

DEVELOPMENT CONTROL COMMITTEE

Thursday, 16th November, 2017
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 16th November, 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 Governance, Law, Property and Regulation 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.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 12

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	13 - 14
To consider reports on planning applications for development permission:	
a) APP/2017/0397 - Land at Brownside Road, Worsthorne	15 - 40
b) APP/2017/0450 - 318 Padiham Road, Burnley	41 - 48
c) APP/2017/0478 - 383 Padiham Road, Burnley	49 - 58
d) APP/2017/0426 - 261 Rossendale Road, Burnley	59 - 70
e) App/2017/0441 - Rear of 10 Victoria Road, Padiham	71 - 80
f) APP/2017/0432 - Fulfilled Conservative Club, Plumbe Street, Burnley	81 - 88
g) APP/2017/0294 - 3 Hill Crest Avenue, Burnley	89 - 94
7. Decisions taken under the Scheme of Delegation	95 - 100
To receive for information a list of delegated decisions taken since the last meeting.	

MEMBERSHIP OF COMMITTEE

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

PUBLISHED

Wednesday, 8 November 2017

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 19th October, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), C Briggs, M Brindle, D Fleming, S Graham, J Harbour, N Mottershead, M Payne, T Porter, A Raja, A Tatchell and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
Amanda Rumbelow	– Property Solicitor
Imelda Grady	– Democracy Officer

42. Apologies

Apologies for absence were received from Councillors Trish Ellis and Lubna Khan.

43. Minutes

The Minutes of the last meeting held on 28th September 2017 were approved as a correct record and signed by the Chair.

44. 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:

Mr Andrew Turner – APP/2017/0412 – Burnley Road Padiham

RESOLVED

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

45. APP/2017/0358 - Empire Business Park, Liverpool Road, Burnley

Full Planning application

**Erection of building to use as builders merchants (sui generis) with associated external storage yard, landscaping, access and associated infrastructure and erection of an industrial building (Use Classes B1, B2 & B8)
EMPIRE BUSINESS PARK LIVERPOOL ROAD 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), 2017/27/PD01, 2017/27/PD02RevB, 2017/27/PD03RevA, 2017/27/PD04RevA, 2017/27/PD05 and 2017/27/PD06, received on 25 July 2017; 2017/27/PD07RevA, received on 25 September 2017; and, FIL1143/PT, received on 29 September 2017.
3. No development shall take place, including any works of demolition, 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 including decorative displays and facilities for public viewing where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
4. Prior to the commencement of built development, a scheme for the control of noise from the approved units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed for each unit prior to it being first brought into use and shall be retained at all times thereafter.
5. The premises shall not be open for business and no machinery shall be operated nor any process carried out, no loading or unloading take place and no delivery vehicles be allowed to enter or leave at the approved units or any part of the site except between 07:00 and 18:00 hours Monday to Friday, 07.30 and 16:00 hours on Saturdays, and 10:00 and 16:00 hours on Sundays and Bank Holidays.

6. Unit 8 shall be used for purposes falling within Class B1(b), Class B1(c), Class B2 or Class B8 of the Town and Country Planning (Use Classes Order) 1987 only and shall not be used for Class B1(a) office use apart from where an office use is solely ancillary to main use of the unit for the above named approved uses.
7. Unit 7 shall be used as a builders merchants (sui generis) for trade customers and the display of related goods for sale shall be restricted to the area as marked on drawing number FIL1143/PT and any retail sales to the public shall be ancillary only to the use of the premises for trade sales.
8. Prior to any development being commenced there shall be submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, as well as details of new planting along the southern edge of the site, providing details of species, planting numbers, heights on planting, cultivation, staking and maintenance.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any part of the approved development or its completion, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
10. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.
11. There shall be no external lighting on any part of the development unless details of a scheme of lighting have been first submitted to and approved in writing by the Local Planning Authority. Only external lighting approved by the scheme shall thereafter be installed at the site.
12. The external materials of construction to be used on the walls and roof of the approved development shall be as described on the approved plans unless any variation to this is otherwise first approved in writing by the Local Planning Authority.
13. No unit hereby approved shall be first brought into use until the car parking spaces, covered cycle parking and motorcycle parking spaces, have been installed and marked out and are available for use, as indicated on the approved plan. The car parking, covered cycle and motorcycle parking spaces shall thereafter be retained and remain available for use at all times.

14. No unit hereby approved shall be first brought into use until electric vehicle charging points within its associated parking area have been installed with three-pin 13-amp electrical sockets in positions as indicated on the approved plans.
15. There shall be no outside storage of any goods, materials, products or equipment at any part of the application site except in the case of Unit 8 where outside storage is permitted only in the positions as indicated and at a height not exceeding those as stated on the approved plans.
16. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of either approved unit, and the approved drainage scheme shall thereafter be retained at all times.
17. No unit hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 16 which shall to cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.
18. Prior to the commencement of built development, details of the boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

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. In order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP1 and EW1 of the Burnley Local Plan, Second Review (2006).
4. To safeguard the amenities of nearby occupiers, in accordance with Policies GP1 and EW1 of the Burnley Local Plan, Second Review (2006).
5. To protect the residential amenities of neighbouring properties, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
6. A Class B1(a) office use would be unsuitable at this location due to its location away from a town centre and would be contrary to the National Planning Policy Framework and to Policy EMP2 of Burnley's Local Plan - Submission Document, July 2017.
7. To ensure the satisfactory implementation of the proposal. The site is away from the town centre and is inappropriate for Class A1 retail use, in accordance with the

National Planning Policy Framework and Classes GP1 and EW1 of the Burnley Local Plan, Second Review (2006).

8. To ensure the integration of the development with its surroundings and a satisfactory appearance, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
9. To ensure the satisfactory implementation of the approved landscaping scheme and the achievement of its objective, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
10. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
11. To avoid excessive lighting adjoining a residential area and cricket pitch, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
12. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
13. To ensure adequate parking to cater for the needs of the development and to allow for travel to the site by means other than the car, in the interests of highway safety and sustainability, in accordance with Policies GP1 and TM15 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
14. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
15. To safeguard the visual amenities of the site and its surroundings, in accordance with Policies GP1 and GP3 of the Burnley Local Plan (Second Review) 2006.
16. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
17. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
18. To ensure a satisfactory appearance to the development, in the interests of the visual amenities of the area, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).

46. APP/2017/0412 - 9 Burnley Road, Padiham

**Full Planning Application
Change of use from shop (A1) to Micropub (A4)
9 BURNLEY ROAD, PADIHAM**

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: Drawing Nos: 01, 02, 03, and 04 received 22 Aug 17
3. For the avoidance of doubt, no brewing or other manufacture of drinks shall be carried out on the premises.
4. No music, singing or other forms of live entertainment shall be permitted outside the host premises nor shall any equipment for the reproduction of music and/or other sound be installed on the outside of the premises.
5. Prior to the commencement of the use hereby approved, a scheme for the storage and regular disposal of waste matter from the site shall be approved in writing with the Local Planning Authority and thereafter the approved scheme shall be implemented at all times.
6. The use hereby approved shall not begin until an assessment has been submitted for written approval to the Local Planning Authority which details the potential for noise emanating as a result of the use of the development, and mitigation measures (if required) to protect the amenity of occupiers of nearby noise sensitive properties. Proposed hours of operation shall be included within the assessment. Any approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.
7. There shall be no smoking allowed outside the rear of the premises.
8. The use hereby approved shall not operate outside the hours of 09.00 and 23.00hrs Monday to Thursday, 09.00 and 00.30hrs Fridays and Saturdays and between 11.00 and 23.00hrs on Sundays.

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 adverse impact of smell and odours on the adjacent occupiers in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
4. To ensure that no disturbance is caused to the neighbouring occupiers of residential property in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
5. In the interests of residential amenity in accordance with policy CF13 of the Burnley Local Plan Second Review.
6. To protect the amenities of the occupiers of nearby/ attached properties in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
7. In the interests of residential amenity in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.
8. To protect the amenities of nearby/attached residential properties in accordance with policies CF13 and GP1 of the Burnley Local Plan Second Review.

47. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 28th August to 24th September 2017.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

16th November 2017

Housing and Development

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Housing & Development
9 Parker Lane

Ref.

APP/2017/0397

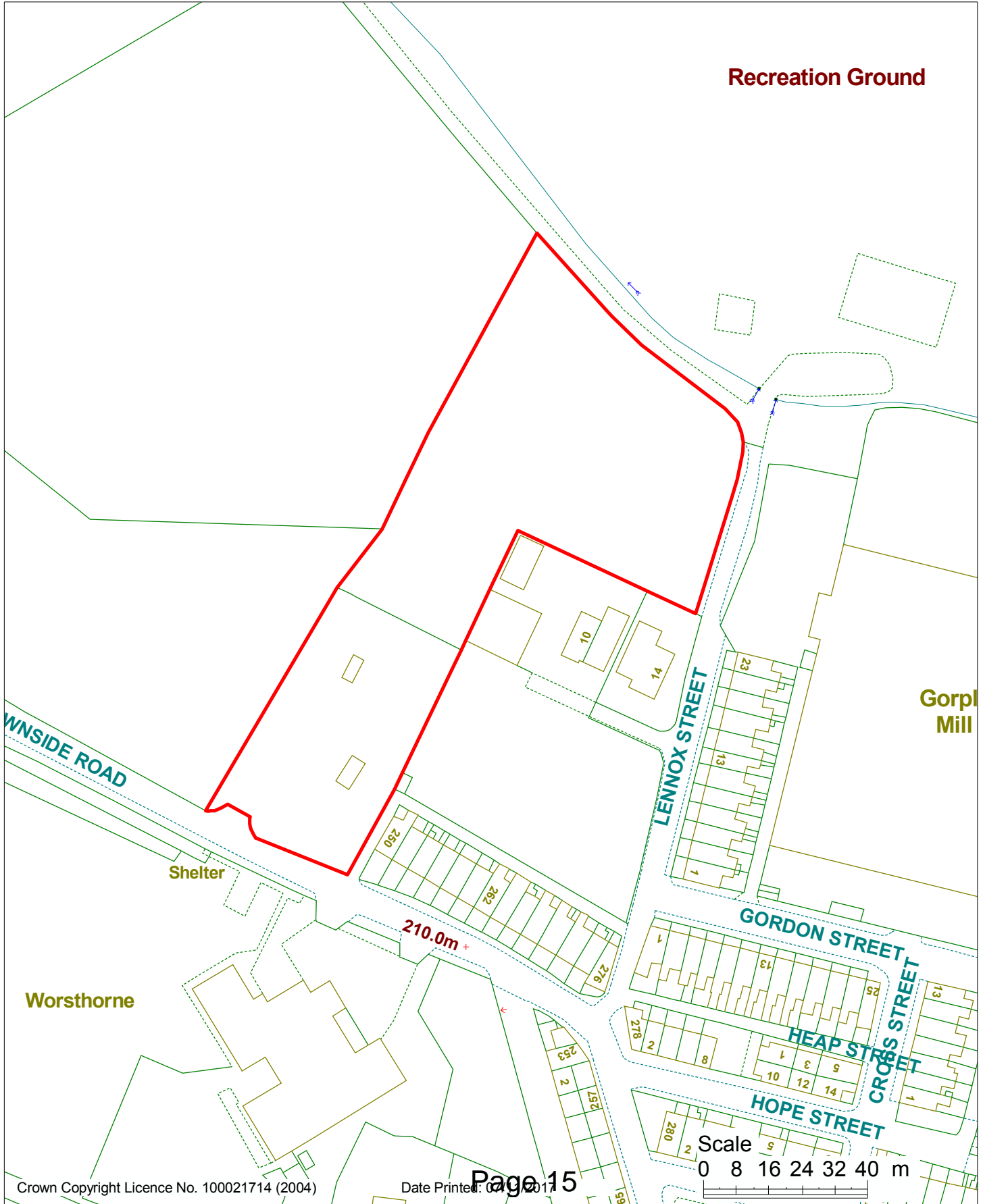
Paul Gattrell Head of Housing and Development

Location:



Land at Brownside Road, Burnley

1:1250



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**Application Recommended to Delegate
Approval to Head of Housing and Development
Control subject to a Section 106 Agreement
Cliviger with Worsthorne Ward**

APP/2017/0397

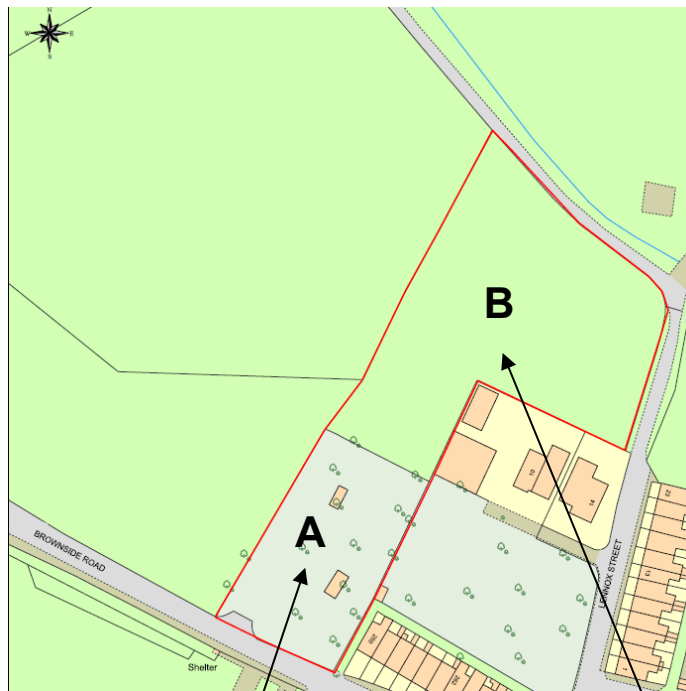
Outline Planning Application

Outline application for residential development for up to 18 dwellings including details of access (all other matters reserved for future approval)

LAND AT BROWNSIDE ROAD BURNLEY

Background:

The proposal is for outline planning permission for up to 18 dwellings on land amounting to approximately 0.73ha of land that on the western side of Worsthorne village. Approval is sought for the proposed vehicular access to the site from Brownside Road with all other matters (layout, scale, appearance and landscaping) reserved for subsequent approval. The site is made up of two parcels of land that form

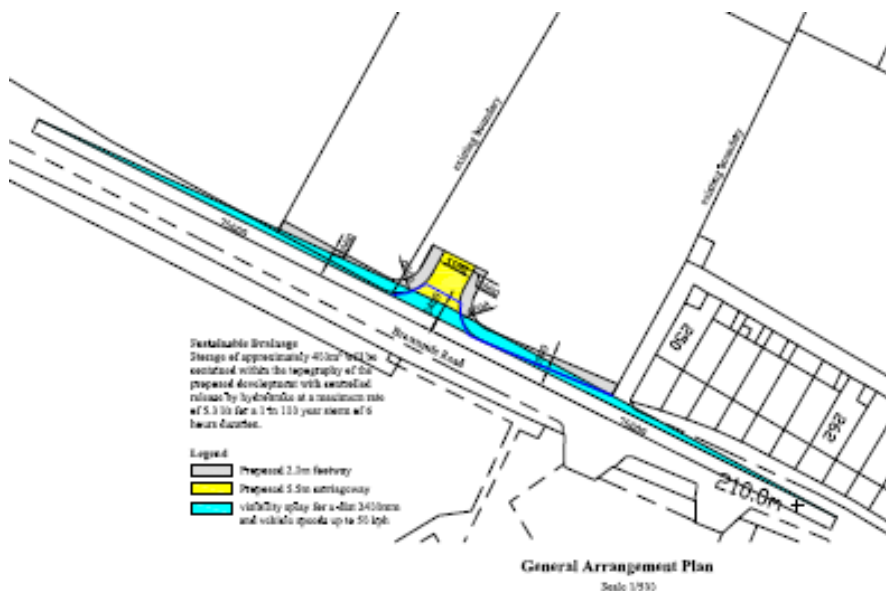


an 'L' shape around the existing built-up edge formed by Brownside Road and Lennox Street. The south side of the site is bound by Worsthorne Primary School, the north side by the village recreation ground, and the west side by open fields that separate

Worsthorne from the suburban estate development at Brownside. The portion of the site labelled 'A' above was used as a transport depot until 1992 and is currently largely unused but contains a small polytunnel and an allotment. The site is partly under grass and partly a gravelled surface. The status of this part of the site has been accepted as brownfield due to its past uses and condition of the land. The land at 'B' is open grazing land. The amount of proposed development would create a density of up to 25 dwellings per hectare.

There is an existing gated access to the portion of land at 'A' from Brownside Road which would be improved by widening to form a 5.5m wide estate road with 6m junction radii and a 2.0m footway to one side. The proposed access plan below indicates visibility splays of 70m in each direction of the improved junction and a 2.0m wide footway to link the improved junction with the existing footway outside 250 Brownside Road. No indication has been given to the internal layout of the development.

Proposed Improved Access



A previous application (APP/2017/0200) for an outline application for up to 24 dwellings on a larger site, including a narrow band of the adjoining open field, was withdrawn by the applicant earlier this year.

