

DEVELOPMENT CONTROL COMMITTEE

Thursday, 26th April, 2018
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 26th April, 2018 at 6.30 pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of the Chief Executive's Office by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website <http://bit.ly/planningrts>

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) **a. APP/2017/0601 - Royal Court, Tennyson Street, Briercliffe, Burnley** 15 - 38

Proposed erection of 10.no bungalows and associated landscaping and parking.

- b) **b. APP/2017/0602 - Land off Bancroft Road, Burnley** 39 - 50

Amended scheme for small scale gas fired energy reserve facility and ancillary infrastructure (vary conditions 2, 3, 5, 6, 7, 10, 11, 12, 13, and 14 of planning permission APP/2016/0357) (material minor amendment)

- c) **c. APP/2018/0060 - Boohoo.Com Widow Hill Road, Burnley** 51 - 64
Variation of condition 2 of planning permission APP/2016/0528 to enable insertion of internal floors within the approved building.
- d) **d. APP/2017/0610 - 111 Thursby Road, Burnley** 65 - 74
Proposed two storey extension to side and rear (re-submission of APP/2017/0198)
- 7. Decisions taken under the Scheme of Delegation** 75 - 82
To receive for information a list of delegated decisions taken since the last meeting.
- 8. Appeals and Other Decisions** 83 - 86
Variation to resolution at Rowley Farm.

MEMBERSHIP OF COMMITTEE

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

PUBLISHED

Wednesday, 18 April 2018

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 22nd March, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), G Birtwistle, C Briggs, M Brindle, S Graham, J Harbour, M Johnstone, A Newhouse, A Tatchell and C Towneley

OFFICERS

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

89. Apologies

Apologies for absence were received from Cllrs Ellis, Porter and Raja

90. Minutes

The Minutes of the last meeting held on 15th February 2018 were approved as a correct record and signed by the Chair.

91. 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:

J. Howard Baker (Cllr) APP/2018/0037, 9 Manchester Road (A)

Sophie Cowgill APP/2018/0025, 1 The Paddock, Highfield Avenue (A)

Andrew Walker APP/2018/0025, 1 The Paddock, Highfield Avenue (A)

Matt Wyatt APP/2018/0025, 1 The Paddock, Highfield Avenue (F)

Alan Kinder APP/2017/0573, 10 Ennerdale Road (F)

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

92. APP/2018/0037 9 Manchester Road, Burnley

**Express Consent to Display an Advertisement
Display of fascia sign (LED) (Resubmission of APP/2017/0483)
FALCON & FOXGLOVE, 9 MANCHESTER ROAD, BURNLEY**

Decision: That against Officer recommendation, the Committee was minded to approve the application, and delegated the wording of appropriate conditions to officers.

93. APP/2017/0559 462 Colne Road, Burnley

**Full Planning Application
Proposed 2 storey extension to side and rear with a front porch
462 COLNE 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 drawings (462)(20)-E-02 Rev B, received 31 January 2018 & Location Plan, received 12 March 2018.

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.

94. APP/2018/0025 1 The Paddock, Highfield Avenue, Burnley**Full Planning Application – APP/2018/0025**

Use of site as residential care home/nursing home (Class C2), together with retention of extension to hardstanding and landscape treatment.

1 The Paddock, Highfield Avenue, 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 shall be carried out in accordance with the application drawings, namely: Location Plan received 16 Jan 2018; Proposed Site Plan drawing number 17/017/4b, received 8 March 2018.
3. For the avoidance of doubt, the layout of 22 en-suite bedrooms shown on the submitted layout drawing number 17/017/2b, dated 19/4/17, shall not be construed to permit any form of accommodation other than the use described in this grant of permission.
4. The premises shall be used for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)) or a nursing home and no other purpose, including any purpose within Class C2 Residential Institutions, 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.
5. The maximum number of people for whom provision is made under Condition 4 shall be 16. The building shall be laid out in a manner appropriate to its use for a purpose hereby granted and a drawing shall be deposited with the Local Planning Authority prior to first occupation of the building for that purpose.
6. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before development is occupied and the lighting shall only be implemented wholly in accordance with the approved details.

7. Before the development comes into use the provision for cycle parking shall be implemented in accordance with the submitted details shown on the submitted drawing 17/017/4ba.
8. Before the development is brought into use, the new hedge (identified on drawing 17/017/4b, received 8 March 2018) shall be provided in the position shown on that drawing, in accordance with details to be submitted beforehand to and approved in writing by the Local Planning Authority. The details shall include a planted area at least 14 metres by 1 metre in extent and plant species sufficient to provide a continuous hedge, with the expectation that it will grow to a height of 2.4 metres within 3 years of planting.

