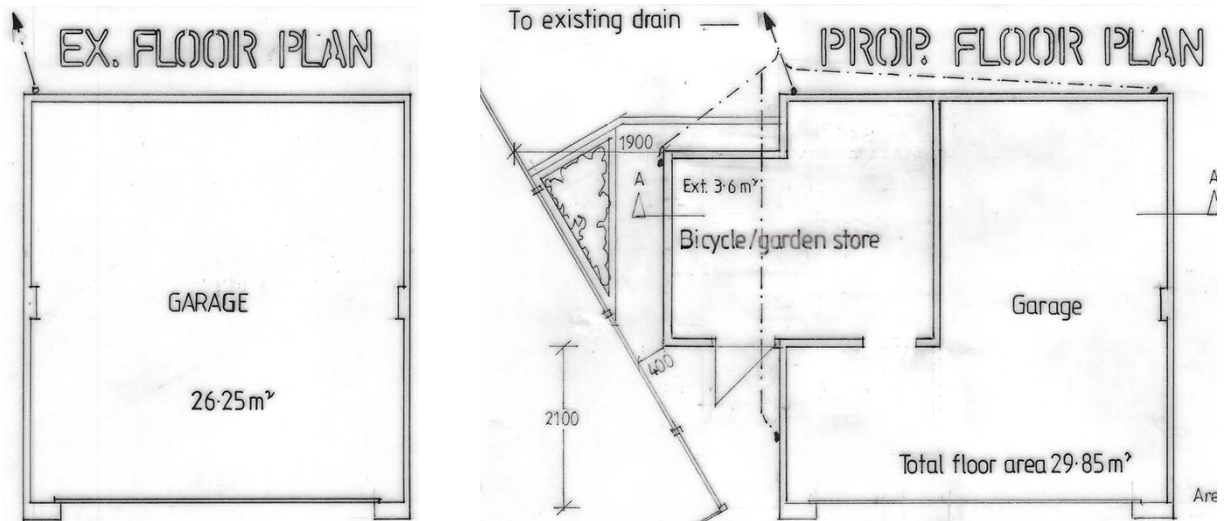
The existing detached garage has a flat roof and is set back from the road with a driveway in front. The proposal involves the erection of a small extension to the side of the garage, extending out by 1.5m and 2.55m in length. A pitched gabled roof would replace the existing flat felt roof.



*proposed front elevation of the garage*

The proposed materials are white painted render for the elevations to match the existing garage and interlocking concrete roof tiles for the roof.

A UPVC door is proposed in the east elevation of the extension and a window was proposed in the east elevation, however this has now been deleted from the proposals and the proposed use of the room changed from a games room to a garden store.



The design and materials are considered to be acceptable.

With regard to the foundations, these are to be constructed on a reinforced concrete raft and no excavation work is required so no disturbance of the ground water will take place.

*Privacy/outlook*

The garage is at an angle to the boundary fence at the rear of properties on Slade Lane and its nearest point is approx. 3.4m away from the boundary fence; the corner of the proposed extension would be approx. 3.3m away from the fence. The extension would be only 0.1m nearer to the rear boundary of the houses on Slade Lane.

Following the deletion of the window in the west elevation there are no windows proposed in the extension; there would just be a door (front) on the east elevation. Privacy is not therefore an issue.

The existing height of the garage is approx. 2.6m at its highest point. The proposed roof would be 3.7m to the ridge of the pitched roof. The outlook from other properties is not considered to be an issue as the houses are some distance away and also there is a boundary fence/shrubs at the rear of the garage between the properties (see below).



rear boundary fence / rear of houses on Slade Lane  
Page 79

*Conclusion*

The proposals are considered to be acceptable and in accordance with the Local Plan policies listed above.

**Recommendation:**

Grant subject to the following conditions:

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan and block plan received 23<sup>rd</sup> June 2017. Amended proposed and existing plan / elevations received 9<sup>th</sup> August 2017 (drawing number 1/OH/2017).

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.



# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6h

Ref.