Relevant Policies:

Burnley Local Plan Second Review

- GP2 - Development in the Rural Areas
- GP3 - Design and Quality
- GP7 - New Development and the Control of Pollution
- GP10 - Developer Contributions

- H2 - The sequential release of further housing land for development
- H3 - Quality and design in new housing development
- H4 - Providing a choice of housing in new development
- H5 - Local housing needs
- H7 - Open space in new housing development

E4 - Protection of other features of ecological value
E5 - Species protection
E6 - Trees, hedgerows and woodlands
E8 - Development and flood risk
E12 – Development in, or adjacent to, conservation areas
E16 - Areas of traditional construction
E27 – Landscape Character and Local Distinctiveness in Rural Areas and Green Belt

TM2 - Transport Assessments (TAs)
TM3 - Travel Plans (TPs)
TM4 - Transport hierarchy within development proposals

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

SP4 – Development Strategy
SP5 – Development Quality and Sustainability
HS1 – Housing allocations
HE2 – Designated heritage assets
HS2 – Affordable Housing Provision
HS4 – Housing Developments
IC4 – Infrastructure and Planning Contributions

Burnley Green Infrastructure Strategy 2013-2031
Burnley Green Spaces Strategy 2015-2025
Housing Land Supply Position: November 2016
National Planning Policy Framework
National Planning Practice Guidance

Site History:

74/0049 – Erection of detached and semi-detached bungalows. Approved.
77/0204 – ENF NOTICE – Use as a haulage and storage depot: Withdrawn
77/0329 – Parking of one cattle haulage truck with incidental maintenance. Approved.
78/0401 – Retention of brick building for use as a tool shed and for storage of spare parts. Approved.
80/0652 – Retention of wooden shed to garage one goods vehicle. Approved.
82/0475 – Retention of wooden shed to garage one cattle truck. Approved.
82/0620 – Erection of garage for commercial vehicles: Not determined
82/0650 – Outline application for the erection of a detached bungalow and garage: Not determined.
2005/0197 - Proposed residential development including means of access (all other matters reserved for future approval). Refused April 2005.
2006/0171 - Proposed residential development including (details of means of access) all other matters reserved for future approval. Refused April 2006. Appeal dismissed January 2007.
2017/0200 -Proposed residential development up to 24 dwellings including access and associated infrastructure (all other matters reserved for future approval).
Withdrawn.

Consultation Responses:

LCC Highways

No objections with regard to the proposed access. A Reserved Matters application would need to provide a minimum 5.5m wide junction for a distance of 70m, reducing to no less than 4.5m; a kerb radius at the bell mouth of the junction of a minimum of

6.0m; estate road restricted to 20mph with traffic calming to achieve this; 2.0m footway on either side of the estate road; provision for a Traffic Regulation Order to limit parking on Brownside Road from the centre line of the estate road for a distance of 25m on the north west side of Brownside Road and for a distance of 20m into the new estate road; a pedestrian and cycle access from the site to the recreation ground/Lennox Street; and, provision of cycle storage and electric charging points within garages. In addition, recommend conditions to require a scheme for the construction of the site access and off-site works, to ensure the new estate road is constructed to the Lancashire County Council Specification for the Construction of Estate Roads; to require facilities for wheel washing during construction, as well as a Construction Method Statement.

LCC Highways has added the following to their initial comments: In an effort to improve sustainability we are actively seeking developer contributions and a commitment on their behalf to promote a sustainable site. To this end we would be seeking a contribution of £150 per dwelling, payable to the resident upon first occupation for the purchase of a cycle and also the provision of a prepaid bus ticket for a minimum period of 3 months. The site location is served by a single bus service which has recently been reduced in frequency. The County Council would seek a developer contribution under a section 106 (Town and Country Planning Act) agreement towards the delivery and improvement of public transport service for the area. The contribution level will be decided based upon the number of dwellings proposed and will be assessed and clarified as part of a detailed matters application, should this application be approved.

LCC School Planning Team

When assessing the need for an education contribution from this development, LCC considers primary schools within a 2 mile radius of the proposed site. This totals 9 primary schools with a current number on roll of 2677 pupils. The projected pupil number as at January 2022 is 2779 whilst the future planned net capacity as at the same date is 2832 pupils. These projections show that 53 pupil places would be available in five years' time. The expected yield from the proposed development would be 7 pupils. Taking into account a further 16 places from other planning approvals or other applications, there would be no need to seek a contribution from the developer in respect of primary places.

When assessing the need for an education contribution from this development, LCC considers secondary school provision within a 3 mile radius of the proposed site. This totals four schools with a current number on roll of 4369 pupils. The projected number as at January 2022 is 5270 whilst the future planned net capacity as at the same date is 4556 which gives a 714 place shortfall. With an expected yield of 3 places from this development, a contribution is sought for the funding of these pupil places which currently amounts to £64,269.81.

Burnley Wildlife Conservation Forum

There are a significant number of trees on this plot of land:- ash, sycamore, silver birch, beech, common lime, willow and the rare black poplar. It is important to retain as many of these trees as possible and incorporate them into the development proposal, in particular, the Black Poplar which is listed as a Lancashire 'key' species and subject to a Tree Preservation Order.

Greater Manchester Ecology Unit (GMEU)

The application site is not designated for its nature conservation value at any level, and based on the available evidence it does not merit such a designation. It is not close to any designated sites. The Ecology survey and assessment that has been carried out to inform the application has been prepared by suitably qualified consultants and is generally to appropriate standards; although field surveys were not carried out at an optimum time of year for conducting such surveys existing desk-top information for the site was sought, and I would generally agree with the view that, given the overall character, size and use of the site a fair appraisal of the nature conservation value of the site, and of the impact of the development proposal, were able to be carried out.

The site comprises species-poor semi-improved grassland, young or semi-mature broadleaved trees, developing scrub and some small buildings. The scrub, young trees and unmanaged grassland give the site some local nature conservation value since these habitats will likely support nesting and foraging birds, invertebrates and small mammals of some local value. I note the reports that the site may support ground-nesting birds, although given the size of the site and the habitats present I would not consider that the site will be of significant value for ground-nesting birds. There is a single Black poplar tree on the site; this tree species is a priority species for conservation in Lancashire. The site has low potential to support any specially protected species, except possibly for small numbers of bats. Some bat roosting boxes are present on the site but these boxes do not appear to have been investigated for possible use by bats, although the ecology report does state that *'it is considered likely that common species of bats may utilise these as opportunistic summer roost sites'*. The loss of the small areas of semi-natural habitat on the site are unlikely to affect the overall population status of local bat populations because there is significant alternative habitat nearby and because it would be possible to implement new landscaping, and install new bat boxes, on the site. I would accept that the site is unlikely to support amphibians. There is an invasive plant Japanese knotweed on the site; under the terms of the Wildlife and Countryside Act 1981 (as amended) it would be an offence to allow this plant to spread in the wild.

I have no overall objections to the application on the grounds of ecology, but I would make a number of recommendations to protect nature conservation interests, should permission be granted to the scheme. This would involve conditions no vegetation clearance during the bird nesting season, measures for the removal of invasive non-native species, measures to protect bats and the retention of the black poplar tree.

Environmental Health

No objections. Recommend conditions relating to construction working hours and to require a construction method statement and electric charging points at the rate of one charging unit per dwelling.

Lead Local Flood Authority (LCC)

No comment to make at this stage of the outline application.

Greenspaces and Amenities Manager

Verbal comments affirm that the proposal would generate the need for a contribution of £320 per bed space which would be used to undertake improvements to Worsthorne recreation ground.

Burnley Civic Trust

Object. The land is included for development in the local plan which is still to be considered by the Secretary of State. There are many objections to its inclusion and believe that this application should not be granted until such time as its position in the new plan is known. We are also of the opinion that there should be no further housing development in Worsthorne as the whole character of the village is likely to be spoilt if further development is approved. Also, the only access to the village now is by Brownside Road which is overloaded with traffic.

Worsthorne with Hurstwood Parish Council

Object to the proposal. A summary of the points raised is listed below:-

- The proposal would be contrary to the local plan; the proposed new local plan is still in consultation stage
- The site is a Greenfield site, not greenfield/brownfield as claimed by the applicant and not within the urban boundary
- Inappropriate and unjustified new dwellings in the rural area
- The proposal does not accord with the historic street patterns and would be incongruous to the Conservation Area and spoilt the village aspect
- Would extend the village boundary and have an enormous impact on the approach to the village
- Worsthorne would lose its village location and unique character.
- Brownside Road is the main entry to the village, used by 95% of traffic – the first dwellings on the approach are garden fronted terraced Victorian cottages which create a characterful welcome
- The site also extends to the recreation ground, meaning it impacts all of the community, enclosing the space for all
- Worsthorne holds a unique position in the town and to extend it into the conurbation of Burnley would diminish its appeal and amenities for both residents and visitors
- Any development should be restricted to the curtilage of the present woodyard and be no more than 4-5 dwellings .
- The village school is oversubscribed
- Permission has previously been refused on this site for similar proposals.
- New housing is already being provided for in Worsthorne (24 houses approved at Butchers Farm and three at Lennox Street) and is also proposed at a brownfield site (through the new local plan)
- The majority of the land at the application site is being used and has been so for several decades by the same local family for farming sheep and cattle and would lead to the loss of good grazing land
- Would contravene the Council's emerging the sustainability appraisal and rural masterplanning study within the Issues and Options version of the new emerging local plan which recommended that only a small amount of infill may be accommodated on the south eastern edge of Worsthorne
- The site is directly opposite the village primary school which causes serious congestion in the morning and afternoon. There is limited visibility from the access. Parents park at the existing entrance and are likely to continue to do so and use the junction for turning in the road, creating a further risk
- Traffic from the development would exacerbate the congestion and raise the danger level for children and adults

- The site would not accommodate 18 dwellings and achieve adequate spacing of 20m between habitable rooms, causing a loss of privacy to 8, 10, 12 and 14 Lennox Street (plus no.6 when completed) and 250 Brownside Road
- It will have a detrimental impact on the environment.
- The site has several mature indigenous trees including ash, birch, sycamore and black poplar which should be preserved
- Impact on bats which are seen on the site; they roost in the mill opposite and use this site for foraging
- Badgers have been observed using the site as a run
- Deer are located in the area and are frequently seen on the site by neighbours and residents of the village
- A variety of birds frequent the site including goldfinch, greenfinch, dunnock, coaltit, bluetit, long tailed tit, chaffinch, blackbird, robin, kestrels, lapwing and curlew (nest on the site in summer), fieldfare and redwing
- The phase 1 habitat survey submitted with the application was not undertaken at the correct time of year

Chair of Governors at Worsthorne County Primary School

Object to the proposal, stating that the proposed access poses a significant risk to pupils, parents and staff and other members of the community. The new access is at a problematic point, opposite a bus stop and a school pedestrian access gate and there is an unacceptable risk from the likelihood and scope for accidents involving vehicles at this natural congregation point. The risk of accidents is increased by the restricted visibility towards Burnley.

Publicity

An objection has been received from Councillor Andrew Newhouse (Cliviger and Worsthorne Ward) which objects to the proposal and outlines the same concerns to that of the Parish Council that are listed above. 31 letters of have been received from neighbours at Lennox Street, Brownside Road and the village as well as from occupiers at Brownside and the nearby area. The letters contain objections which include all the points raised by the Parish Council (see above list of comments) and so have not been repeated in the summary made below:-

- Oppose the development of greenfield agricultural land
- Brownfield sites should be developed before greenfield
- There are outstanding objections to the emerging local plan which then limits the weight that can be afforded to the emerging allocation
- The current local plan rather than the untested emerging local plan should be used
- Would lead to overcrowding of the village
- Would dramatically change the views on the approach to the village
- Want Worsthorne to remain a village
- Would be an intrusive barrier on the main gateway route into the village
- Loss of a significant amount of trees, including protected trees. The trees would be removed which currently form a major part of the visual approach to the village and the scope for new screening close to the new houses would be minimal
- Any replacement trees on the frontage should be substantial and protected
- Disagree that the settlement has a gridiron pattern, instead it has an organic nature
- Would ruin the local landscape which is one of Burnley's greatest assets

- The assessment of the visual impacts of the development has not been carried out by a qualified Landscape Architect
- Access to the site opposite the school is dangerous and hazardous
- Traffic congestion; at school start and finishing times the area is reduced to a single track road
- Added traffic would create more air pollution
- Cars park on double yellow lines outside the school, restricting views and visibility with no signs of traffic enforcement
- The lollipop man operates within a few yards of the proposed entrance
- Congestion is not only limited to school pick-up times
- Access for emergency vehicles will be affected
- Already insufficient parking for residents
- There is no public transport to the site after 6:30pm every evening and nothing at all on Sundays
- Safety issues for children accessing the recreational facilities at the end of Lennox Street
- The Brownside Road/Brunshaw Road roundabout is at full capacity. The application makes no allowance for this. With reference to the recent Brownside application for housing (APP/2016/0416), the highway authority stated that the roundabout is close to capacity
- Without improved road infrastructure, an increase in the population of residents is unsustainable
- Worsthorne already has a thriving community and services are good and well utilised without the need for more housing
- Would lead to an increased risk of flooding; there is an ongoing problem as the drains and sewers are unable to cope with heavy rain
- The site is part of the vital wildlife corridor that feeds into the ancient Hagg Wood
- Provides habitat to rare flora and fauna from wildflowers etc and would affect the movement of roe deer, newts, frogs, snipe, curlew, tawny owls, little owls, barn owls, skylarks and other small mammals
- Would lead to a significant increase in noise in the immediate area
- Burnley has a declining population; there are existing houses for sale and there is no need for new housing in this area
- Other sites are coming forward for residential development in Burnley
- There is a large stand of Japanese Knotweed on the site which the applicant should prevent from spreading
- The Government's Housing White Paper published in September 2017 states that all housing projections should take account of a substantial fall in new immigration after March 2019.

Planning and Environmental Considerations:

Principle of proposal

The application site is situated within the rural area where Policy GP2 seeks to permit only limited development where, for example, it is required for agriculture or forestry or other relevant rural need. In this case, the site falls just outside the main urban boundary that defines the built-up area of Worsthorne village. The proposed residential development is a speculative development and there is no information submitted with the application which would indicate it is required to meet a local need. The development plan in force would therefore suggest that the proposed

development would not comply with the limited requirements of Policy GP2 and it would not therefore protect the rural area. Decision-making must be in accordance with the development plan unless there are material considerations which would indicate otherwise. It is therefore necessary to consider the proposal within the wider context of the National Planning Policy Framework (NPPF), the emerging local plan, policies related to the supply of housing as well as other considerations, including any harm that may result from the proposal on the character and appearance of the rural landscape and village, the Worsthorne Conservation Area, highway safety, ecology and amenities.

Housing supply

Paragraph 47 of the NPPF requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. It requires an annual update and identification of specific deliverable sites sufficient for a five year supply (with 5% buffer) and the identification and supply of deliverable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15.

The housing allocations for the delivery of the assessed need are contained within Policy H1 of the adopted local plan. Other policies, such as Policy H2 support this by requiring brownfield land to be redeveloped before greenfield development.

Paragraph 49 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development' and that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It must be considered therefore whether the proposed development would constitute sustainable development and also whether the local planning authority can demonstrate a five year supply of deliverable sites. Where the latter is not the case, the NPPF states that relevant policies are considered to be out of date in which case the provisions of Paragraph 14 are engaged. These provisions state that planning permission should be granted unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The Council published a 'Housing Land Supply Position Statement' in July 2017 that outlines three methods for calculating a five year supply of housing, the most reliable of which (prior to the adoption of a new local plan) is based on the Objective Assessed Need (OAN) which is arrived at through the Strategic Housing Market Assessment (SHMA), dated May 2016. The SHMA identifies a need of between 2,344 and 4,308 dwellings between 2012 and 2032 which equates to a calculated requirement of between 117 and 215 dwellings per year. Taking the lower and higher figure respectively (which includes a 5% buffer, adjustment for completions 2012-17 and the re-occupation of empty homes) this provides a five year supply requirement of between 478 and 1482 dwellings. Against this requirement, the Council currently has a supply of 1591 dwellings which is made up of deliverable planning permissions, a windfall allowance and an empty homes allowance. This demonstrates that even if

the upper limit of the need assessment is used, the Council has a five year supply of deliverable housing.