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 ensure that there is no doubt about the meaning of this planning permission and the form of accommodation for which it is granted.
4. To enable the Local Planning Authority to consider any future change having regard to Policy CF14 of the Burnley Local Plan, Second Review, currently saved, and any other material considerations.
5. In the interests of the amenities of neighbouring residents in accordance with Policy CF14 of the Burnley Local Plan, Second Review, currently saved, and because that information was not included in the application.
6. In the interests of the amenities of neighbouring residents in accordance with Policy CF14 of the Burnley Local Plan, Second Review, currently saved.
7. In the interests of promoting cycling as a sustainable and non-polluting mode of transport.
8. In the interests of the amenities of future residents of the development, nearby residents and the visual amenities of the area generally, accordance with Policy GP6 of the Burnley Local Plan, Second Review, currently saved.

Full Planning Application

**Erection of detached dwelling with detached garage (re-submission APP/2015/0003)
LAND ADJACENT 9 & 15 SOUTHERN AVENUE 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 shall be carried out in accordance with the application plans: Drawing nos. A.S/1, A.S/2 and A.S/3 received 12 Feb 17
3. Before the house is first occupied, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in the first planting season following substantial completion of the dwelling.
4. Before the house is first occupied the access road to the rear of the proposed dwelling from the boundary with No 15 to the boundary with No 9 shall be made up to adoptable standards including the provision for street lighting.
5. Access shall be taken from the back street leading from Stephenson Drive. Before any development commences a scheme for the blocking up of the access road to the rear on the boundary with No 9 Southern Avenue to prevent vehicular access to Ightenhill Park Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the approved dwelling and maintained to the satisfaction of the Local Planning Authority at all times thereafter.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. To ensure a satisfactory landscaping scheme in the interests of residential amenity.
4. To ensure adequate vehicular access
5. In the interests of Highway Safety

96. APP/2017/0573 10 Ennerdale Road, Burnley

**Full Planning Application
Demolition of garage and erection of single storey side and rear extension
10 ENNERDALE 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 approved shall be carried out in accordance with the following approved drawings: OBR/01 Dwg 05B, OBR/01 Dwg 04B - received 12th February 2018 and OBR/01 Dwg 01, OBR/01 Dwg 03 – received 21 November 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

97. APP/2018/0048/0049/0050/0051/0053/0054/0055 Installation of Alleygates, various sites

Full Planning Applications for various alleygating schemes.

**APP/2018/0048 - Installation of alleygates
REAR 2-26 LEBANON STREET/1-27 HAVEN STREET/76-88 LYNDHURST ROAD/167-179 BRUNSHAW ROAD**

**APP/2018/0049 – 3no. sets of 2m high gates (3.6m wide)
REAR OF 1-19 EVERY STREET, 32-50 PICCADILLY RD, 1-11 WILLIS STREET**

**APP/2018/0050 – 3no. sets of 2m high gates (3.6m wide)
REAR OF 2-36 HERBERT STREET, 5-37 SHAKESPEAR STREET, 80-90 VICTORIA ROAD**

**APP/2018/0051 – 2no. sets of 2m high gates (3.6m wide)
REAR OF 39A-61 OXFORD ROAD, BURNLEY**

**APP/2018/0053 – 3no. sets of 2m high gates (3.6m wide)
REAR OF 26-34 KIRKGATE & 83-103 HOLLINGREAVE ROAD**

**APP/2018/0054 – 2no. sets of 2m high gates (3.6m wide)
REAR OF 290-320 COAL CLOUGH LANE**

**APP/2018/0055 – 2no, sets of 2m high gates (3.6m wide)
REAR OF 40-60 ATHOL STREET NORTH, 39-59 NAIRNE STREET**

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 shall be carried out in accordance with the submitted drawing.

Reason:

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. In order to ensure continued compliance with the Burnley Local Plan

98. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 7th February to 4th March.

99. Appeals and Other Decisions

Members received for information the outcome of an appeal in relation to:

APP/2017/0484 Appeal against the refusal to grant for the Proposed roof lift and change of use of a detached garage/workshop to form dwelling at Honeyholme Farm, Honeyholme Lane, Cliviger.