**APP/2017/0333**

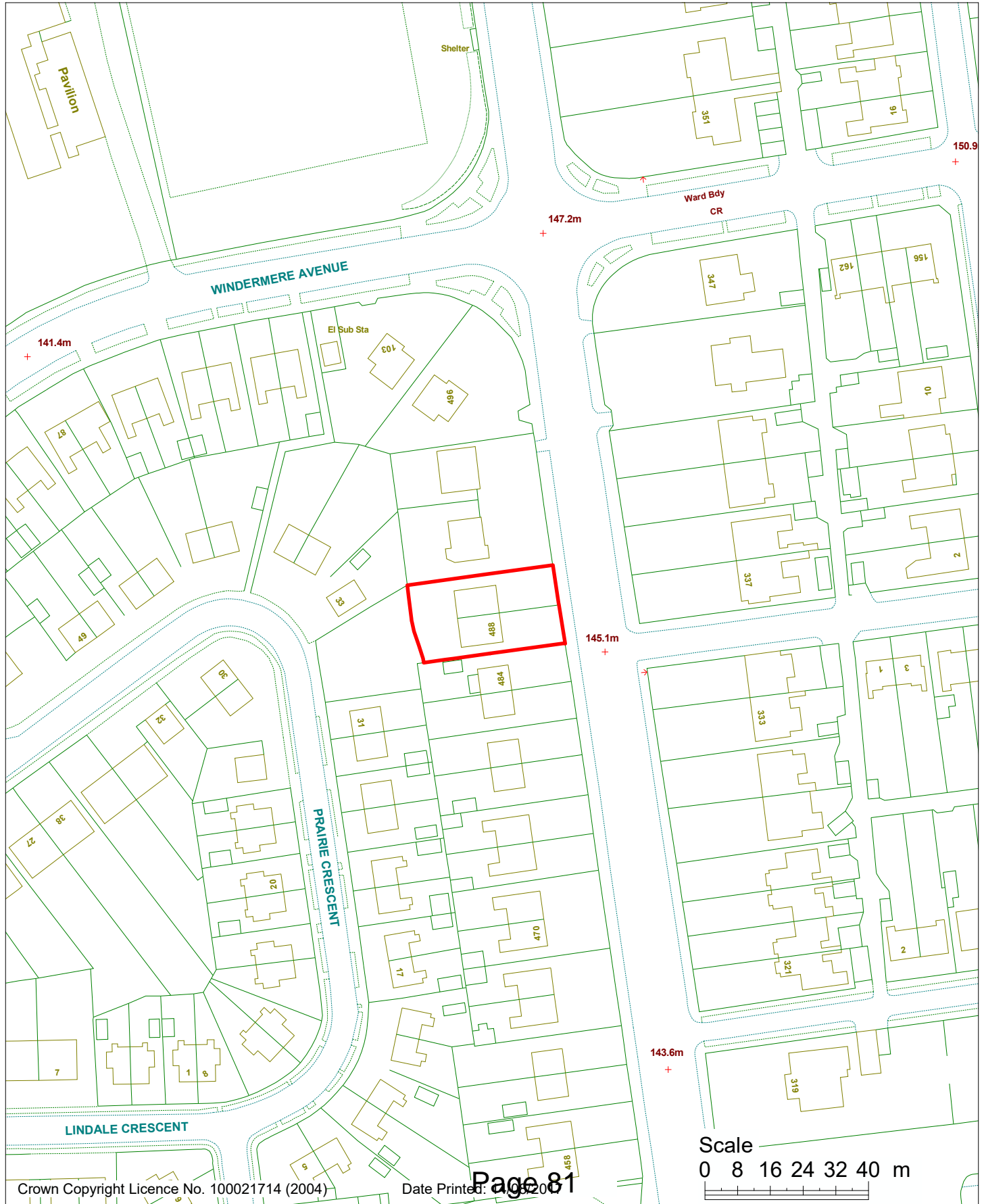
Paul Gatrell Head of Housing and Development

Location:



**488-490 Colne Road, Burnley**

**1:1250**



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Full Planning Application  
Proposed alterations and 2 storey rear extension, re-submission of planning application  
APP/20170162  
488-490 COLNE ROAD BURNLEY

**Background:**



Existing pair of semi-detached houses

The application is referred to Committee for a decision as it has been called in by three members on the basis that the property in question is a large house in an area of individual large properties. The property next door has been redeveloped in a similar way to the applicant's proposal and it is concluded that the decision should be taken by Committee.

The proposal is to make modifications to the front elevation of the properties and construct a two storey extension to the rear, in connection with the conversion of the existing pair of semi-detached houses into one property. The change from two dwellings to one dwelling would not amount to development and does not form part of this application,

The two storey rear extension would be of contemporary appearance and would be approximately 13.3 metres wide, extending across the width of the rear of both properties and projecting approximately 4.4 metres from the rear elevation. The extension would be rendered with a flat roof.

No objections have been received.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

TM15 - Car parking standards

Burnley's Local Plan – Proposed Submission Document, July 2017

National Planning Policy Framework

SP4 - Development Strategy

SP5 – Development Quality and Sustainability

HS5 – House Extensions and Alterations  
IC3 – Parking Standards

**Site History:**

APP/2017/0162 – Alterations and two storey rear house extension – the application was withdrawn to enable discussion about the design of the extension to take place.