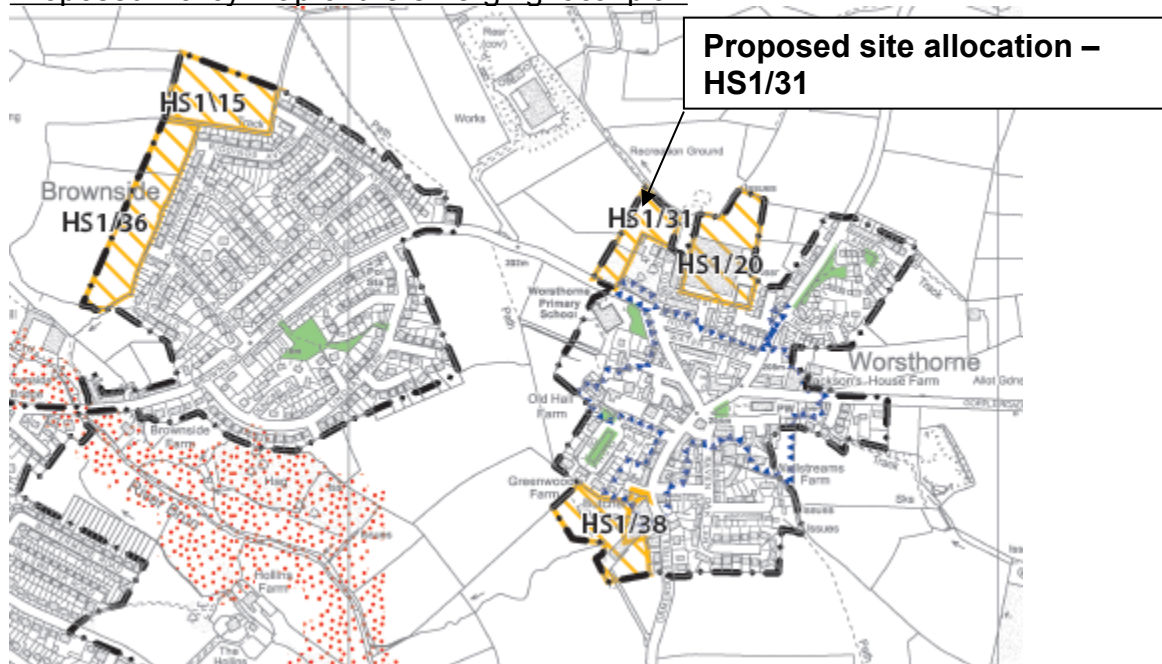
Burnley's Local Plan is a Submission Document and although is at an advanced stage is awaiting Hearing Sessions which will commence in November 2017. At this point, the plan can be given some weight. The housing requirement in Policy SP2 of the emerging local plan over the Plan period 2012-2032 is 4,180 dwellings (209 dwellings per year) which then taking account of completions, commitments, windfalls and empty homes, provides a residual requirement of 2,482 new dwellings to be met by site allocations. Using the figure of 209 dwellings per year and adding a buffer of 20% (which is not necessarily required but is applied to take a cautious approach), the supply target of 1578 over a five year period is still met by the Council's current five year supply of deliverable housing.

The Council's position is that it can demonstrate a five year supply in each of the above cases, although as stated in the Position Statement, the assessment using the SHMA (May 2016) is at this stage, the most reliable. As such, the provisions of Paragraph 14 are not engaged and policies relevant to the supply of housing in the local plan are not therefore out of date.

Future supply of housing up to 2032 is expected to be fulfilled by the proposed allocations at Policy HS1 of the new local plan. In order to provide a greater variety of sites and encourage aspirational housing, the emerging local plan seeks to review development boundaries, informed by a decision to meet the housing requirement and availability of developable and deliverable development sites between 2012 and 2032.

The Development Strategy is outlined in Policy SP4 and identifies Worsthorne as a main village where there is scope for medium and small scale housing sites to deliver quality and choice and modern adaptable stock for existing and new residents and to deliver aspirational housing and support and enhance existing service provision. This has led to a new proposed development boundary that extends the existing urban boundary into the adjoining fields to the western edge of Worsthorne up to the tree lined field boundary to the west of 250 Brownside Road and extending northwards up to Lennox Street. This coincides with the currently proposed application site. The proposed allocation estimates a capacity of 18 dwellings for the site which accords with the current proposal. Policy HS1/31 states that development on the identified site would be acceptable in principle. There are objections to the proposed allocation, in which case 'some' rather than significant weight can be given to it.

Proposed Policy Map of the emerging local plan



The proposed allocation reflects a modest growth to reflect the identification of Worsthorne as a main village and to meet the overall aspirations of the emerging local plan to boost housing supply and in some instances to allocate greenfield land to accommodate the borough's housing and employment development requirements. The recent Housing White Paper (September 2017) also affirms the Government's commitment to boosting housing supply by a number of measures, including allowing rural communities to grow. The modest growth of Worsthorne by a change to its development boundary at the north western corner of the village would therefore in principle be consistent with the overall objectives of the emerging local plan which is consistent with the thrust of Government policy. The main issue relates to whether the development would constitute sustainable development.

Sustainability test

Paragraph 49 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development. It states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role. These roles should be considered against the impacts of the development. In terms of an economic role, the benefits of the proposal would be mainly short-term, being associated with generating economic activity from the construction phase. In social terms, the applicant states that the development would provide family homes and offer an alternative to terraced properties, as well as increase the use and demand for public services. The village of Worsthorne does provide amenities for new occupiers, including pubs, church, shop and school; paragraph 55 of the National Planning Policy Framework states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. To this end, the proposal would generate very general and limited social benefits but would satisfy the social role to sustainable development. The environmental strands of sustainable development are considered below.

Visual impact on rural area

The visual impact relates to the extent to which the application site contributes to the identified rural area, its landscape and setting of Worsthorne village and the Worsthorne Conservation Area. Policy GP2 referred to above seeks to protect the rural area, stating that “the Borough’s open countryside provides a visually striking and attractive setting for the urban area and is one of our greatest assets”. At Paragraph 4.14 it states that “There are a number of small villages and hamlets outside of the urban area. These settlements are an essential part of the character of the countryside. Their growth will be strictly controlled, particularly to prevent them joining together or encroaching on to the adjoining open countryside”.

Policy E27 seeks to protect and enhance the Borough’s distinctive landscape character. It states that this will be achieved by, amongst other things, protecting the setting of rural and urban settlements, protecting and enhancing historic field patterns, including walls and hedgerows and maintaining views and avoiding skyline development. The green gap provided by the fields that separate the historic village of Worsthorne from the later suburban development of Burnley at Brownside is important in maintaining the distinctiveness of the village and the urban area of Burnley. Any development between the village and Brownside has the potential to undermine the visual separation and harm the distinctive character of the settlements.

The proposed development would be contained between 250 Brownside Road and the tree lined boundary as seen on the approach into the village from Brownside. The main trees along this field edge have been protected by a Tree Preservation Order and would provide a considerable amount of screening from the proposed development.

Village approach



The proposed development would extend northwards from this line of trees up to a farm track off Lennox Street. The development would be partially visible from this perspective and would to some extent create a new built-up edge to parts of the existing urban boundary. This could however be mitigated by new tree planting to continue the existing screen of trees. From the site frontage at Brownside Road, the site lacks an open appearance. Formerly a woodyard and used as an allotment and for storage, this part of the application site relates more readily to the built-up village of Worsthorne than the open fields that separate Worsthorne from Brownside. The Tree

Preservation Order referred to above includes the frontage trees, although five of these (three downy birch, one oak and one beech) would have to be removed to provide for a new footway. The removal of these trees would need to be compensated by new trees that could, in time, provide an equivalent level of tree cover. The large poplar tree in the site corner next to 250 Brownside Road would be retained. Subject to these provisions, the proposal would not in principle have an unacceptable visual impact as viewed from Brownside Road. The existing tree lined boundary would visually contain the development. The spread of the development to the field on the north side of the site where the development is further from Brownside Road would have some impact on the approach views to the village but given that this would extend no further westwards than the existing tree lined boundary, a similar level of visual containment could be provided for this part of the site. The applicant proposes to plant trees along this existing field boundary. It is unlikely in these particular circumstances that the development would significantly erode or undermine the visual gap between Worsthorne and the suburban development at Brownside at the village approach and would not therefore lead to the perception of the merger between these settlements.

From the portion of the application site to the rear of new development at Lennox Street, there are uninterrupted views of Pendle Hill, creating a close relationship between the landscape surroundings and the built-up village.

View from Lennox Street



Any development of this portion of the site would obstruct these open views as seen from Lennox Street. The main view from the recreation ground beyond the application site would be unaffected and the amount of intrusion would be across a small area. This field is bound on its south side by new development off Lennox Street and relates closely to the built-up terrace on Lennox Street and Gorple Mill. The proposal would diminish the open nature of the field which is part of the rural area. The proposal would not constitute an infilling of a gap and hence, would not comply with Policy GP2. Its visual impact would at this position on the edge of the built-up village have a moderate impact which would be contained more locally, with less of a visual impact on the surrounding area. The proposed development would be visible from Extwistle Road, but from these longer distance views, the development would appear as a modest and natural extension of the existing built-up village without severely affecting the rural area.

Objections to the proposal have also referred to the impact of the development on the historic form and character of the village and the Worsthorne Conservation area that

embraces the core village and extends up to 250 Brownside Road. Policy E12 seeks to protect the setting of conservation areas. The existing approach and arrival into the village along the main route, Brownside Road, is marked on its left side by stone terraced houses and on the opposite side by a modern primary school building. No details of the layout, scale or appearance of the proposed dwellings are included in the application. Any future reserved matters application would be expected to show how it has been designed to take account of the special character and appearance of the conservation area. This is therefore a detailed consideration for a later time.

The visual impact of the proposal on the rural area would be relatively low in respect of the land fronting Brownside Road and moderate in respect of the field to its north side. The overall impact would be largely contained within the local area and would subject to tree planting to continue the existing boundary trees along the western edge of the site, not have a significant impact on the perceived gap or harm the distinctive character between Brownside and Worsthorne.

As such, the proposal would not significantly affect the distinctive landscape character of the rural area and would not conflict therefore with Policy E27. Whilst therefore the proposal would be contrary to Policy GP2, the level of harm resulting from this should be considered alongside other material considerations, including any benefits arising from the development.

Impact on highway safety

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The site is not located in an area that could be considered highly sustainable, however it is on the edge of a settlement with facilities and amenities and is close to a bus stop with services to the nearby town centre. A significant level of objection to the proposal has been received from neighbouring properties, village residents and from the Chair of Governors at the primary school situated opposite the site. The objections relate to the creation of an improved access and traffic close to a part of Brownside Road that is congested at school drop-off and pick-up times.

The proposed junction and access details provide a junction with a suitable width and radius and visibility splays of 70m in each direction. Short-term parking occurs at and around the proposed improved access. In order to ensure adequate visibility, LCC Highways state that Traffic Regulation Orders (TRO's) will be required for a distance of 25m on the north west side of Brownside Road and on both sides of the new estate road for a distance of 20m from its junction. Other conditions are also recommended to ensure traffic calming along the new access road and relating to construction design and a construction method statement, LCC has no objections to the proposed access. The congestion that comes from parked cars is a serious matter as it causes existing safety issues for the school and parents. This is a matter that should be addressed by all parties concerned but is not a reason to refuse planning permission where an acceptable junction design has been produced and has the backing of LCC Highways. Other objections relate to the capacity of the roundabout at Brunshaw Road/Brownside Road but the highway authority is satisfied that the scale of the proposed development would not require these improvements. To encourage sustainable travel at this village location away from the main urban area, LCC Highways has also requested a contribution for improvements to public transport facilities and a voucher scheme for the purchase of a cycle and a three month bus ticket for new occupants. These are additional requests that have been put to the

applicant and their response will be reported in the late correspondence prior to the meeting. The requests represent benefits to sustainable travel for new occupants and the existing village community, similar to those recently secured through the grant of outline planning permission for 24 dwellings at Butchers Farm (APP/2016/0417).

A section 106 Agreement will be needed to secure these contributions. With these provisions, the development would be accessible and promote sustainable travel. There are no technical constraints to the development therefore in respect of the proposed site access and the impact of traffic on the highway network, subject to the conditions recommended by LCC Highways.

Impact on ecology

Policy E5 seeks to protect protected species, whilst Policy E6 protects trees, hedgerows and woodland. The applicant has submitted a Phase I ecological appraisal which has been assessed on behalf of the Council by a qualified ecologist at the Greater Manchester Ecology Unit (GMEU). There are no nature conservation designations affecting the site. Whilst it is recognised that the site is used for birds and wildlife for foraging, it does not provide a breeding ground and is unlikely to affect protected species. GMEU recommend suitable conditions to safeguard wildlife by ensuring no clearance works take place in the bird nesting season and to require an inspection of bat boxes prior to their removal (and their re-instatement where appropriate). The majority of the trees on the application site, including the black poplar to the site's frontage, have been recently protected through a new Tree Preservation Order.

Impact on residential amenities

Policy H3 relating to quality and design in new housing development requires proposals to protect the amenities of neighbouring properties. Some of the objections that have been received are concerned that the position of the proposed estate road would lead to insufficient spacing between habitable rooms of new dwellings and existing houses. This is generally a matter for the relevant reserved matters (layout, scale and appearance). With no indication of the footprints of new dwellings then interface distances cannot be assessed. In the event that outline planning permission is granted then this could be controlled to approve the access junction and not the position of the whole length of the estate road. This would therefore provide some flexibility to achieve acceptable separation between windows. The proposed site amounts to 0.73ha and as such would be a gross density of approximately 25 dwellings per hectare which reflects a relatively low dense development.

Impact on local schools

The applicant has agreed to a contribution towards secondary school places as requested by the the School Planning Team at LCC. This would need to be subject to a section 106 Agreement. With this provision, the proposal would adequately cater for education needs relating to the development.

Provision of affordable housing

Policy H5 of the Local Plan requires a contribution of 10% affordable housing or special needs housing within schemes of 15 dwellings or more. Policy HS2 of the emerging local plan requires a contribution to affordable housing on developments of over ten units. The applicant agrees to make a 10% contribution to affordable housing, although no details of the tenure or type of affordable dwellings or the delivery mechanism for securing this have been submitted. Given that the 2016 Strategic

Housing Market Assessment (SHMA) identifies a need for 52 affordable dwellings per annum up to 2032, the proposal would make a small but positive contribution to this figure. In this case, the contribution of up to 1.8 affordable units may be impractical to provide on-site (through for instance a registered social landlord) and may at this proportion of the scheme be difficult to integrate into the overall development. In these circumstances, the applicant has been requested to and agreed to an equivalent off-site contribution to the provision of affordable housing in the borough. This would need to be subject to a section 106 Agreement. With this provision, the proposal would comply with the objectives of Policy H5 of the local plan and Policy HS2 of the emerging local plan.

Other issues

The applicant has agreed to a contribution towards open space as requested by the Manager of Greenspaces and Amenities that would be used to improve the local recreation ground. This would need to be subject to a section 106 Agreement.

Policy E34 of the Local Plan requires appropriate assessment to deal with potential contamination. A desk top contamination report has been submitted with the application. The report concludes that whilst the site is considered to be suitable for its proposed use, an intrusive investigation would be required. A condition would therefore be required to require suitable land investigation, remediation and validation.

Policy E8 seeks to manage flood risk. The site is within a low flood risk area. No detailed assessment of drainage has been submitted. The site would provide options for water management by way of sustainable drainage systems. Conditions would be necessary to ensure suitable schemes for both foul and surface water.

Conclusions

The proposed development falls within the rural area outside the main urban boundary of Worsthorne village. Policy GP2 which restricts development in the rural area remains relevant and in force. The main consideration is the development plan unless material considerations indicate otherwise. The development plan would indicate that the proposed development should be refused; however, some weight should be given to the emerging local plan which identifies the site for new housing. The emerging plan has reached an advanced stage and has been subject to a sustainability appraisal. The proposal represents a modest expansion of a village which has been identified as a main village in the development strategy of the emerging local plan. The proposal would therefore be consistent with the strategy and its objective in allowing some degree of aspirational housing to boost the supply and choice of new housing. The site is situated in a sustainable location which is accessible to the main urban area of Burnley and provides a reasonable range of services to the local community.

The level of harm resulting from the loss of part of the rural area has been assessed. There would be a moderate impact from the loss of the open field to the north side of the site and less of an impact from the portion of the site which is viewed more readily from Brownside Road. The visual impact from the development is however capable of being mitigated by additional boundary planting and in this case, the scale of its impact would be limited to its immediate surroundings and is unlikely to affect the visual gap between Worsthorne and Brownside and affect their distinctive character.

There are no technical constraints to the development; objections have been made in respect of the impact of traffic on Brownside Road close to the school entrance. LCC Highways is satisfied however that with improvements to the existing access and visibility splays and the use of Traffic Regulation Orders to prohibit parking on a small stretch of Brownside Road, the development would provide an adequate junction and safeguard highway safety. Given the site's village location, it is reasonable for LCC Highways to recommend a contribution from the developer towards improving public transport services and to encourage sustainable travel through a cycle voucher and pre-paid bus ticket scheme. This should be secured through a section 106 Agreement and the applicant's response to this will be reported at the meeting.

The proposed development would also not significantly affect the ecology of the site. There are a number of protected trees that would need to be removed on the site frontage but the most significant of these trees would be unaffected and replacement planting to provide new tree cover on Brownside Road can be secured by condition. The proposal would also not significantly affect the setting of the Worsthorne Conservation Area subject to detailed layout and design considerations which would be considered at the Reserved Matters stage. There are also a number of benefits arising from the proposal. The development is likely to provide aspirational housing that would offer opportunities for existing and new residents as well as supporting existing village services. A small amount of affordable housing would be provided by way of off-site contribution to be used within the borough. The development would also contribute to school places in the local area.

In this context, the scale and harm of the loss of the rural area and its non-compliance with Policy GP2 of the adopted local plan would be outweighed by a combination of the compliance of the proposal with the Development Strategy and site allocation in the emerging local plan which has reached an advanced stage and the benefits that would be derived from the proposal in providing new housing at a reasonably sustainable location. The proposal is therefore recommended for approval subject to a section 106 Agreement to secure contributions to affordable housing, education, open space, and the promotion of sustainable travel through public transport improvements and a scheme for cycle vouchers and pre-paid bus tickets.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to provide for contributions to affordable housing, education, sustainable travel and the following conditions:

Conditions

1. Details of the layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this

permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 and Highwayaccess1, received on 9 August 2017.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. The landscaping scheme to be submitted with the Reserved Matters submission shall include a tree retentions and removal plan and provide for new tree planting along the site's frontage with Brownside Road and along the site's western boundary.
7. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.
8. No removal of or works to any trees, shrubs or grassland shall take place between 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority prior to any works taking place.
9. Prior to the commencement of development (including groundworks, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed present on site. The measures shall be carried out strictly in accordance with the approved scheme and shall be completed prior to any dwelling on the site being first occupied.
10. No development shall be commenced or any removal of bat boxes installed on the site take place until the boxes have been inspected by a suitably qualified person for the possible presence of bats. If bats are found to be present a

method statement giving details of measures to be taken to avoid any possible harm to bats shall be prepared, submitted to and approved in writing by the Local Planning Authority prior to any development being commenced. Once approved this method statement shall be implemented in full. Whether any bats are present or not, bat boxes shall be re-instated on the site post-construction prior to any dwelling being first occupied.

11. A programme of works shall be submitted to and approved in writing by the Local Planning Authority prior to development being commenced, detailing the following:
 - a) The specific processes/activities which will be carried on during the construction phase(s)
 - b) The proposed timescales for the processes/activities in a)
 - c) The proposed noise mitigation measures for the processes/activities in a). The development shall thereafter only be carried out in accordance with the approved details.
12. No development shall take place, including any works of demolition, 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 including decorative displays and facilities for public viewing where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
13. 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.
14. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
15. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling, and the approved drainage scheme shall thereafter be retained at all times.
16. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 15 which shall cover the lifetime of the development, has been submitted to and

approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.

17. No development shall be commenced until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.
18. Vehicular access to the development shall be from Brownside Road only in accordance with details as indicated on the approved plans and no part of the development hereby approved shall be commenced until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The off-site works of highway improvement shall provide for a scheme to facilitate the making of a Traffic Regulation Order to restrict parking for a distance of 25m from the centre line of the new estate on the north west side of Brownside Road and the provision of a 2.0m wide footway to the site's frontage to Brownside Road. The site access and off-site works shall thereafter be constructed, carried out and completed in accordance with the approved scheme prior to any dwelling being first occupied.
19. The Reserved Matters application relating to the layout of the development shall provide for a pedestrian and cycle access from the site to provide convenient access to the nearby recreation ground off Lennox Street. Details of the pedestrian/cycle access shall be submitted to and approved in writing prior to the commencement of development and the development shall thereafter be carried out in accordance with the approved details and be completed and made available for use prior to any dwelling being first occupied. The approved pedestrian/cycle access shall thereafter be retained and available for use at all times.
20. The Reserved Matters application relating to the layout of the development shall provide for the details and design of the new estate road, including traffic calming measures to control traffic speeds to a limit of 20mph. The approved estate road shall thereafter be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
21. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to facilitate the restriction of parking on both sides of the new estate road for a distance of 20m from the centreline of the new estate junction with Brownside Road. The approved scheme shall be carried out and completed prior to any dwelling being first occupied unless a variation to the timescale for its completion is otherwise previously agreed in writing by the Local Planning Authority.
22. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.

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

23. No dwelling shall be first occupied until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
24. The Reserved Matters application relating to the layout of the development shall provide for covered and secure cycle storage within either a garage or shed for each dwelling. The approved cycle storage provision shall thereafter be provided and available for use prior to each dwelling being first occupied and shall be retained at all times thereafter.
25. Prior to the commencement of development, a ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Combined Phase 1 Land Quality Assessment & Coal Mining Risk Assessment submitted with this application (prepared by PSA Design Limited, reference G2446-GR-01, dated 14 March 2017). Any recommendations contained within the approved report shall be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the Local Planning Authority.
26. The Reserved Matters submission shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of boundary treatment shall thereafter be carried out and completed prior to any dwelling being first occupied.

Reasons

1. The permission is an outline planning permission.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy GP3 and H3 of the Burnley Local Plan, Second Review (2006).

6. To ensure adequate compensation for the removal of trees required for a footpath construction on the site's frontage and to ensure an appropriate rural edge to mitigate the visual impact of the proposal, having regard to the character of the village and the Worsthorne Conservation Area, in accordance with Policies H3, GP3 and E12 of the Burnley Local Plan, Second Review (2006).
7. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
8. All nesting birds, their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).
9. The spread of Japanese knotweed in the wild is prohibited under the terms of the Wildlife and Countryside Act 1981 (as amended).
10. To compensate for possible lost bat roosting potential, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006). All UK bats are specially protected in UK and European legislation. The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
11. To identify and reduce the potential for nuisance to the occupiers of nearby buildings and dwellings during construction, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
12. In order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP7 and H3 of the Burnley Local Plan, Second Review (2006).
13. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
14. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
15. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
16. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
17. To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy GP7 of the Burnley Local Plan, Second

Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

18. To ensure adequate access and visibility for drivers, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of the development.
19. To ensure the site is accessible to its surroundings and adequately connected to village amenities, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the works required to implement the approved pedestrian/cycle access can be carried out at the appropriate stage of the development.
20. No such details have been provided with the application and are necessary to ensure an appropriate access and layout of the site and to ensure satisfactory access to the site before the development becomes operative, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
21. To prevent car parking close to the estate junction to avoid congestion and maintain visibility for drivers and pedestrians, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of the development.
22. To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interests of highway safety, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
23. To ensure adequate parking facilities for each dwelling, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan, Second Review (2006).
24. To encourage sustainable travel modes, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
25. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health. It is necessary for the ground investigation report to be submitted and approved prior to the commencement of development in order to ensure that any remediation measures that may be necessary can be carried out at the appropriate stage in the development process.
26. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).

JF
07/11/2017

Part One Plan

Agenda Item 6b

Housing & Development
9 Parker Lane

Ref.

APP/2017/0450

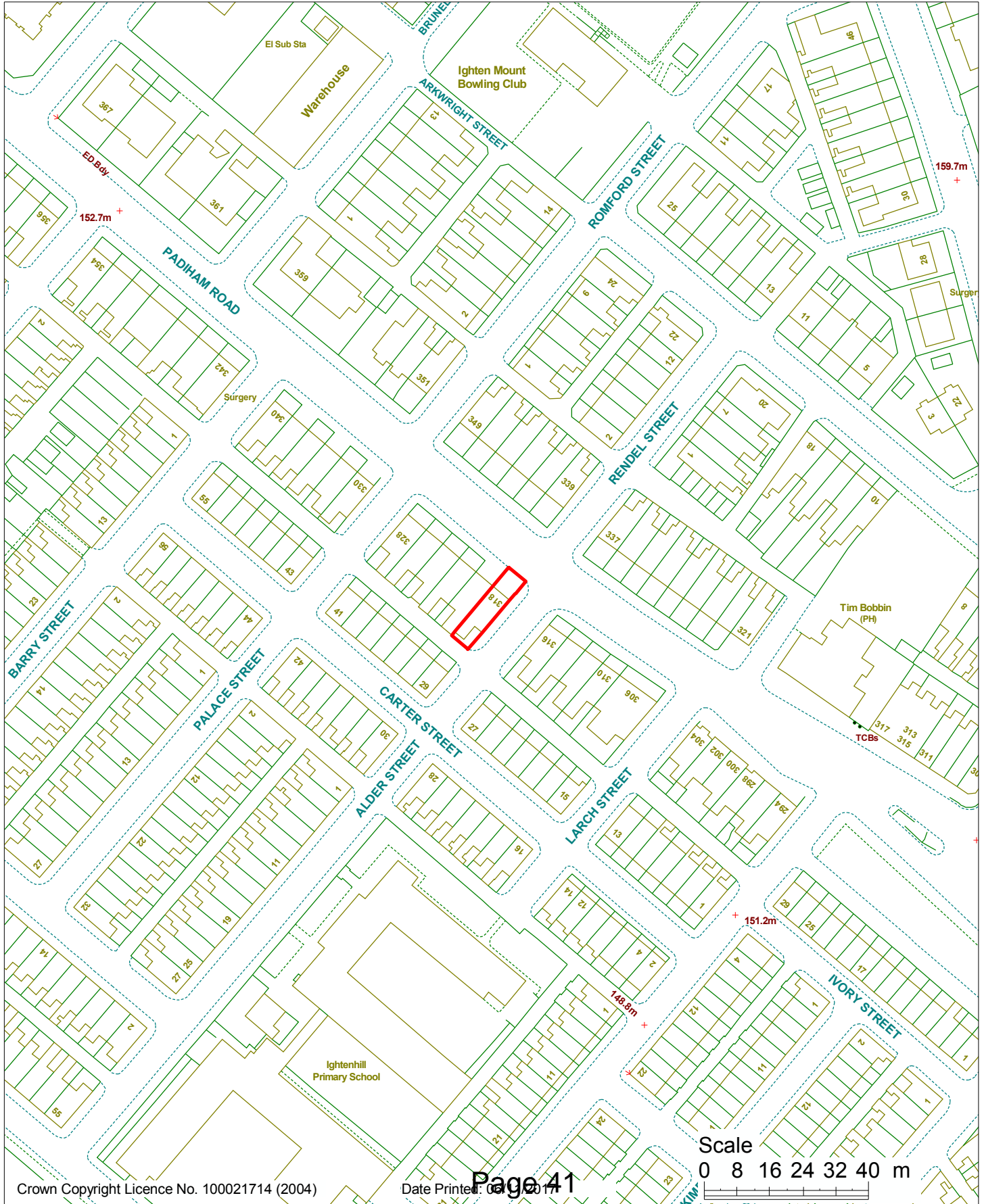
Paul Gatrell Head of Housing and Development

Location:



318 Padiham Road, Burnley

1:1250



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Full Planning Application

Variation of condition 6 (relating to operating hours of 9.30am to 7pm on any day) of planning permission APP/2016/0007 to change the operating hours to 11.00am to 9pm Sunday to Thursday and Bank holidays and 11.00am to 9.30pm on Friday and Saturday

318 PADIHAM ROAD, BURNLEY

Background:

This application has been called in, by three Councillors, to be considered by the Development Control Committee.

Consent was granted for the change of use of the former post office to a hot food take away in March 2016 with a condition restricting opening hours until 7pm. The applicant wishes to extend the opening hours; an application to extend the hours until 9pm Sunday to Thursday and Bank Holidays and until 10pm on Fridays and Saturdays was refused in August 2017. The current application is to extend the hours to 9pm Sundays to Thursdays and Bank Holidays and 9.30pm on Fridays and Saturdays.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

CF11 - District and local centres

CF13 - Restaurants, cafes, public houses and hot food take-aways

E21 - Gateways and throughroutes

GP1 - Development within the Urban Boundary

H12 - Non-residential uses in residential areas

H9 - Regenerating urban areas and neighbourhoods

TM15 - Car parking standards

TM8 - Quality bus routes

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

TC7 – Hot Food Take-aways

IC3 – Car parking standards

Site History:

Relevant applications:

95/0397 - Proposed extension to shop and sales area to first floor, new shop front and access ramp to forecourt – c/c

05/0021 – Use for sale of hot drinks (opening 8.30am to 5.30pm) and extension to front elevation to provide glazed entrance – c/c

15/0459 – Change of use of ground floor to hot food take-away (opening 11am until 12 midnight Mon-Fri, Sundays and Bank Holidays and 11am until 2am on Saturdays) – refused

16/0007 – Change of use of ground floor to hot food take-away (closing at 7pm) – c/c

16/0261 – Discharge of conditions 3 and 4 on 16/0007 – condition 4 yet to be discharged

17/0300 - Variation of condition 6 (relating to operating hours of 9.30am to 7pm on any day) of planning permission APP/2016/0007 to change the operating hours to 9.30am to 9pm Monday to Thursday, Sunday and Bank Holidays and 9.30am to 10pm on Friday and Saturday – refused

Consultation Responses:

Highway Authority –The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds.

Environmental Health – There are no grounds for Environmental Health to object to the application, however, we have had complaints of alleged odour nuisance coming from the premises. *This was investigated and it was found that there was a faint cooking odour present at the complainant's property but at the time of the visit they did not believe this to be a statutory nuisance.*

Neighbouring residents – *Nine letters/e-mails have been received, objecting to the proposed take-away for the following reasons;*

- There is a pervading smell from the premises when it is open (we are unable to have our windows open during the hours of opening and can't put our washing out). Also can't put washing out.
- The roads around the premises are congested and parking is a problem, extended opening hours will add to the problem/safety issues (we are having to park further away from our homes).
- The late opening hours would also mean additional noise late at night with customers arriving/leaving due to car doors slamming and customer discussions.
- Increase in car fumes
- Extending the closing time until 9.30pm on Fridays and Saturdays would act as a magnet for local youths to congregate.
- They are already opening past 7pm without consent.
- We were told that there would be plenty of refuse bins provided for the customers and that staff would ensure that the area would be clean; the staff do not clean around the front of the shop and at most one bin is provided, which is often full. We have rubbish discarded in our gardens.
- Applications were previously refused for later closing times.
- The applicant has also bought the fish and chip shop in the row of shops (298 Padiham Road) opposite the Tim Bobbin pub. (*This is an old established use and is considered to be within the area classed as a 'local centre' – see Local Plan policy CF13 below*).

Planning and Environmental Considerations:

The property is an end terraced shop which was previously a Post Office; there is an Oddies Bakery next to it and the rest of the row is residential. Properties to the rear, other side of the side street and at the other side of Padiham Road are residential.

Consent was refused (on residential amenity grounds) in December 2015 for the change of use of the former post office to a hot food take-away opening until 12

midnight every day except Saturdays which was proposed until 2am. Following the refusal an application was submitted for opening hours until 9.30pm every day (they applied for opening hours from 11am until 9.30pm Mon to Fri and 9.30am until 9.30pm on Saturdays, Sundays and Bank Holidays); following discussions the application was changed to closing at 7pm and was granted at a Development Control Committee meeting on that basis (as there was no issue with the shop opening earlier, if they so wished, a condition was attached stating that they should not operate outside the hours of 9.30am and 7pm on any day).

The applicant then applied to extend the opening hours until 9pm Mondays to Thursdays, Sundays and Bank Holidays, and until 10pm on Fridays and Saturdays. The applicant was advised prior to submission of the application that such an application would be likely to be refused. The application was refused under delegated powers in August 2017.

The current application is to extend the opening hours until 9pm Sundays to Thursdays and Bank Holidays, and until 9.30pm on Fridays and Saturdays.

The applicant has stated that the reasons why he needs to extend the hour are as follows; i.e.at the request of customers, and in order to generate enough income to pay the running costs/business rates. He also states that there are other take-aways in Burnley that are not on a major road and are located in a residential area, that currently operate to 12am and beyond.

The main considerations are residential amenity and highway issues.



318 Padiham Road

Although the change of use has already been granted (APP/2016/0007) the following policy is still considered to be relevant;

Local Plan policy CF13 – Restaurants, cafes, public houses and hot food takeaways states that these proposals will be permitted when the proposal:

- (a) is, wherever possible, located in, or adjacent to, a defined town, district or local centre, or within one of the named settlements listed in General Policy GP2: “Development in Rural Areas” (*the property is not located within a defined town, district or local centre etc. there is a local centre on Padiham Road however the property is not considered to be within or adjacent to this*);
- (b) is accessible by walking, cycling and public transport (*the property is easily accessible*);
- (c) includes an adequate and effective fume and odour control system (*a flue has been erected at the rear of the premises, however there has been complaints about odour nuisance*);
- (d) can be accommodated without detriment to the free flow of traffic or residential amenity; (*the Highway Authority have no objections to the proposal on highway grounds; however, trade is likely to be concentrated in the evening when background noise is less, potentially increasing the impact on local residents; it is proposed to open the take-away until 9pm on Mon to Thurs and Sundays and Bank Holidays, and until 9.30pm on Fridays and Saturdays*);
- (e) includes measures to reduce the impact of noise and litter (*litter bins were proposed inside and outside the premises as part of the approved change of use (16/0007); if the opening hours are extended noise is likely to be an issue due to customers (and their cars) coming and going in the evening*);
- (f) will not create an unacceptable concentration of non-retail uses in Burnley and Padiham Town Centres in accordance with policies BTC1, BTC2, PTC1 or PTC3, or more than 30% in any other centre or frontage (*not relevant to this application*); and
- (g) complies with Local Plan Environment Policy E25 - “Shop Fronts (*no new shop front is proposed*)”.

Local Plan policy H12 – Non-residential uses in residential areas – states that “there should be no adverse effect on residential amenity as a result of the proposed activity (criteria b) (*as mentioned above in CF13 criteria (d), it is considered that the late opening hours would have an adverse effect on the residential amenities of the neighbouring residents, in particular due to noise and disturbance from the coming and going of customers and their vehicles*).

Local Plan policy GP1 – Development within the Urban Boundary – states that development will be permitted when it meets certain criteria. Criteria (g) states that the development should not have a detrimental effect on residential amenity by reason of noise or other nuisance. *As detailed above it is considered that residential amenity would be adversely affected by the proposals.*

There are waiting restrictions on the highway to the front and side of the property between 8am and 6.30pm Mondays to Saturdays. However, cars will be coming and going, parking outside/to the side of the property in the evenings until 9pm Mon to Thurs and Sundays and Bank Holidays and up until 9.30pm on Fridays and Saturdays causing noise and disturbance.