**Consultation Responses:**

1. Lancashire County Council (Highway Authority) – ‘With regard to the above planning application I have no objection in principle to this proposed development that will combine the two dwellings into one of five or more bedrooms. As this is the case I could presume that there is sufficient parking to for three vehicles but to be sure that the correct provision is provided I will need to have plans submitted indicating the available off road parking. I would also ask if you could consider arrangement to allow vehicles to turn within the curtilage of the property so that they are able to enter and leave using forward gears. I am unable to condition the turning as there are many other houses in the area without this provision. Subject to the provision of plans indicating suitable parking arrangements I would not raise objections on highway grounds.’

**Planning and Environmental Considerations:**

The proposal is considered having regard to the policy H13 of the Burnley Local Plan and policy HS5 of the Burnley Local Plan Submission Document July 17. The current saved Local Plan is under review at the present time and the emerging new Local Plan was submitted to the Secretary of State for adoption in July this year. The house extension policy of the emerging plan has no outstanding material objections to it and it can, therefore, be given significant weight in determining applications.

Policy H13 of the Burnley Local Plan sets out that proposals for extensions and alterations to existing houses will be permitted where:

- a. the proposal is in keeping with the existing house and the surrounding buildings with regard to scale, size, design and materials;
- b. the proposal will not adversely affect -
  - i. the residential amenity of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight
  - ii. the visual amenity and character of the locality
- c. the proposal provides an adequate residential amenity for its occupants;
- d. the proposal does not lead to an unacceptable loss of private open space or parking space; and
- e. the proposal does not threaten highway safety through the obstruction of visibility for pedestrians and road users.

Policy HS5 of the Burnley Local Plan Submission Document July 17 is set out as follows,

- 1) Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5. The Council will permit extensions and modifications to existing residential properties where:
  - a) The extension is subordinate to the existing building to allow the form of the original building to be clearly understood;
  - b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;
  - c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight using the distances set out in policy HS4 3c;
  - d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on the street and does not create a danger to pedestrians, cyclists or vehicles; and
  - e) The proposal does not lead to an unacceptable loss of useable private amenity space.

Taking account of the above criteria, the issues for consideration relate to the design, scale and detailing of the alterations and extension in relation to the dwelling and the surrounding area; the impact of the extension on the amenities of the neighbouring dwelling by way of outlook, privacy, overlooking and light; the impact of the proposal on parking provision and; the impact on the private amenity space for the dwelling.

### *Design Issues*

The property is within a residential area which contains predominantly large dwellings set in relatively mature garden, with a variety of types of dwelling including both detached and semi-detached of various designs.



Existing front elevations

Proposed front elevation

The change of the application property from a pair of semi-detached houses to a detached dwelling would fit the character of the area and, in any case, does not require planning permission. The alterations to facilitate this change include changes to the front elevation to include the removal of the existing bay window at both ground and first floor of No. 490 and the introduction of a porch / canopy over a new front doorway and a new window at first floor level above the doorway.

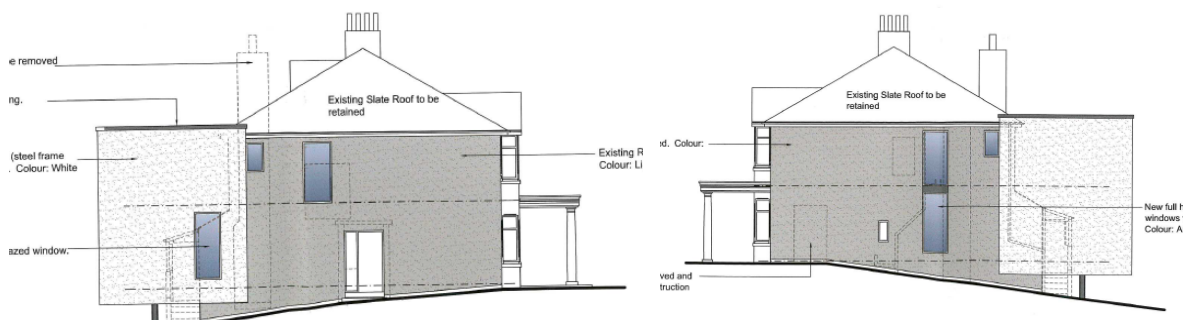


The alterations to the frontage are acceptable and would not have an adverse impact on the building or the character of the street scene. Similar changes have taken place on the adjacent property at No. 492 Colne Road.

The extension to the rear would extend across the width of the semis and would project out from the rear by approximately 4.4 metres. It takes the form of a modern rectangular box attached to the rear of the dwelling. It would be rendered with a flat roof and a fully glazed rear elevation.