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

Policy TC7: Hot Food Takeaways

With regard to 'hours of opening' the policy states;

h) When determining the appropriate hours of opening, regard will be had to:

i) the likely impacts on residential amenity;

ii) the existence of an established late night economy in the area; and

iii) the character and function of the immediate area, including existing levels of background activity and noise.

4) Where appropriate, restrictions will be placed on opening hours through the use of planning conditions.

Conclusion

The applicant agreed to change the opening hours of the takeaway to close at 7pm (APP/2017/0007) and the application was approved on that basis; the applicant was therefore aware that he could not open after 7pm when the use was brought into use. There are some take-aways within residential areas in Burnley that can open later than 7pm; these are likely to be ones that have a long established use i.e. have been there for a long time and pre-date planning controls.

Trade is likely to be concentrated in the evenings when background noise is less, there are residential properties in close proximity to the proposed hot food take-away; noise and disturbance from customers and their vehicles coming and going late into the evening would have an adverse effect on the residential amenities of the neighbouring residents. The proposals are therefore contrary to Local plan policies GP1, CF13 and H12 (and policy TC7 of the emerging Local Plan).

Recommendation:

Refuse for the following reason:

The operation of a hot food take-away during evening hours up to 9pm Sunday to Thursday and Bank Holidays and 9.30pm Fridays and Saturdays, as specified in the application, would have an adverse effect on the residential amenities of the neighbouring residents in particular by reason of noise and disturbance from the coming and going of customers and their vehicles. The proposal would thereby be contrary to policies GP1, CF13 and H12 of the Burnley Local Plan Second Review and policy TC7 of the emerging Local Plan and policy TC7 of the emerging Local Plan.

Housing & Development
9 Parker Lane

Ref.

APP/2017/0478

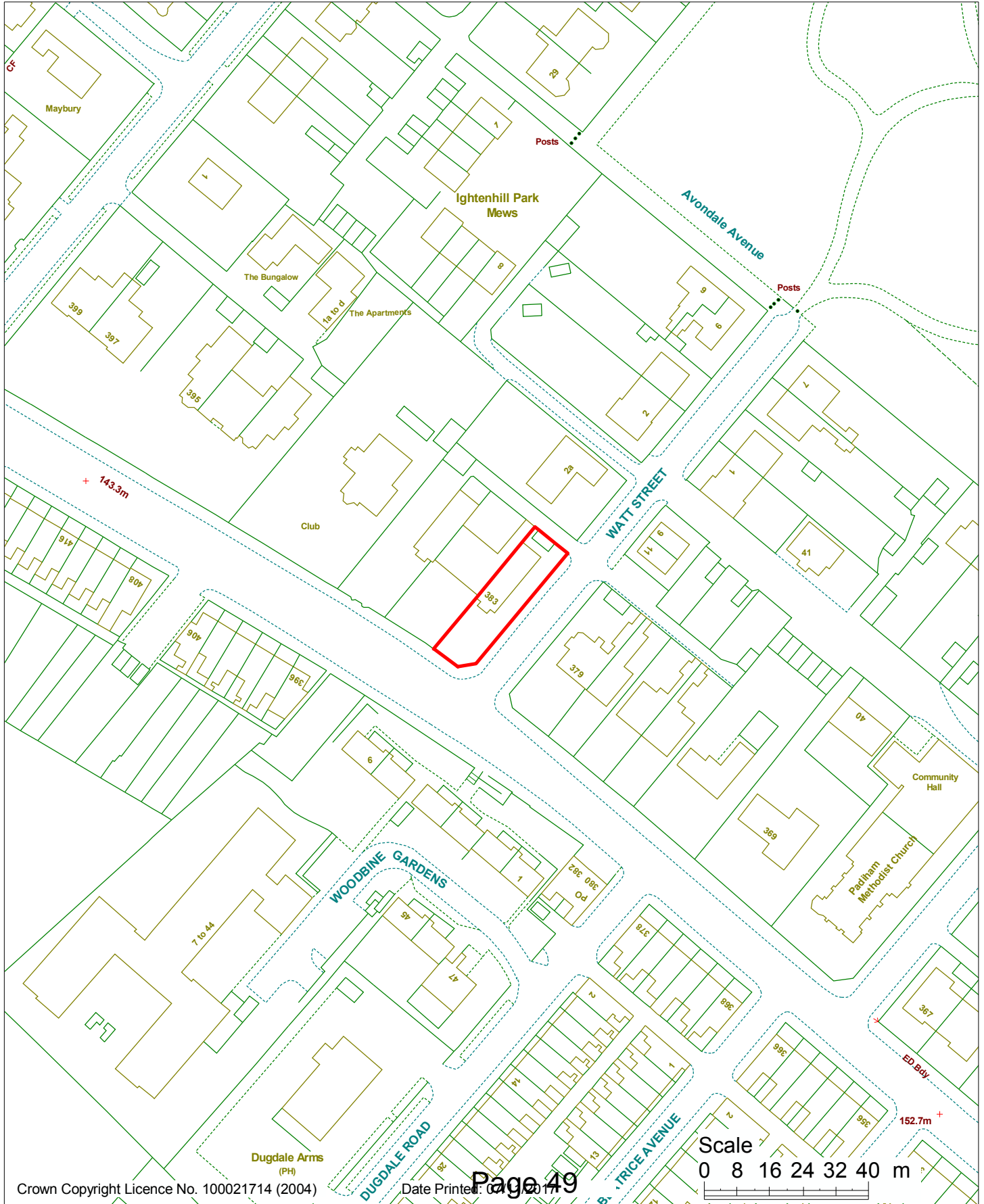
Paul Gattrell Head of Housing and Development

Location:



383 Padiham Road, Burnley

1:1250



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Full Planning Application

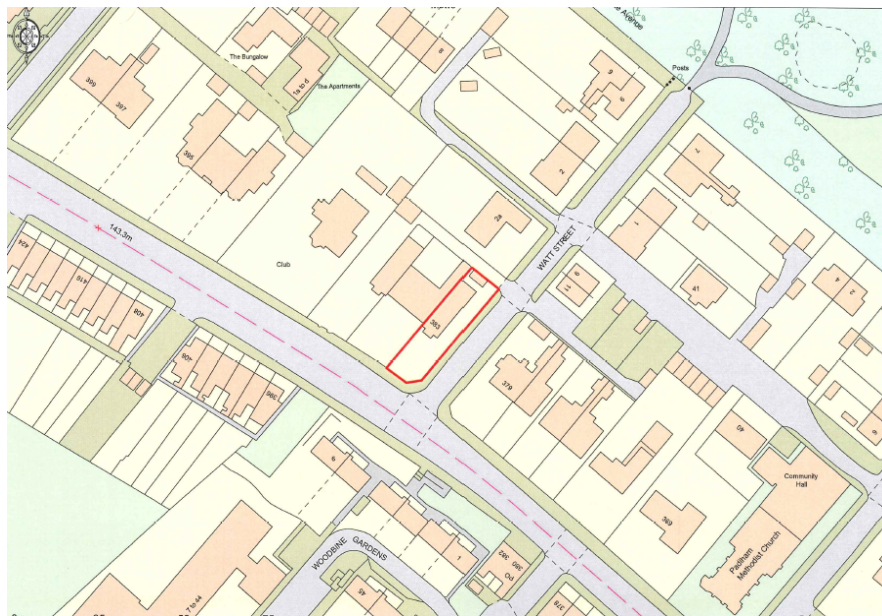
Proposed change of use from residential dwelling (Use Class C3) to supported housing scheme (Use Class C2)

383 PADIHAM ROAD BURNLEY

Background:

The application relates to a large dwelling at the end of a terrace of three, fronting Padiham Road at the junction with Watt Street.

Objections have been received.



Application site

Relevant Policies:

Burnley Local Plan Second Review

H12 – Non-residential uses in residential areas

H15 – Conversion and re-use for Flats and Bedits

CF14 – Provision, Retention and Enhancement of Community Facilities

TM15 – Car Parking Standards

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

HS4 – Housing Developments

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

Site History: No applications.

Consultation Responses:

Highway Authority –The proposal raises no highway concerns and there are no objections to the proposal.

Environmental Health – No objections but request the imposition of conditions relating to internal soundproofing between rooms, external lighting and construction working times during the construction phase. [*Comment – The house would operate similarly to a dwelling house, so that undue noise between rooms or the need for out-of-the ordinary external lighting would be unlikely. A condition is recommended as regards construction noise*]

Neighbouring Residents and Occupiers – Representations area as follows:

Letter from adjoining resident – Making objections, summarised as follows:

1. Inadequate parking
2. No disabled access to the property
3. Concern about loss of residential amenity and the presence of the occupants of the proposed supported housing.

Petition – stating objection to the proposal bearing 20 signatures.

Facsimile Letter – submitted by 19 people making objections, summarised as follows:

1. Inadequate parking facilities in an area with street parking congestion.
2. Inappropriate nature of the proposed use in the residential area.
3. Inadequate staffing provision.
4. The amenity of the area would be adversely affected.
5. Noise and disturbance from dropping off residents.

Ashmeade Private Residence for the Elderly – Letter making a detailed, point-by-point critique of the applicants' planning statement and proposal, from which the following representations are summarised:

1. The geographical area would have an excess of C2 uses (elderly persons'/care/nursing/community homes) which unbalances the normal residential setting expected of the area. [*Comment- Residential accommodation and areas take a variety of forms. In this case, given the modest scale of the proposal and the robust nature of the residential area, there is unlikely to be any significant degree of adverse impact on the character of the area*]
2. Comments on the proposal on clinical/medical/academic grounds. [*Comment – These are not planning matters*].
3. Inadequate parking.
4. Loss of the dwelling from the housing stock.
5. Absence of a secondary means of escape from upper floors.[*Comment- This would be considered under Building Control legislation*]

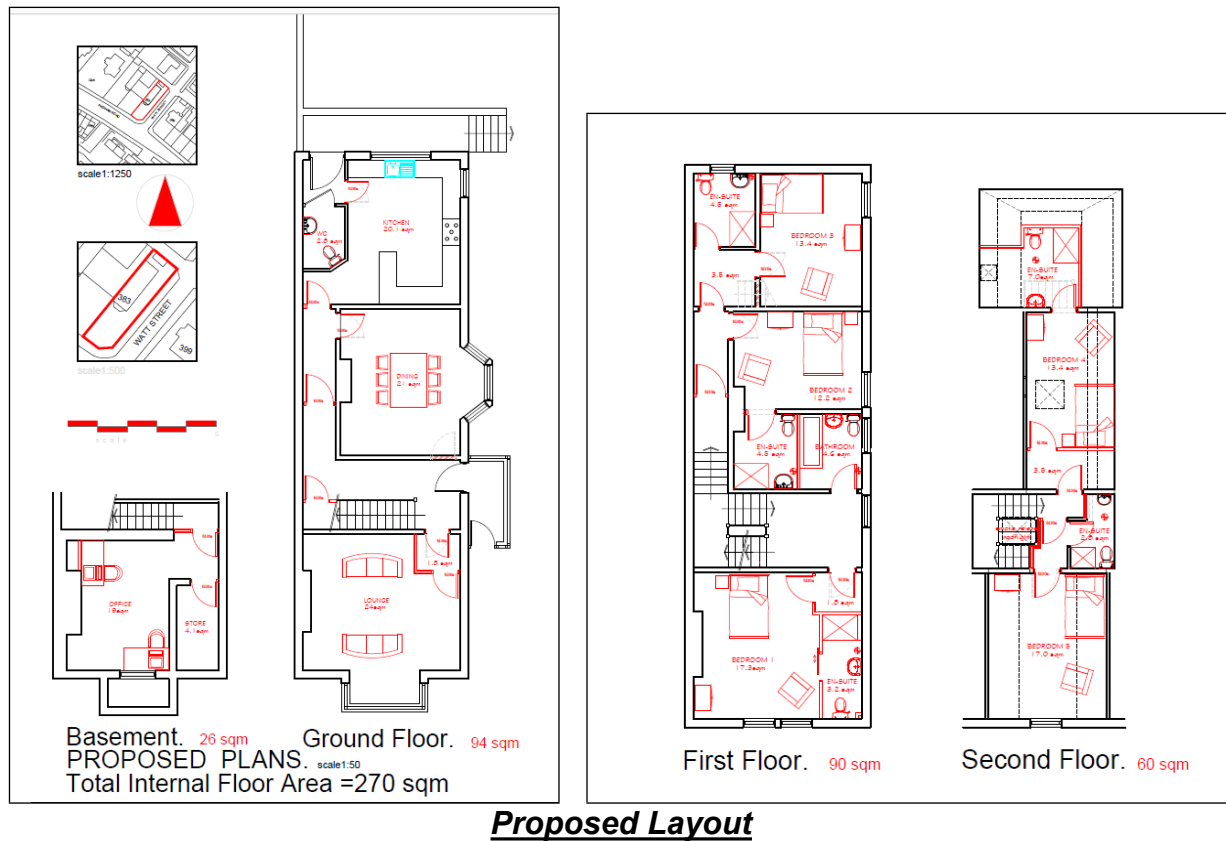
Planning and Environmental Considerations:

The application relates to a large end of terrace dwelling house facing Padiham Road, with its side facing Watt Street. It has substantial forecourt gardens on both frontages and a rear yard/garden. A small back street runs from Watt Street, giving access, as necessary, to the rear of the three dwellings.

The house is of two storeys, with attic and basement rooms. It has two large reception rooms, and a generous dining/kitchen. There are 3 large bedrooms and 2 bathrooms on the first floor, and 2 generous attic rooms and shower room in the attic; and a large basement room.

Details of the proposal

The proposal is to provide 5 bedrooms with en-suite facilities, on the upper floors. The ground floor would be laid out, family house style, with a lounge, dining room and kitchen. The basement would provide a staff office and minor storage.



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 purpose of the accommodation is to provide short term respite accommodation for 4 people with mental health needs. The typical length of stay will be seven days, but service users (occupants) may occasionally stay 10 days.

Richmond Fellowship staff would be present 24 hours a day; one of the five bedrooms would be for a member of Richmond Fellowship staff.

The occupants would arrive/depart from the service between 8am – 10pm, and there would be no late arrivals.

Apparently the service users would generally make their own way to the facility via assistance from a close relative or a member of staff.

Policies and Assessment

The **NPPF** in Promoting Health Communities says that planning decisions should ensure an integrated approach to considering the location of housing and community uses.

Parts of several policies are relevant in the determination of this proposal, as follows:

When considering Local Plan Policies H15, H12 and CF14, 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, SP4 and SP5, although as there are outstanding objections to these policies they can only be given limited weight. 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. Richmond Fellowship 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.

There would be little, if any, change to the exterior of the dwelling and a condition could require its return to use as a single dwelling house if the proposed use ceases.

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

The representations focus primarily on impact on amenity and street parking congestion. The substantial dwelling house would be occupied by 4 temporary residents and a live-in (on a rota basis) support worker. Daily there would be additional callers of a support and advisory nature, however, this is unlikely, given the needs of 4 residents, to be on a significantly harm-causing scale.

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 383 Padiham Road to a supported housing scheme for people with mental health needs. 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 3565 sk01 (Existing Floor Plans); 3565 sk02 (Proposed Floor Plans), received 26 September 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 arriving or departing of service users/occupants between the hours of 2200hrs and 0800hrs.
5. 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.

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 protect the amenities of nearby residents, during the construction period of the development, 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.

AR

7.11.2017

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Housing & Development
9 Parker Lane

Ref.