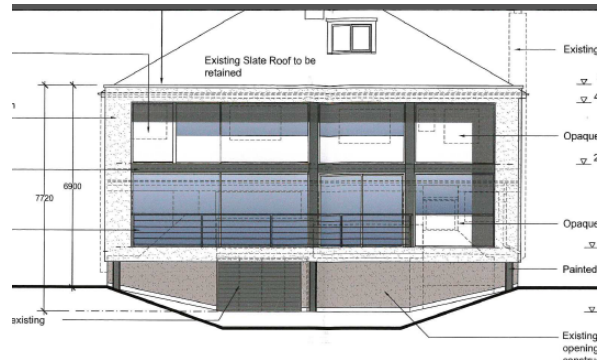


Illustration of rear elevation





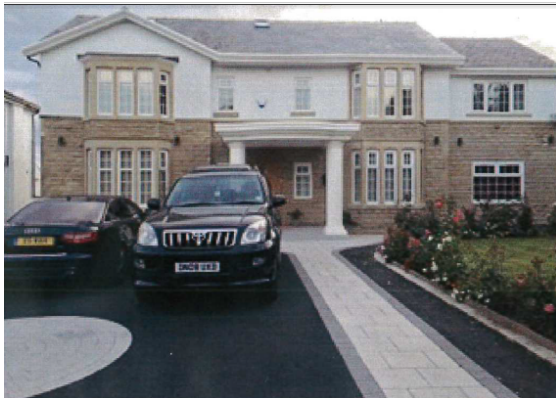
Existing rear elevation



Proposed rear elevation

In principle, this contemporary treatment could be acceptable providing the detailing of the extension relates well to the existing well. However, it has an incongruous appearance and does not relate well to the character, scale and appearance of the existing dwelling. In particular it sits above the eaves level of the house and extends the full width of the house, which has a dominating impact on the character of the main building.

It has been put forward that a similar extension has been constructed at the adjacent property, No. 492 Colne Road which sets a precedent for such extensions. However, the extension at No. 492 is quite different in appearance and relates better to the original building than the current proposal.



Front and rear elevation of the adjacent property at No. 492 Colne Road

The extension would not be visible from Colne Road but would be viewed from properties to the rear of the dwelling along Prairie Crescent. Immediately to the rear of the application property, there is an area of land within the applicant's ownership which is heavily landscaped and provides a screen from public viewpoints along Prairie Crescent itself. However, part of the rear elevation of the property will be visible, particularly in the winter months when the screening is sparser.

Negotiations have taken place with the applicant to discuss changes which would make the proposal more acceptable and relate better in scale to the existing dwelling, for example that the extension is reduced so that it does not extend higher than the ridge of the original dwelling and that the width is reduce to enable the extension to sit more comfortably with the existing house, but no amendments have been made.

The application is considered contrary to both the existing Local Plan and the new Local Plan Submission Document and it is recommended that the application is refused for this reason.

### *Impact on the amenities of the neighbouring dwellings*

The proposal would not have an adverse impact on the amenities of the nearby dwellings. There are properties facing the rear of the extension along Prairie Crescent but they are 20 metres away and would not suffer significant loss of privacy, outlook, overlooking or light. Neighbouring properties along Colne Road would not be significantly affected.

### *Parking provision and Private Amenity Space.*

There is adequate provision within the site for the parking of several vehicles with the ability to turn on site and exit onto Colne Road in forward gear. No highway issues arise as a result of the proposal. There would be adequate provision within the curtilage for private amenity space if the extension was constructed.

### **Summary**

The proposal is satisfactory in terms of impact on the amenity of neighbouring residents, parking provision and private amenity space provision. The alterations to the frontage of the building are acceptable.

However, the design of the proposed rear extension would have a dominating impact on the design of the dwelling and would not relate well to the existing property. This would be contrary to the policies of the Burnley Local Plan and the emerging Local Plan Submission Document.

**Recommendation:** That planning permission is refused for the development for the following reason:

### **Reason**

1. The proposed extension would have a dominating impact on the existing building and would not respect the architectural characteristics, scale and detailing of the building. This would be unsympathetic and incongruous with the design of the existing dwelling and the surrounding area and would be contrary to Policy H13 of the Burnley Local Plan Second Review and emerging policy HS5 of the Burnley Local Plan - Proposed Submission Document, July 2017.