APP/2017/0426

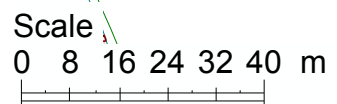
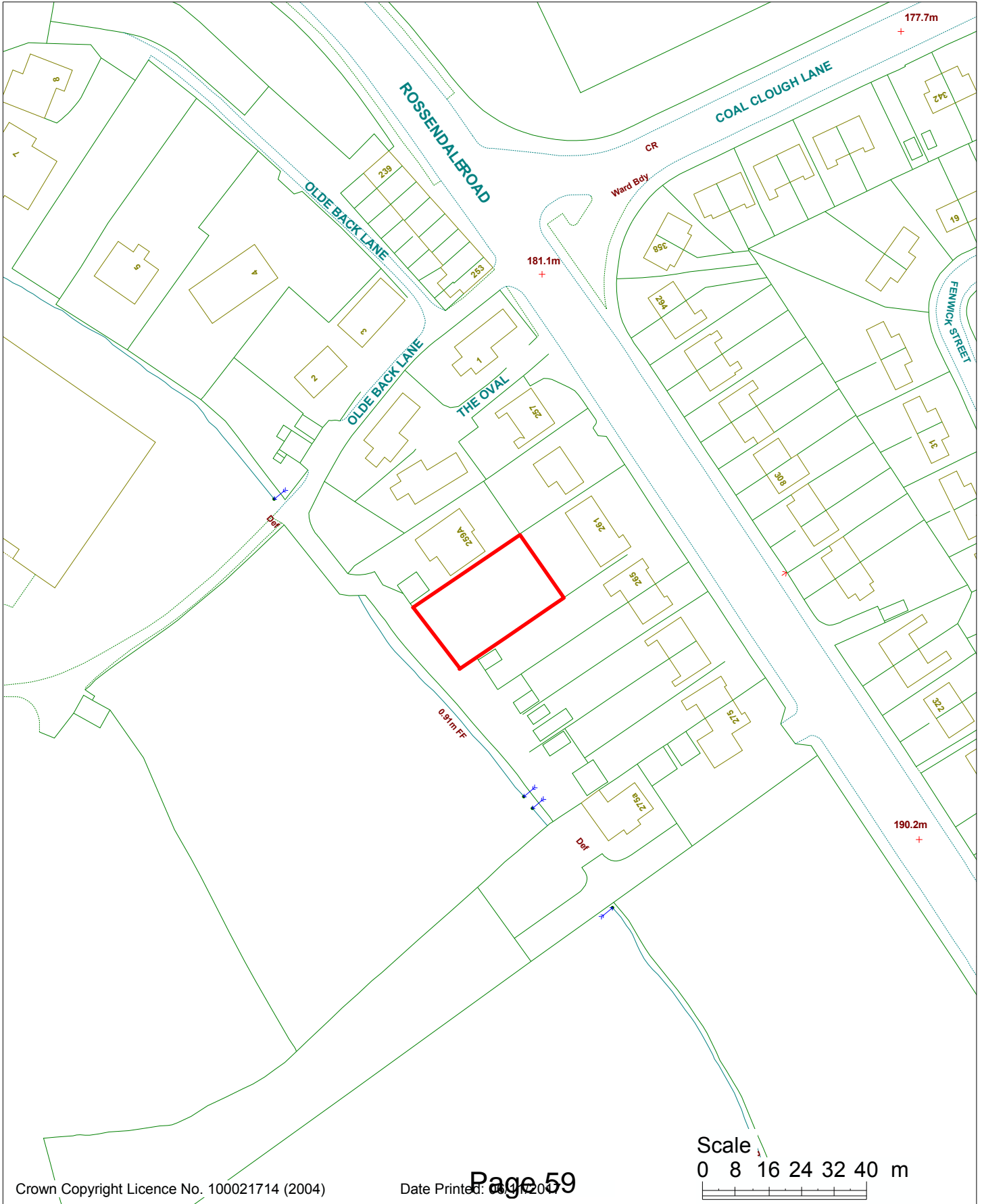
Paul Gatrell Head of Housing and Development

Location:



261 Rossendale Road, Burnley

1:1250



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Application Recommended for APPROVAL
Coalclough with Deerplay Ward

APP/2017/0426

Full Planning Application
Proposed erection of 1 detached dwelling (resubmission of APP/2016/0436)
261 ROSSENDALE ROAD, HABERGHAM EAVES

Background:

The proposal is for a new detached dwelling in the rear garden area of the dwelling at No. 261 Rossendale Road.



It would be three bedroomed, with a detached garage/car port and two additional car parking spaces within the curtilage.

Access would be taken from Olde Back Lane via a private unmade road which also serves access to No. 259A. The access road is jointly owned by properties along Rossendale Road. Notice has been served on all the owners.

Objections have been received

Relevant Policies:Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

H1 – Land for new Housing Development

H3 – Quality and Design in New Housing Development

H14 – Gardens and back Land Development

TM15 – Car Parking Standards

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

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS1 – Housing Allocations

HS4 – Housing Developments

IC3 – Car Parking Standards

National Planning Policy Framework**Site History:**

APP/2016/0436 – Outline Application for erection of 2 semi-detached dwellings including details of access and layout (all other matters reserved for future approval) – (*Withdrawn May 2017*).

APP/2011/0486 – Proposed erection of detached house and garage – (*Invalid 2011*).

12/96/0301 – Outline Application for erection of detached bungalow, including means of access (details of siting, design, external appearance and landscaping reserved for subsequent approval – (*granted Nov 1996*).

12/96/0106 – Outline Application for erection of two bungalows, including details of siting – (design, means of access, external appearance and landscaping reserved for subsequent approval) – (*Refused May 1996*).

Consultation Responses:**The Coal Authority Recommendation to the LPA**

The Coal Authority concurs with the recommendations of the Minor Development Risk Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval;*
- * The undertaking of that scheme of intrusive site investigations;*
- * The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;*
- * The submission of a scheme of remedial works for approval; and*
- * The implementation of those remedial works.*

The Coal Authority considers that the content and conclusions of the Minor Development Risk Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

Environmental Health

The Environmental Health Officer does not raise any objections subject to the following conditions to be attached to approval of the application:

Conditions:

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

Reason:

To protect the amenities of nearby residents, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

2. The development shall not start until details of refuse storage enclosures showing the design, location and external appearance have been submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be provided before the start of the use and thereafter permanently retained.

Reason:

To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to ensure compliance with policy GP3 of the Burnley Local Plan, Second Review.

3. There shall be no burning of waste or other materials within the curtilage of the premises.

Reason:

In the interest of residential amenity and to prevent air pollution.

NOTE:

Electric vehicle charging points within the development will be encouraged. Within the parking area, there shall installed of a minimum of 1, three-pin 13-amp electrical

sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable.

To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.

Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket should be suitable for outdoor use and have an internal switch within the building to enable the socket to be turned off.

LCC Highways Burnley

With regard to the planning application for a three bedroom dwelling complete with a carport with space for two vehicles. This is seen as a resubmission of application APP/2016/0436 for a pair of semidetached dwellings. At the time of that application the number of highway issues were raised with regard to the amount of development that was accessed via Olde Back Lane as this road also forms part of a public footpath (12-6-FP 5). We looked carefully at the application and were concerned that there is one home that already has the road as the only access along with a number of private garages therefore we were of the mind to refuse the application as it was thought that the un-adopted and made access had reached a point where there was enough development in the area.

With the understanding that previously an application had been permitted for one dwelling on this site it is felt that it would be prudent to allow this application as a final provision in this area using Olde Back Lane as an access.

Taking into account the previous planning history I would not raise objections to this application on the understanding that any further applications are likely to receive objection on the grounds that the access has poor sightlines for its full length and is not of a suitable nature to support any increase in goods vehicle traffic.

The construction of the dwelling will need to take into account other people who may need to use Olde Back Lane or the unnamed track at the back of Nos. 257-275 Rossendale Road. This will be especially important when the construction demands the delivery of materials that will not be allowed to be stored on the track that is necessary for access to the garages.

I will not raise objections to the proposed development on highway grounds subject to the following notes and conditions being attached to any permissions that your council is minded to grant.

Conditions:

1. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

2. *Prior to work commencing on site a construction management plan is produced for approval. This should highlight how deliveries during construction will be managed and where workers on the site will park during construction.*

Reason: to minimise the impact of construction on existing residents in the vicinity of the site.

3. *During the construction and prior to the occupation of the new dwelling the site access off Rossendale Road including Olde Back Lane and the unnamed access track shall be maintained to a serviceable standard for vehicle access. That is to a condition equal to or more serviceable than the present condition.*

Reason: To ensure that any damage caused by the construction work is promptly corrected.

Note:

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

Publicity

4 letters have been received from neighbouring residents, and the following objections have been made:-

- Proposal will ruin the character of the area
- Design not in keeping with surrounding houses
- Reduction in loss of light & overshadowing to adjoining property
- Loss of privacy to adjoining property
- Increase in noise activity
- Land owners have no legal access along Olde Back Lane
- Damage to the access road
- Increase in traffic

Planning and Environmental Considerations:

Principle of the development

The site is within the urban boundary within the existing garden curtilage of the adjacent dwelling house and as such it would be classed as a greenfield site.

Local Plan Policy H2 sets out that greenfield land will only be released when completions, brownfield allocations and brownfield windfalls cannot meet the five year's housing provision. In addition, greenfield sites will only be released when the proposal is within easy reach of local facilities and services and is well served by public transport, as well satisfying other relevant policies of the local plan.

The council can demonstrate a five year supply of housing land in the borough and whilst there is no need to provide additional housing, the development of one dwelling in this location would not have a material impact on housing provision in the borough as a whole.

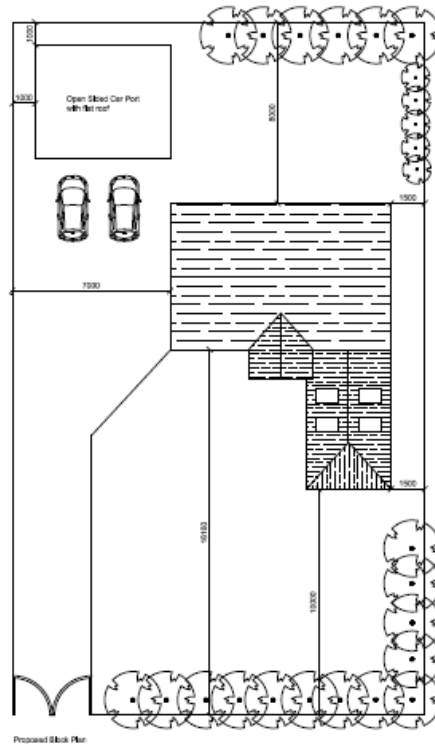
The site is considered appropriate for accommodating residential development, and is within a sustainable location being close to services and shops, and existing bus

services. Consequently the proposed development of the site for residential purposes complies with both national and local planning policy.

There are no public vantage points to the rear of the site. As such, the proposed development would not result in a dwelling which would appear materially larger than the existing dwelling, nor would it adversely affect the openness of the surrounding open area.

Design





The size of the plot enables it to comfortably accommodate the proposed house whilst allowing set back from the road and sufficient garden space around the dwelling.

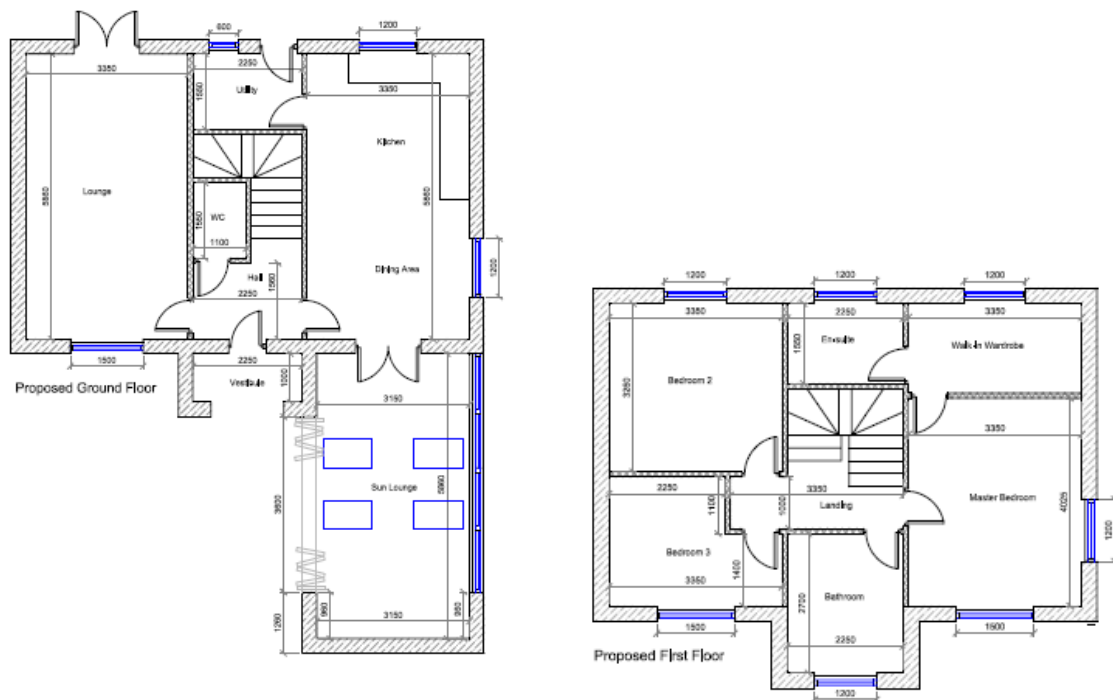
The scale of the proposed dwelling is not dissimilar from other dwellings along the rear road or in the area. The proposal does not appear cramped within the plot. I do not consider that the development is discordant with the existing form and pattern of development in the area.

Policy H3 of the Local Plan expects new housing development to be suitable in terms of overall design, including layout, materials, size and scale when compared with neighbouring properties and the wider locality.

The dwelling would be constructed in forticrete-stone which does vary in colour/shades and to ensure that the materials are not too contrasting with neighbouring property, a condition requiring the submission of material sample for agreement is considered appropriate. The roof will comprise of a grey concrete interlocking tile which is acceptable.

The proposed dwelling with a front extension and a detached car-port is considered an acceptable design contributing to the overall mix of dwelling types in the area.

Impact on the amenities of adjacent residents



There are no windows to the western elevation lounge and bedrooms which protects the privacy of the immediately adjoining neighbours. The distance between the application dwelling and the dwelling to the rear is 20+ metres which meets the standard and therefore the residential amenity of the nearby properties will not be affected by this proposal.

The impact is considered limited due to the orientation and separation distance of the proposed dwelling with the surrounding properties.

In respect of the properties to the north and east there will be no impact in terms of mass and bulk due to separation distances. There will be no detrimental impact in terms of loss of privacy to any of the neighbouring properties as the proposed property has limited windows to the sides and rear.

Highway implications

The access is via Olde Back Lane, a private unmade road to the proposed dwelling. The Highway Authority has no objection to the development in principle but request such conditions will be imposed requiring the layout of the development which includes provisions to enable vehicles to enter and leave in forward gear; a construction management plan is submitted for approval and before occupation the access road shall be maintained to a serviceable standard.



Conclusion

I conclude that the proposal would not be out of character with the street scene and the surrounding area in terms of footprint, scale and design and would not detract from the appearance of the area. Accordingly it would comply with Policy GP3 of the Local Plan and those principles of the Framework that seek to encourage sustainable development of good design that respects the character of the local area.

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 following approved drawings: 005-4, 005-03, 005-02, 005-01 received 30th August 2017.
3. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.
4. Prior to work commencing on site a construction management plan is produced for approval. This should highlight how deliveries during construction will be managed and where workers on the site will park during construction.
5. During the construction and prior to the occupation of the new dwelling the site access off Rossendale Road including Olde Back Lane and the unnamed access track shall be maintained to a serviceable standard for vehicle access.
6. Precise details of the forticrete-stone for the dwelling shall be submitted to and approved in writing by the Local Planning Authority before their use in construction work.
7. 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.

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. Vehicles reversing to and from the highway are a hazard to other road users.
4. To minimise the impact of construction on existing residents in the vicinity of the site.
5. To ensure that any damage caused by the construction work is promptly corrected.
6. To ensure that the materials to be used in the development harmonise with the surrounding area having regard to Policy H3 of the Burnley Local Plan Second Review.
7. To protect the amenities of nearby residents, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

AA
01/01/2017

Part One Plan

Housing & Development
9 Parker Lane

Agenda Item 6e

Ref.

APP/2017/0441

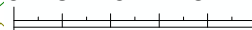
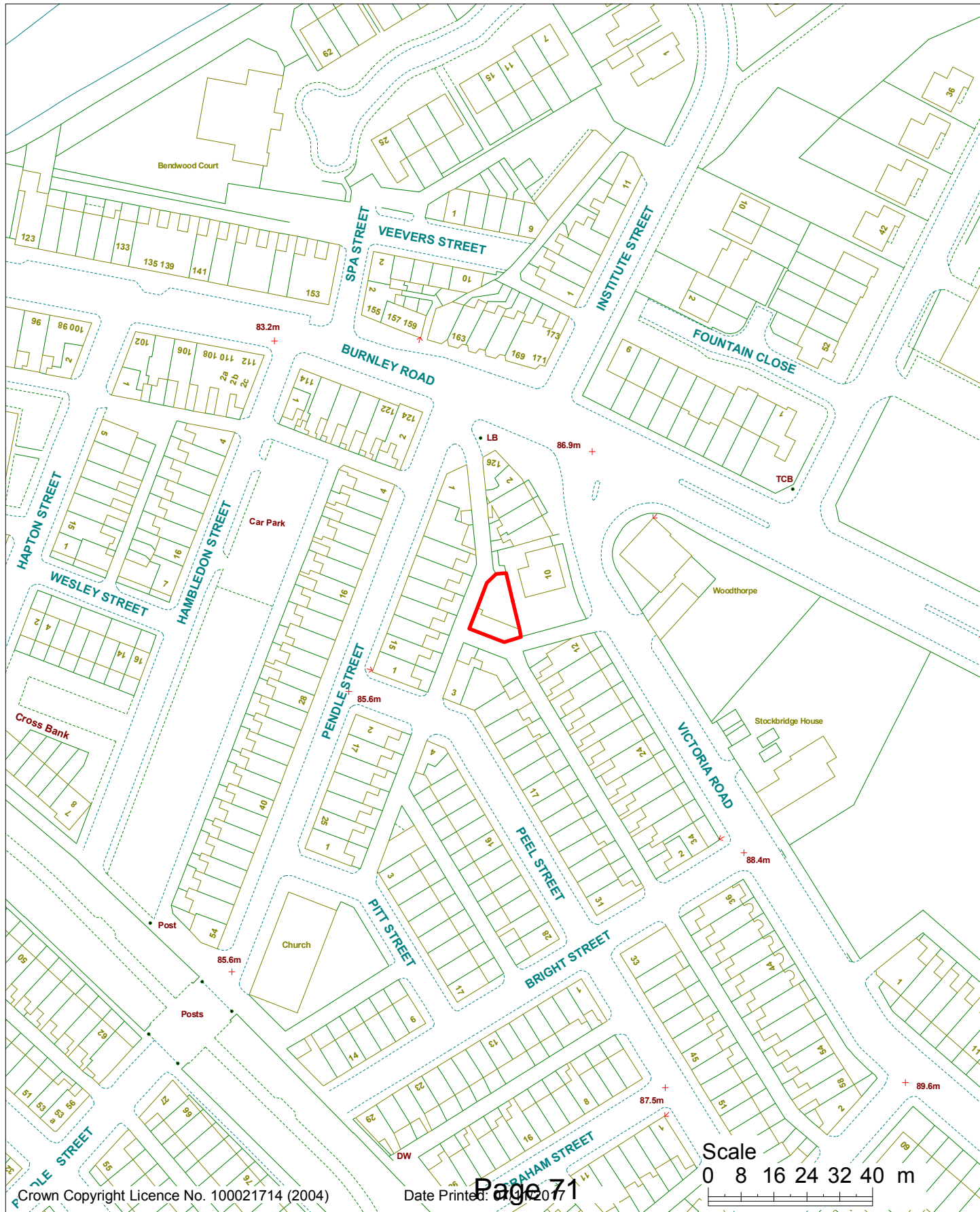
Paul Gatrell Head of Housing and Development

Location:



Rear of 10 Victoria Road, Padiham

1:1250



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Application Recommended for Approval

APP/2017/0441

Gawthorpe Ward

Full Planning Application

Retention of 2 sheds in connection with continued use as storage/builders yard
REAR OF 10 VICTORIA ROAD PADIHAM

Background:

The application relates to an enclosed, triangular piece of land at the rear of dwelling houses at the edge of Padiham Town Centre.

The land has apparently been vacant in recent years but was formerly a builders' yard.

Planning permission was refused in 2010 for use of the site as a gypsy caravan site for 3 caravans, then for 2 caravans; and an appeal was subsequently dismissed.

Objections have been received to the present proposal.

Relevant Policies:

Burnley Local Plan Second Review (Adopted 2006; currently saved)

GP3 – Design and Quality

EW4 – Expansion and Improvement of Existing Businesses

H12 – Non- Residential Uses in Residential Areas.

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

SP5: Development Quality and Sustainability

[The document has been submitted to the Secretary of State. Objections were received in respect of Policy SP5, therefore it can presently carry little weight].

Site History:

APP/2010/0073: Proposed change of use to a gypsy caravan site (including provision for 3no. touring caravans, a toilet/shower bloc and car parking) - Refused

APP/2010/0373 Proposed change of use to a gypsy caravan site (including provision for 2no. caravans for permanent occupation, a toilet / shower block and car parking) (re-submission of APP/2010/0073) – Refused; APPEAL Dismissed.

Consultation Responses:

Highway Authority – Concern that the enhancement of the facilities on the site could support use as a residential caravan/travellers' site and would be minded to recommend refusal of the application if that was the intention of the applicant.

[Comment – I am awaiting information to clarify this matter]

Neighbouring Residents – Letters from 2 neighbouring residents making objection to the proposal as follows (summarised):

1. Hazard of additional traffic along the back street, which is unlit, and exists close to a busy junction with Padiham Road, adjacent to hot food shop premises.
2. Noise and disturbance from traffic movement and activities on the site.

3. Blocking of the back street by vehicles attending the site. [*Comment – Highway obstruction is controlled under highway and traffic legislation*]
4. Unsightly appearance of the builders' yard
5. Disturbance from floodlights at the premises.

Planning and Environmental Considerations:

The application relates to a roughly triangular piece of land, one side of which adjoins the rear of No.10 Victoria Road, Padiham. On its other two sides it fronts onto back streets running at the rear of terrace houses in Pendle Street and Peel Street. Copy of the application site plan is as follows:



Application site plan

The land comprises an open yard enclosed with a 2m high wall, with access from the back street (rear of Pendle Street) via double gates of similar height. At the time of the 2010 applications there was a small building, including a wc, in a corner of the site (in dilapidated condition, appearing to have been vandalised whilst the site was vacant).

Archived image of site:



Application site

Present proposal

The applicant has re-placed the small building with a slightly larger building housing a wc, kitchen style sink and a shower compartment. A smaller lock-up shed as also been erected in another corner of the yard. The application seeks planning permission in retrospect for the erection of the buildings. No application is made for change of use and the application is construed to simply relate to continued use as a builders' yard.

Applicant's current images of site:



Access from back street

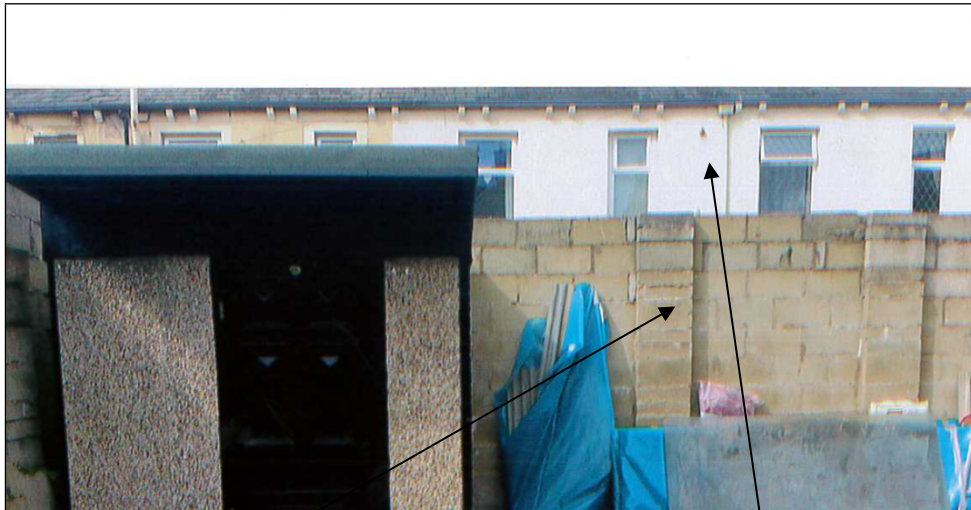
Larger re-built building



Yard area

Larger building

Smaller building

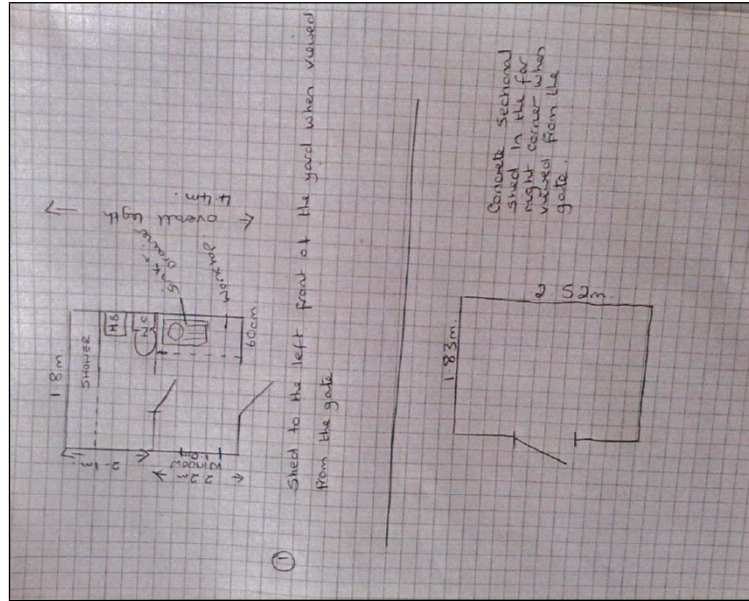


Small building

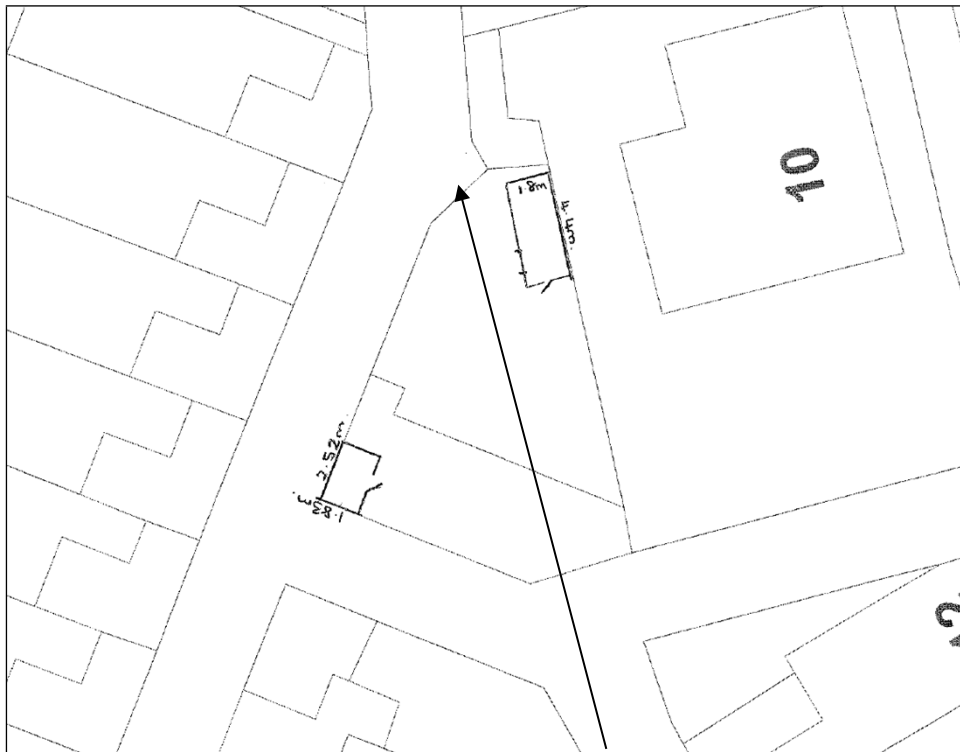
Enclosing wall, with back street and rear of terrace houses beyond

The applicant has only submitted quite rudimentary drawings of the buildings, however, together with the images (above) he has also submitted, the development is described sufficiently well for the purposes of the application.

The application drawings are copied below.



WC/shower building 4.4mX1.8m Shed 2.5mX1.8m



Position of access gates

Policies and Assessment

The planning issues with this application are the acceptability of the design of the buildings, and ensuring that there is no doubt about the

GP3 expects appropriate design; **EW4** as relevant to this application, expects development to be without harm to the amenities of nearby residential property.

There is little information about the former builders yard, however, the longevity of that use was supported by documentary Land Registry evidence dated 1988. A small building company or local property repairer operating from the site, would expect to have appropriate accommodation for start and finish of the day ablutions, tea brewing and so on.

The small buildings are of rendered concrete/blockwork, with flat felted roofs. There would be little visibility of them from outside the 2.4m high boundary wall; and, being kept low, they would not overly clutter the open aspect between the rear of the residential terraces. They would not appear out of place in the back land rear of the residential terraces which already house a range of small outbuildings of various configuration, and would not harm residential amenity.

On that basis the proposal would be in accordance with **Policies GP3**.and **EW4**.

Representations

The concern of neighbouring residents about harm to amenity arising from resumption of the storage/builders yard use is understandable.

The existing use of the land can, however, be resumed in any event and cannot be 'refused' or otherwise be prevented by refusal of planning permission for the small buildings.

The use of the buildings can be controlled by a condition that identifies their use with the authorised use of the land as a storage/builders yard. Any doubt about possible residential use can also be resolved in that way.

Light pollution can be controlled by a condition requiring suitable angling and shrouding to prevent the glare of escaping light

Recommendation:

That planning permission be Granted subject to the following conditions:

Conditions

1. The development shall be carried out in accordance with the application drawings, namely: Location Plan; Site Layout Plan; Floor Plans (Squared Paper); 2 Site Dimensions Plans (Squared Paper), received 11 September 2017; 10 images ('photographs') of the site and buildings received 4 September 2017.
2. Permission is granted for retention of the buildings for their use as described in the application, namely in connection with the continued use as a storage/builders yard, and for no other purpose, including any form of residential use.
3. No external lighting shall be installed on the site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior

to installation thereof. No external lighting shall be illuminated on site otherwise than in accordance with the details so approved.

Reasons

1. To ensure that the development remains in accordance with the development plan.
2. In order to properly define the use, for the avoidance of doubt, in the interests of the amenities of neighbouring residents in accordance with Policy EW4 of the Burnley Local Plan, Second Review, currently saved, and under provision of section 75 (2) of the Town and Country Planning Act 1990.
3. To protect the character and appearance of the area and the residential amenities of nearby occupiers.

AR

6.11.2017

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Housing & Development
9 Parker Lane

Ref.

APP/2017/0432

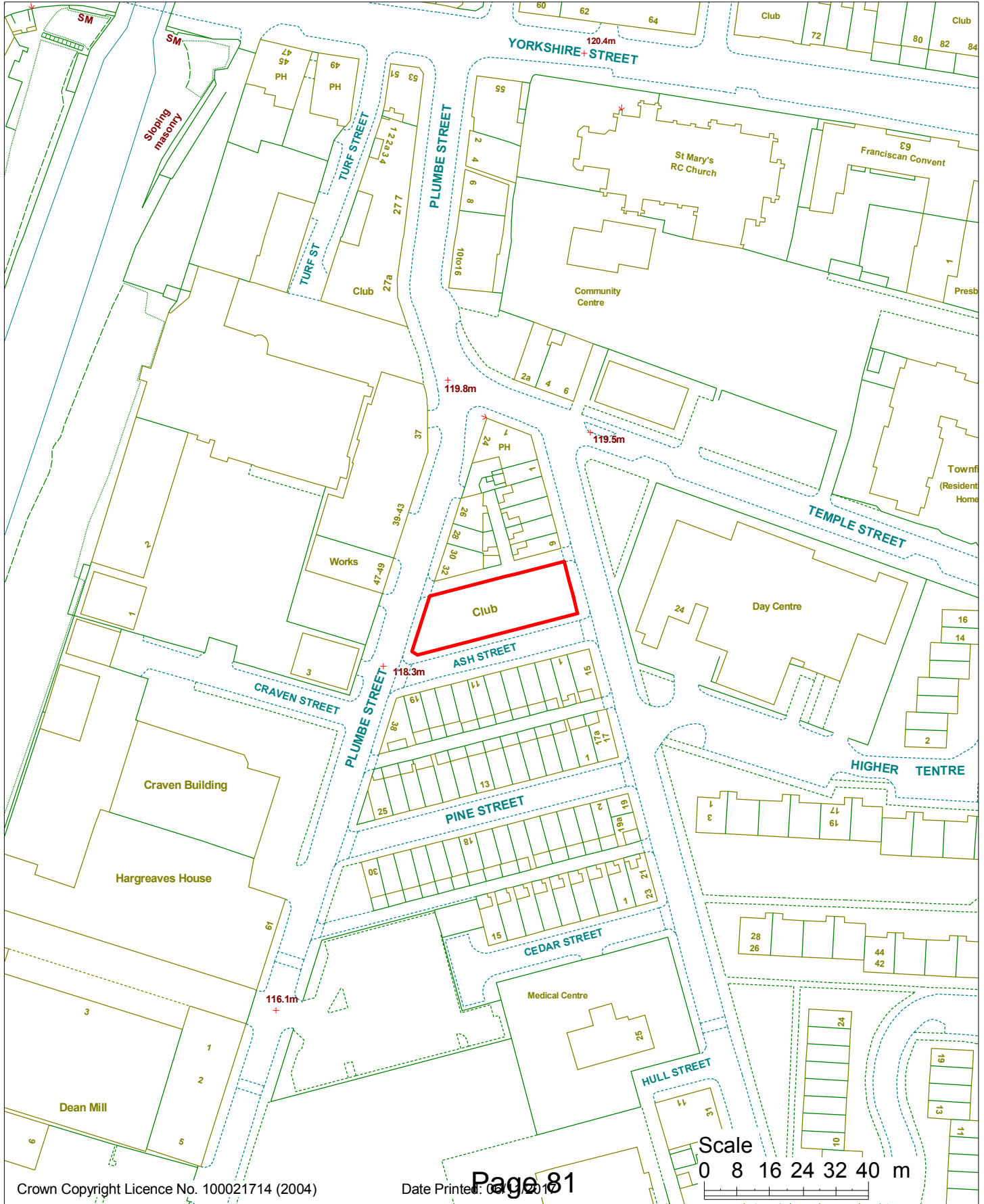
Paul Gatrell Head of Housing and Development

Location:



Fulledge Conservative Club, Plumbe Street, Burnley

1:1250



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Application Recommended for APPROVAL
Bank Hall Ward

APP/2017/0432

Full Planning Application

Change of use of premises from A4 use (Drinking Establishment) to A3 use (Restaurant).

FULLEDGE CONSERVATIVE CLUB, PLUMBE STREET, BURNLEY

Background:

The application seeks planning permission for a change of use to a Restaurant from a Public House with an internal seating area of 100 approximately.

Opening hours are specified as 17:00 to 23:00 from Tuesdays to Sundays and closed on Mondays.



The application is retrospective and the restaurant is fully operational.