CMR



Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0286

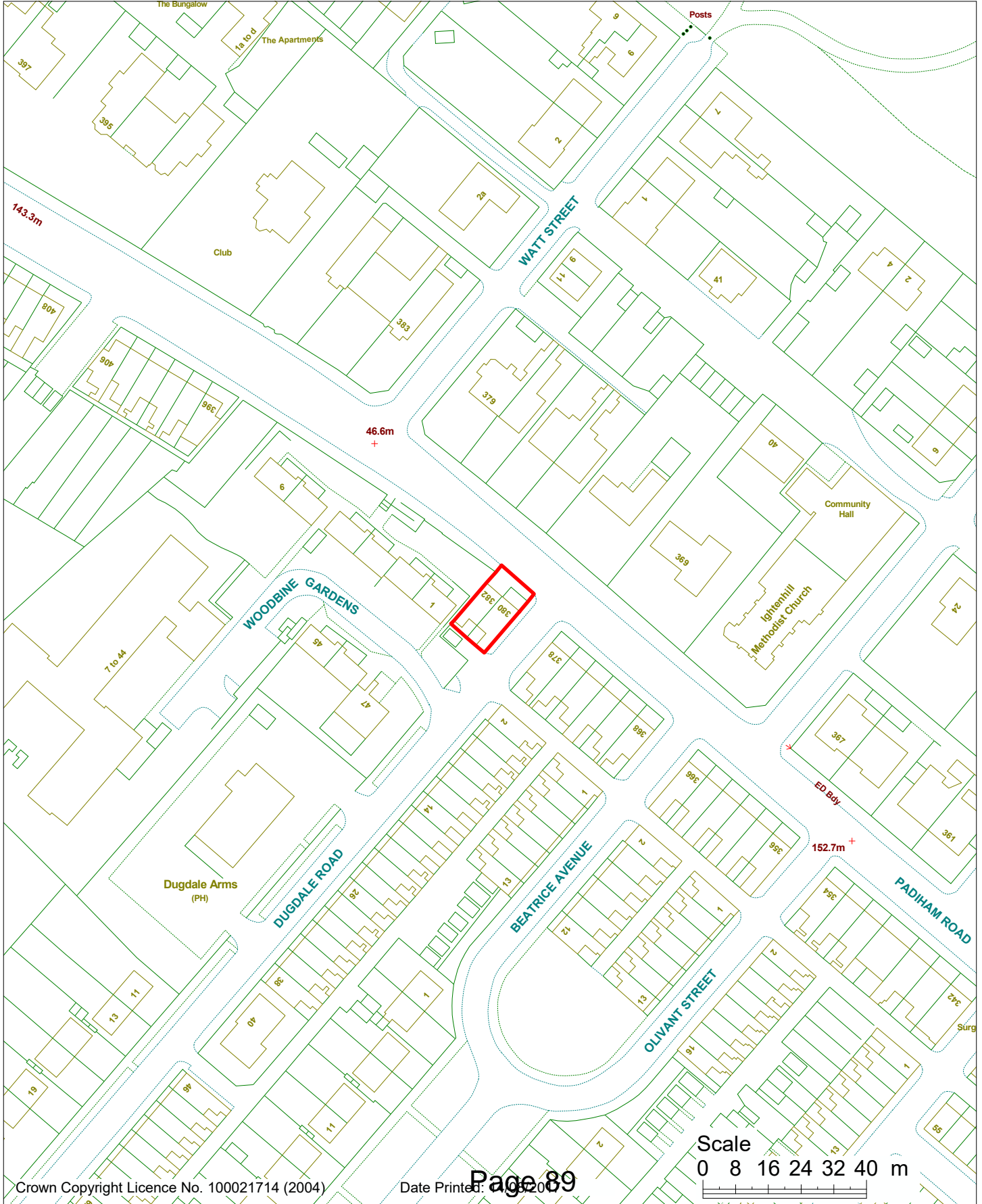
Paul Gatrell Head of Housing and Development

Location:



### 382 Padiham Road, Burnley

1:1250



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Full Planning Application  
Proposed erection of extension to front of property.  
382 PADIHAM ROAD BURNLEY



**Background:**

The application relates to a detached building used as a shop with living accommodation above. There are no objections to the proposal.

The application is brought to the Committee as applicant is related to a Member of the Council.

**Relevant Policies:**

- Burnley Local Plan Second Review
- CF12 - Local and village shops
- E25 - Shop fronts
- GP3 - Design and Quality

- Burnley's Local Plan – Submission Document, July 2017
- TC8 – Shopfront & Advertisement Design

**Site History:**

APP/2014/0287: Proposed change of use of ground floor of 380 Padiham Road from residential to retail, single storey extension to rear, various alteration and sign - Granted

## Consultation Responses:

Highway Authority – No objections. Comment is made about the need to avoid the encroachment of any outside display of goods onto the footway.

*[Comment – This is a matter controlled under Highways legislation. However, the applicant has noted in the application that a small forecourt would remain in order that customers may leave prams, bicycles, etc, without impeding the footway].*

## Planning and Environmental Considerations:

The two storey building, presumably originally two dwellinghouses, is now in use as a shop with living accommodation.

The shop sells a wide range of goods, is a newsagents' and Post Office. It is set back behind a deep forecourt.

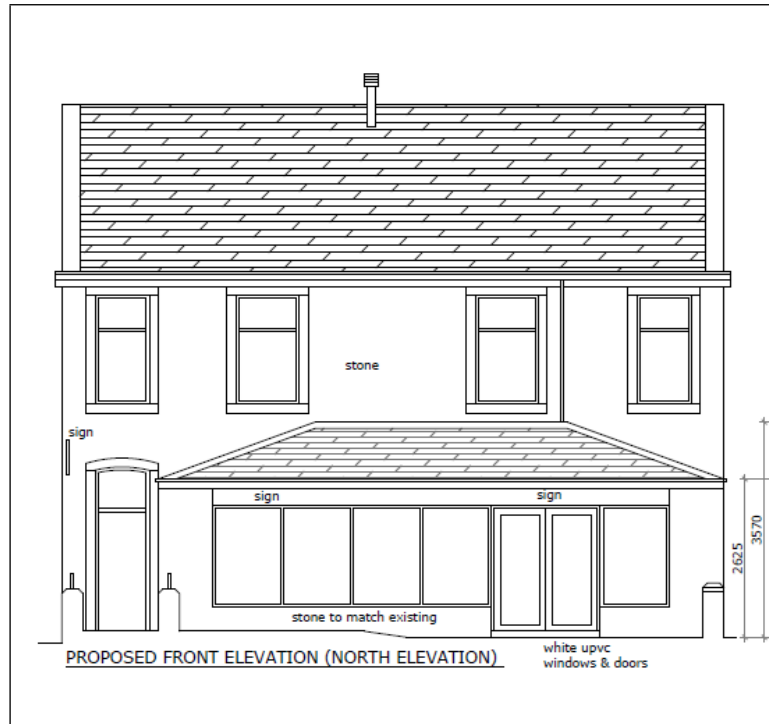
The general arrangement is helpfully shown on the image (below) submitted as part of the application.



Present arrangement (Applicants image)

The present proposal is to provide an extended retail area at the front – a cooler area to display plants and flowers, and sell ice cream. Internally, the arrangement would be generally unchanged. Materials would be natural stone and slate to match the existing building.

The appearance of the extension would be as shown below.



**Policies E25, TC8 and GP3**, taken together, require good design and appearance as regards form and relation with the existing building and its surroundings. The present proposal, with its minimal roof treatment, would appear quite subordinate to the main building. **Policy CF12** recognises the important role local shops play in meeting local needs and reducing the need to travel. The policy generally supports such proposals provided, as relevant here, there would be no adverse impact on neighbours. The extension would improve the facilities provided by the shop and the proposal would be in accordance with the development plan. The application is recommended accordingly.

**Recommendation:**

That planning permission be Granted subject to the following conditions:

**Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location Plan and Drawings number 249/04 (Existing Plans and Elevations); 249/05 (Roof-Site Plans); 249/06 (Proposed Plans and Elevations) received 12 May 2017.

**Reason**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.

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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**

24<sup>th</sup> August 2017

Housing and Development

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## **Delegated Decisions from 03/07/17 to 30/07/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Lawful Development Certificate (S192)</b>		
<b>Lawful Development Certificate Granted</b>		
APP/2017/0245	7 HOLLY TREE DELL OLDE BACK LANE BURNLEY BB11 5BH	Proposed use as a residence by up to 4 young persons (under the age of 18 years) with care provided by two carers on a 24 hour non-residential basis
<b>Express Consent to Display an Advertisement</b>		
<b>Advert Consent Granted</b>		
APP/2017/0263	22 CHURCH STREET PADIHAM BB12 8JH	Retention of associated signage (non-illuminated) for an automated teller machine
<b>Full Planning Permission Granted</b>		
APP/2017/0278	20 - 22 BROWNHILL AVENUE BURNLEY BB10 4QD	Retention of automated teller machine associated signage.
<b>Compliance with conditions</b>		
<b>Conditions discharged</b>		
APP/2017/0188	BOOHOO.COM WIDOW HILL ROAD BURNLEY BB10 2TJ	Application for approval of details reserved by conditions 17 and 18 (drainage) of planning permission APP/2016/0528
APP/2017/0350	5 PARKER LANE BURNLEY BB11 2BY	Approval of details reserved by condition on prior approval NOT/2017/0281: Insulation against noise scheme.
<b>Full Planning Application</b>		
<b>Full Planning Permission Granted</b>		
APP/2017/0123	CLOW FARM MANCHESTER ROAD DUNNOCKSHAW BURNLEY BB11 5PF	Proposed conversion of agricultural barn to single dwelling and form residential curtilage
APP/2017/0193	24 HIGHFIELD AVENUE BURNLEY BB10 2PR	Proposed erection of a double garage with first floor playroom
APP/2017/0196	201 BULLS HEAD COTTAGE BURNLEY ROAD CLIVIGER BB10 4SP	Proposed extension to double garage to provide a 3 car garage, erection of a single storey rear and side extension to facilitate a utility room and erection of a canopy over the front door.