Under the Town and Country Planning (Use Classes) Order 1987 (SI 764) pubs generally fall into use class A4 – drinking establishments. It used to be the case that planning permission was not required for a change of use from class A4 (pub) to certain other uses.

Section 15 of the Neighbourhood Planning Act 2017 required the Secretary of State, “as soon as reasonably practicable after the coming into force of this section” to remove the existing permitted development rights which allow drinking establishments, including pubs, to change use or to be demolished. This has now been done and has come into force, through the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017, from 23 May 2017.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

CF13 – Restaurants, Cafes, Public Houses and Hot Food Takeaways

Burnley's Local Plan (Proposed Submission Document March 2017)

SP4 – Development Strategy

TC7 – Restaurants, Cafes, Public Houses and Hot Food Takeaways

NPPF – National Planning Policy Framework

Site History:

No relevant history.

Consultation Responses:

LCC Highways Burnley

It is estimated that the change of use will not make a significant impact on the traffic in the area. As this is a respective application checks have been undertaken with our traffic section and to date the new restaurant has not been the subject of the complaints.

As the local business is not causing local problems Highways do not have any reason to raise any objection on highway grounds.

Environmental Health

It appears that the majority of the works have already been completed in transforming the site, therefore no objections are raised subject to the following conditions and with times set at 17:00hrs to 23:00hrs

Condition:

The use hereby approved shall not operate outside the hours of 1700hrs and 2300hrs Monday to Sunday.

Reason:

To protect the amenities of nearby residents, in accordance with Policy CF13 of the Burnley Local Plan, Second Review.

Condition:

The development shall not start until details of refuse storage enclosures showing the design, location and external appearance have been submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be provided before the start of the use and thereafter permanently retained.

Reason:

To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to ensure compliance with policy GP3 of the Burnley Local Plan, Second Review

Condition:

No development shall take place until a scheme of odour suppression has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a description of all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of

the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance. The approved equipment shall be installed in accordance with the approved details prior to the use hereby approved commencing and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions.

Reason:

In order to avoid odour nuisance to the occupiers of adjacent properties

Objection letters have been received from 2 residents raising the following issues:

- No designated parking
- Parking is an issue/highway safety
- Smells emanating from cooking

The Highway Authority and Environmental Health have no objections to the proposal and the concerns raised above do not adversely affect the residential amenity since the operation of the Restaurant.

Planning and Environmental Considerations:

Principle of development

Given the location of the proposed development within an existing local commercial zone, the principle of the development is considered to be acceptable, subject to its impact on the vitality and viability of the area, residential amenity, visual amenity, highway safety and parking provision.

The proposed change of use of part of the ground would represent an efficient and effective use of the existing floor space whilst retaining the function room, albeit on a smaller scale. The principle of the proposal does not conflict with the local plan policies regardless this type of proposal was deemed as a permitted change from an A4 use to an A3 use prior to May 2017.

Impact on residential amenity

The proposal involves modest works internally/externally that would not have a detrimental impact on any nearby residential amenity.

The floor space of the area currently under operation for a change of use measures 150m², and there is a separation distance from adjacent residential properties of less than 15 metres. The entrance is along Plumbe Street which is directly opposite the commercial premises. In this situation, the disturbance to residents would not be any greater than the existing Public House and with limited opening hours between 1700 to 2300 would not cause a nuisance to surrounding residential property by virtue of excessive noise nuisance.

In this case, the proposed hours of operation would be acceptable considering the location and taking account of the previous use timings. The use of the kitchen facilities would not exacerbate the current situation to the extent that there would be any additional impact on amenity. With the addition of planning conditions to restrict the hours of operation and ensure that cooking would only be undertaken the appropriate facilities, the proposals would comply with the terms of Policy



Environmental Health issues

As the development proposes to use the existing cooking and ventilation system operated by the hotel restaurant, and the hours of operation would be within the existing hours of the pub/restaurant, there would be no increased effects in terms of noise or odour to the surrounding area. Planning conditions are proposed to restrict any additional cooking and to restrict the hours of operation proposed.

Arrangements are already in place for waste storage and collection.

Highway

In this instance, the hot food takeaway would be accessible by all means of transport. The proposal is within an established commercial area where there is a lay-by adjacent to the site for deliveries and/or customer car parking. The level of traffic generated by this type of development is relatively low and it is anticipated that there would be no detrimental impact in terms of road safety.

Conclusion

Objections have been received relating to the proposed development and have been considered as part of the analysis of the proposal. The proposed development is acceptable and would not have any unacceptable adverse impacts upon residential amenity or the street scene.

It is concluded from the foregoing that the proposal complies with the provisions of the local plan.

Furthermore, the proposed development would utilise a vacant unit and bring it back into economic use providing employment and therefore helping to support the vitality and viability of the area.

The proposal satisfies the requirements of the Local Plan. There are no material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission be granted subject to the following conditions.

Recommendation:

That planning permission is granted.

Conditions

1. The use hereby approved shall not operate outside the hours of 1700hrs and 2300hrs Monday to Sunday.
2. Within three months of the date of this decision, details of the methods of odour suppression implemented within the kitchen must be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance. The approved equipment shall have been installed in accordance with the approved details and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions.

Reasons

1. To protect the amenities of nearby residents, in accordance with Policy CF13 of the Burnley Local Plan, Second Review.
2. In order to avoid odour nuisance to the occupiers of adjacent properties.

AA
03/11/2017

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Housing & Development
9 Parker Lane

Ref.

APP/2017/0294

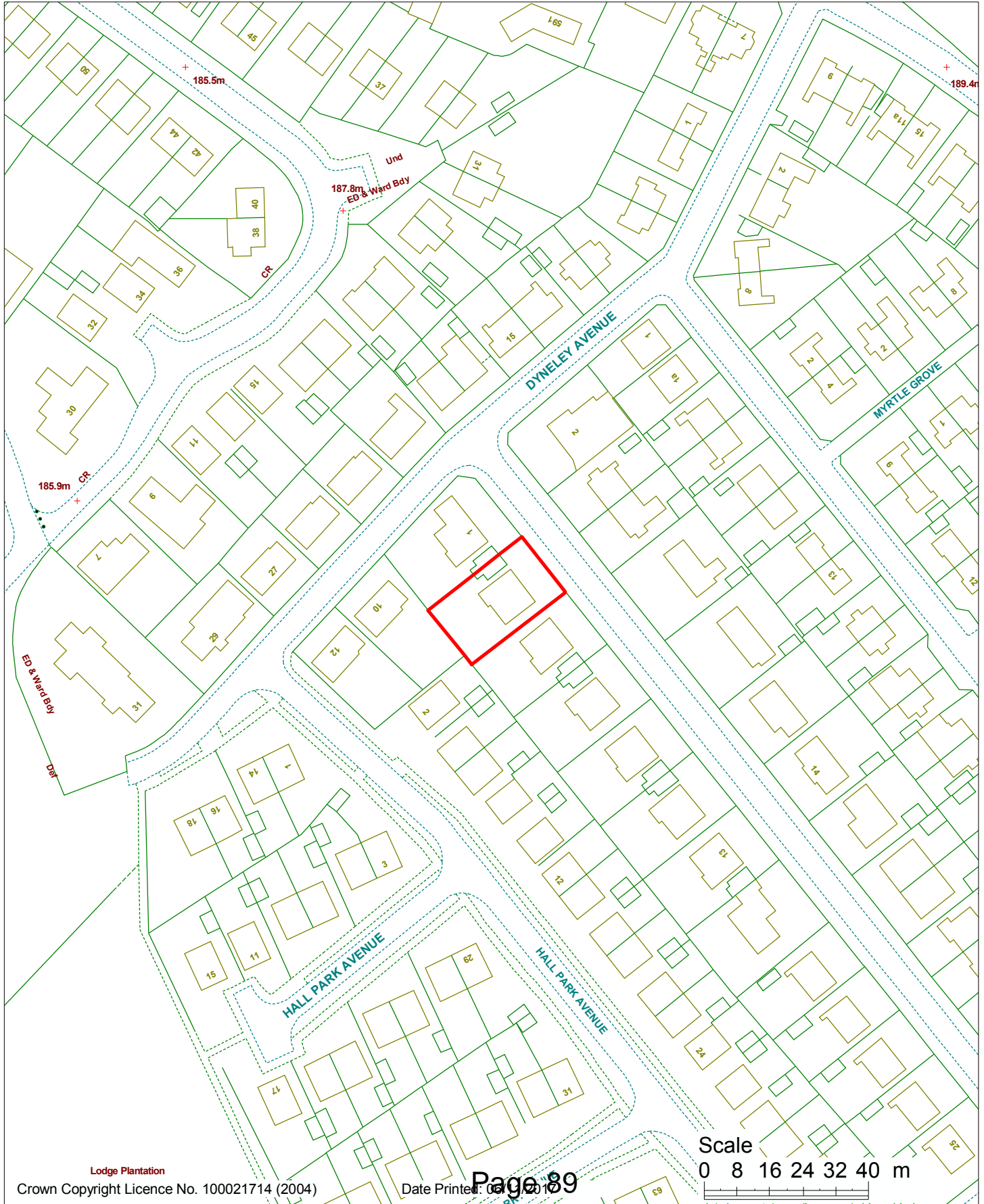
Paul Gatrell Head of Housing and Development

Location:



3 Hill Crest Avenue, Burnley

1:1250



Lodge Plantation

Crown Copyright Licence No. 100021714 (2004)

Date Printed: 06/12/2017

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Full Planning Application

Extensions to the rear and gable elevation of bungalow and internal alterations.
3 HILL CREST AVENUE, CLIVIGER

Background:

The application relates to a detached bungalow which is bounded by a detached garage to its north-western side.

The applicant seeks planning permission for a single storey side and rear extension. No constraints have been identified that would restrict or affect the development on the site.



An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 – Design and Quality

H13 – Extensions and Conversions of Existing Single Dwellings

Burnley's Local Plan March 2017 (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:

Cliviger Parish Council

- Over development & concern of size compared to neighbouring property.

An objection has been received by residents at 1 Hill Crest Ave

- The planned gap between extension & garage will be narrow.
- The proposed appearance will affect the neighbour's property and be seen as a semi-detached.
- Damage to property during construction.

Planning and Environmental Considerations:

Principle of development

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

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

Design and visual impact

The existing garage and rear conservatory will be demolished and replaced by the new extension wrapped from the side to the rear. The extension will be flush with the front elevation and have a total width of 4.1 metres, incorporating a garage. The height of the roof will match the existing and have the appearance of a large detached dwelling.

The rear extension element will project 3 metres and span the full width of the rear property and the roof design will tie into the existing roof creating a valley.

The extension is in size and proportion to the main dwelling and of an acceptable design that is in keeping with the dwelling. The development would be finished in materials to match those used on the external appearance of the existing property.

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

Amenity impact

The proposed side extension would be positioned closely to the adjacent garage. Presently both garages are attached and the proposal will leave a 250mm gap. This brings no significant alterations to the existing situation and with the extension being single storey, the proposals size and mass does not have a detrimental impact on residential amenity for occupiers of dwellings to side.

No windows are proposed to the north-western elevation of the extension. A window in the south-eastern elevation is proposed to serve the ground floor en-suite. However, sufficient separation distance is maintained, not to have a detrimental impact from overlook into the adjacent dwelling or its private garden areas.

The property enjoys a large garden plot surrounding the property and the addition of this extension is not considered to be over-development in comparison to other properties/extensions along Hill Crest Avenue.



Adequate open space for enjoyment remains available for the occupants.

Highway

The proposed development includes the provision of a garage which would be counted as one off-street car parking space, and proposes 1no parking spaces on the existing drive. As such, the development complies with the off-street car parking requirements

Conclusion

Objections have been received relating to the proposed development, however, the proposed development is acceptable and would not have any undue impacts upon residential amenity, visual amenity or the street scene in general, or highway safety and off-street car parking provision. The proposal complies with the relevant provisions of the Local Plan and there are no material considerations which outweigh this finding.

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 plans: **DBA/LE/03, 04, 05 received 13 June 2017 and Amended Plan DBA/LE/02 received 17 October 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.

AA
06/11/2017

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

16th November 2017

Housing and Development

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Delegated Decisions from 25/09/17 to 29/10/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Compliance with conditions		
Conditions discharged		
APP/2017/0407	MOUNT ZION METHODIST CHURCH WALK MILL BURNLEY ROAD CLIVIGER BURNLEY BB10	Approval of details reserved by condition on planning permission APP/2014/0490: Condition 3 (details of materials).
Conditions partially discharged		
APP/2017/0430	BOOHOO.COM WIDOW HILL ROAD A BRIERCLIFFE BURNLEY	Application for approval of details reserved by conditions 8, 10, 11, 13, 20, 22 and 23 of planning application APP/2016/0528 relating to the proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure
Full Planning Application		
Full Planning Permission Granted		
APP/2017/0373	GIANT LEAP NURSERY COAL CLOUGH HOUSE COAL CLOUGH LANE BURNLEY BB11 4NJ	Proposed erection of after school club building, car parking and access.
APP/2017/0375	DEERPLAY INN BURNLEY ROAD CLOUGH BOTTOM CLIVIGER OL13 8RD	Proposed agricultural building (re-submission of APP/2017/0001)
APP/2017/0385	9 ROSSENDALE AVENUE BURNLEY BB11 5HF	Proposed two storey and single storey extensions and retention of porch (Re-submission of APP/2017/0192).
APP/2017/0391	CAUSEWAY FARM THE LONG CAUSEWAY CLIVIGER BB10 4RP	Proposed demolition of rear conservatory and erection of garden room, erection of front porch and alterations to existing porch, erection of detached rear garage, extension of dwelling into adjoining store/former shippon with associated alterations and 1st floor extension
APP/2017/0394	ASDA STORES LTD PRINCESS WAY BURNLEY BB12 0EQ	Proposed secondary roof escape ladder
APP/2017/0395	37 STANDEN HALL DRIVE BURNLEY BB10 2EF	Proposed garage conversion with new pitched roof
APP/2017/0414	8 HARROGATE CRESCENT BURNLEY BB10 2NX	Proposed removal of the existing extensions and erection of single storey rear extension.
APP/2017/0415	22 HILL CREST AVENUE CLIVIGER BB10 4JA	Proposed extension to side and rear

Delegated Decisions from 25/09/17 to 29/10/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0418	50 WILKIE AVENUE BURNLEY BB11 3QE	Proposed bedroom extension over existing garage and internal alterations.
APP/2017/0420	HORSE AND PONY PROTECTION ASSOCIATION SHORES HEY FARM HALIFAX ROAD	Proposed construction of garage
APP/2017/0422	8 BURWEN CLOSE BURNLEY BB11 4QY	Proposed attached garage to replace car port to side of dwelling.
APP/2017/0428	52-56 ST JAMESS STREET BURNLEY BB11 1NL	Adaptation to elevations
APP/2017/0433	COLONEL SLATER HOMES 320-330 BRIERCLIFFE ROAD BRIERCLIFFE BURNLEY BB10	Redevelopment of existing car parking facilities
APP/2017/0438	LAW HOUSE FARM RED LEES ROAD CLIVIGER BURNLEY BB10 4RQ	Retention of Agricultural Implement Store
APP/2017/0440	AT CAR PARK CURZON STREET BURNLEY	Erection of new electrical substation to house transformer unit
APP/2017/0444	11 RED LEES AVENUE CLIVIGER BURNLEY BB10 4JE	Proposed two storey and single storey extension to rear of dwelling.

Full Planning Permission Refused

APP/2017/0308	Land rear of 312 RED LEES ROAD CLIVIGER BURNLEY BB10 4RQ	Proposed storage building
APP/2017/0400	LAND AT YEOMAN FOLD BURNLEY BB12 0ND	Erection of 2 pairs of semi-detached dwellings (re-submission of APP/2017/0067)
APP/2017/0421	118 CASTERTON AVENUE BURNLEY BB10 2PE	Proposed hipped-roof dormer extension

Full Planning application

Full Planning Permission Granted

APP/2017/0329	CROW WOOD LEISURE LIMITED HOLME ROAD BURNLEY BB12 0RT	Minor material amendment to previously approved scheme for proposed erection of a hotel with associated parking, servicing and landscaping and approval of matters reserved by condition. (Amendments include changes to siting/design and materials to be used)
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Delegated Decisions from 25/09/17 to 29/10/17

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0354	TRANSCO OSWALD STREET BURNLEY BB12 0DD	Proposed infilling of former gasholder site
APP/2017/0413	LAND ON THE SOUTH OF ACCRINGTON ROAD BURNLEY	Minor material amendment to APP/2015/0183 (Proposed construction of 81no. dwellings including parking, highway works and landscaping) - Substitution of house types on plots 72 and 73

Work to trees covered by Tree Preservation Order

Work to TPO trees granted

APP/2017/0324	15 KINGSLAND ROAD BURNLEY BB11 3PU	Application to fell 4 trees (T6, T10, T12 and T16) and carry out work to other trees covered by the Burnley (Kingsland Road, Burnley) TPO 1984 and within Burnley Wood Conservation Area
APP/2017/0416	ROSEDALE HAWTHORNE ROAD BURNLEY BB11 2JR	Application to prune 2 Beech trees, 1Birch tree, 2 Pine trees and fell 1Sycamore tree, 1 Dawn Redwood tree (Conifer) Trees covered by the Burnley (Rosedale, Hawthorne Road) Tree Preservation Order 1994