## Delegated Decisions from 03/07/17 to 30/07/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0240	FORMER LIFE CHURCH SYCAMORE AVENUE BURNLEY BB12 6QP	Proposed change of use from a place of worship (Class D1) to use for the manufacture of kitchens and bedrooms (Class B1) with ancillary showroom and use of part of first floor as residential flat (Class C3) and external alterations
APP/2017/0243	HOME FARM HABERGHAM DRIVE PADIHAM BB12 8UA	Proposed extension, alterations and recladding of existing bungalow. Removal of temporary porta-cabins, small steel shed and erection of 2no. workshop/stores and formation of car parking areas.
APP/2017/0253	29 WORDSWORTH STREET HAPTON BB12 7JX	Demolition of existing single storey rear 'lean to' conservatory and erection of new single storey pitched roof extension.
APP/2017/0256	11 LOWERFIELDS BURNLEY BB12 6PF	Proposed kitchen extension and orangery
APP/2017/0260	395 PADIHAM ROAD BURNLEY BB12 6SZ	To raise the roof on an existing garage to form an office
APP/2017/0261	LAND TO THE REAR OF 2 WATT STREET BURNLEY BB12 8AA	Proposed erection of 2 bedroom detached bungalow
APP/2017/0271	LAND ADJACENT 12 14 NORTH STREET BURNLEY BB10 1LU	Change of use of land to garden area
APP/2017/0274	ALLOTMENT PLOT 2 AND LAND SOUTH SIDE OF QUEEN STREET MILL QUEEN STREET	Proposed use of allotment site to form childrens nursery and education centre including 4no. single storey timber buildings, play area, pond, nature village and woodland walk with associated car parking
APP/2017/0277	20 - 22 BROWNHILL AVENUE BURNLEY BB10 4QD	Retention of an automated teller machine and alterations to shop front
APP/2017/0279	POTTERY FARM THE LONG CAUSEWAY CLIVIGER BB10 4RP	Proposed single storey extension to dwelling
APP/2017/0282	SWEETMORES ANOCROME BUILDING WITCAR WORK WIDOW HILL ROAD BURNLEY BB10 2BD	Proposed change of use to installation and operation of gas powered electricity generators in the buildings, electricity substation, vents, stacks, gas kiosk, heat dump radiators and enlargement of roller shutter door.
APP/2017/0289	PROGRESS WORKS ELM STREET BURNLEY BB10 1NY	Erection of 2.4m high palisade type gate and fencing and erection of 10m wide gate with supporting fencing
APP/2017/0292	46 ROSSENDALE AVENUE BURNLEY BB11 5HF	Proposed single storey extensions partial garage conversion and extension to parking area.
APP/2017/0295	2 LANGDALE ROAD PADIHAM BURNLEY BB12 8NY	Proposed erection of porches to front and rear elevations of dwelling.

## **Delegated Decisions from 03/07/17 to 30/07/17**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0312	8 VANDYCK AVENUE BURNLEY BB11 5HQ	Proposed demolition of an existing garage and to construct a two storey extension to side of dwelling

### **Full Planning Permission Refused**

APP/2017/0231	1 THE PADDOCK HIGHFIELD AVENUE BURNLEY BB10 2PS	Proposed change of use from nursing home (use class C2) to key worker accomodation (sui generis)
APP/2017/0246	25 FAIRWAYS DRIVE BURNLEY BB11 3QF	Proposed 2 storey extension to side and front (re-submission of APP/2017/0144)
APP/2017/0280	13 LEAMINGTON AVENUE BURNLEY BB10 3HH	First floor bedroom extension over existing garage

### **Withdrawn**

APP/2017/0251	2 QUARRY BANK STREET BURNLEY BB12 0LF	Proposed erection of terrace area with new access to lower ground study/office, reinstatement of perimeter railings with new landscape garden
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### **Full Planning application**

### **Full Planning Permission Granted**

APP/2017/0223	UNIT 1 ENTERPRISE HOUSE BILLINGTON ROAD BURNLEY BB11 5UB	Proposed extensions to the rear and side of existing unit (Class B8) and erection of 1no. new single storey industrial unit with canopy between units (Class B8)
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### **Work to trees covered by Tree Preservation Order**

### **Work to TPO trees granted**

APP/2016/0349	389 PADIHAM ROAD BURNLEY BB12 6SZ	Application to felling and pruning of various trees, trees covered by the Burnley (Ighten Leigh Social Club Padiham Road & Padiham Road) Tree Preservation Order 1996 and trees covered by the Burnley (Padiham Road/Stevenson Drive) Tree Preservation Order 1978
APP/2017/0265	5 KEATS FOLD PADIHAM BB12 6PJ	Application to prune and crown lift tree covered by the Burnley (Lytton Street, Burnley) TPO 1994
APP/2017/0290	YEOMAN FOLD BURNLEY	Application to crown lift various trees to 4m covered by the (Clifton House & Clifton Farm, Ightenhill) TPO 1976

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions  
**For Information**

24<sup>th</sup> August 2017

Housing and Development

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**BURNLEY BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

Date: 24<sup>th</sup> August 2017

**PART III**

Town and Country Planning Act 1990  
Planning Appeal by Mr and Mrs A Cockroft

**APP/2017/0001** Appeal against the refusal of planning permission for the erection of an agricultural building at Deerplay Inn, Burnley Road, Clough Bottom, Cliviger

**Background**

The appeal relates to a proposed agricultural building measuring approximately 24.4m x 10.7m with metal clad walls and pitched roof to a ridge height of 5.5m to be located in a field, approximately 50m from Burnley Road within a remote and open moorland setting, approximately 4km south of the town of Burnley.

The application was refused for the following reason:-

1. The applicant has failed to demonstrate that there is a functional need for the proposed agricultural building, particularly given the limited size of the holding and the nature and viability of the proposal. The development would not therefore represent an acceptable form of limited development in the rural area and would lead to an unnecessary and unsustainable development that would have a significant impact and be harmful to the openness and character of the open moor landscape, contrary to Policies GP2 and E29 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.

Estimate of cost of officer time - £400

**Main Issues:**

The Inspector identified the following as the main issues:-

1. whether the proposal is consistent with the objectives of local and national planning policies relating to development in rural areas, and;
2. the effect on the character and appearance of the area.

Appeal Decision – The Inspector **DISMISSED** the appeal.

### Relevant Policy

GP2 – Development in rural areas

E29 – New agricultural development

### Inspector's Considerations

The Inspector stated that provided that the use of the building would be for agricultural purposes, which in itself is a test of reasonable necessity, in principle there is no limitation on the size or scale of such a building. He noted that there is no specific guidance in Policy GP2 which defines large buildings and that such a restriction is not consistent with the National Planning Policy Framework. He therefore stated that in his view provided that the building would be used for agricultural purposes, whether the size and scale of the building is appropriate in terms of Saved Policies GP2 and E29 of the LP and the Framework requires site specific consideration in terms of character and appearance.

The Inspector was satisfied that the building has been designed for agricultural purposes and that the proposed management of the land and the activities indicated could support the agricultural use of the building. He did however admit that there are uncertainties in terms of agricultural activity which would take place and the economic viability of any enterprise following investment in the building, equipment and improvements to the land. However, the Inspector noted that if the appeal were to be allowed, he was satisfied that the use of the building for agricultural purposes could be appropriately safeguarded by a condition requiring its removal were such uses to cease. He therefore concluded that the principle of the development would not conflict with Policies GP2 and E29.

He then went on to consider the issue of impact on the character and appearance of the rural area. He stated that the building would be visible from various vantage points along the road, but its scale and siting from those perspectives would not be particularly prominent within the moorland landscape or out of place in a locality where intermittent farm buildings are a common feature. However, he also considered the impact of the appeal proposal on views from the public footpath that straddles the boundary with the proposed site. On this point, he stated that the proposed building would be a dominant feature when viewed from the public right of way which runs adjacent to the western boundary of the site. Users of the public right of way are sensitive receptors to change and the development would increase the sense of enclosure of built form when walking to and from open countryside to the north. He stated that from those perspectives, the building would also obscure some wider views of the moorland landscape. Consequently, the presence of the building in that location would harmfully affect the outlook across the open countryside and moorland landscape with a significant adverse effect upon the amenity for users of the public right of way.

### Inspector's Conclusions



The Inspector concluded that the proposal would not have a harmful effect in terms of the principle of an agricultural building relative to the objectives of local and national policies relating to development in rural areas. In that regard, there would be potential benefits of the development including to the rural economy. However, the identified harm to the character and appearance of the area would be significant and overriding and reflects conflict with the development plan and the Framework when taken as a whole.

### Background Papers

Planning application file APP/2017/0001

The above papers are available for inspection from Planning and Environment Services, Contact Burnley, 9 Parker Lane, Burnley, BB11 2DT. Telephone (01282) 425011

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