The Inspector identified the following as the main issue:-

- whether the proposal would be a suitable form of development in this location, having regard to access to services and its effects on the character and appearance of the area.

APPEAL DECISION

The Inspector **DISMISSED** the appeal.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

26th April 2018

Housing and Development

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Part One Plan

Agenda Item 6a

Housing & Development
9 Parker Lane

Ref.

APP/2017/0601

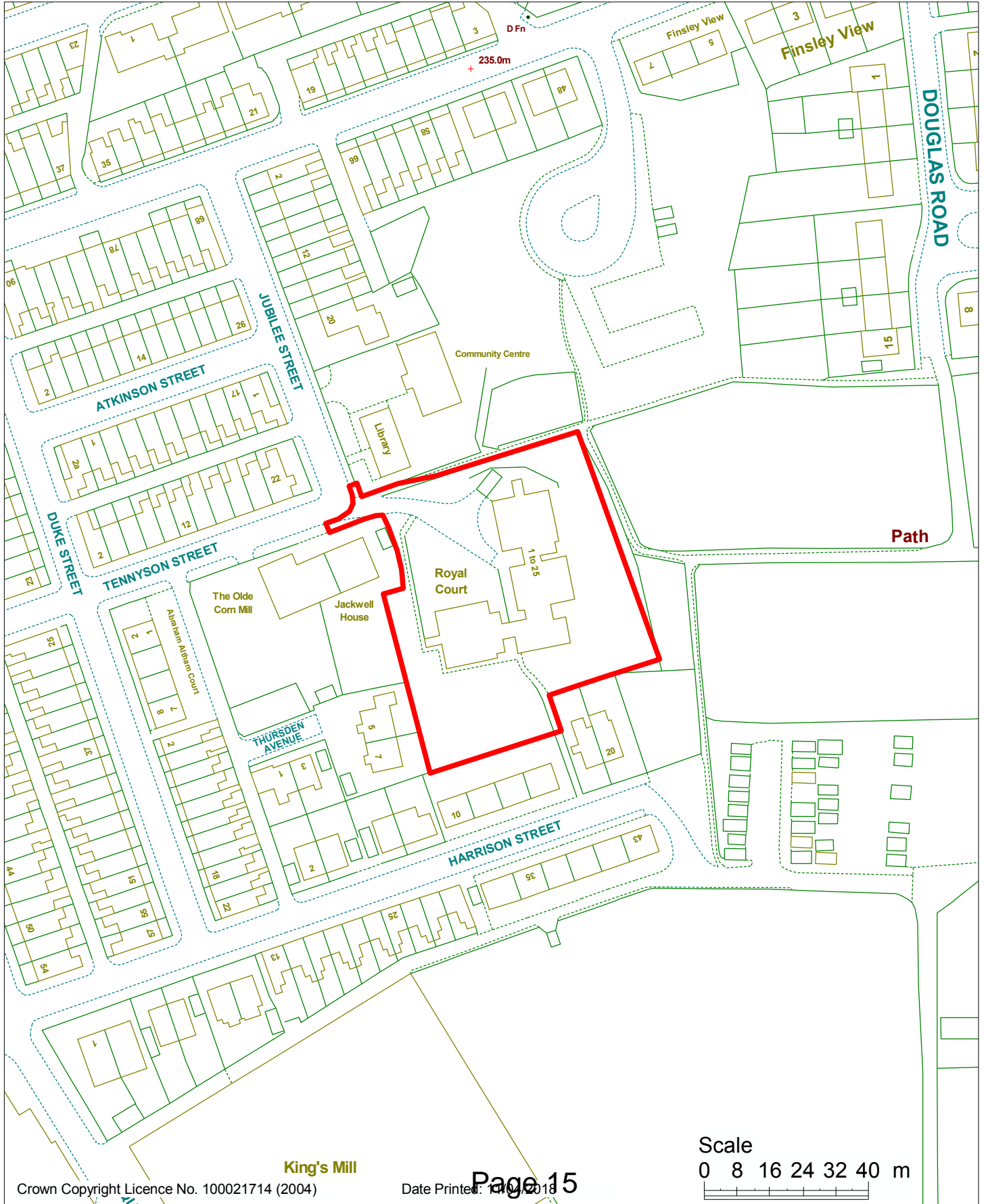
Paul Gatrell Head of Housing and Development

Location:



Royal Court, Tennyson Street, Briercliffe, Burnley

1:1250



King's Mill

Scale

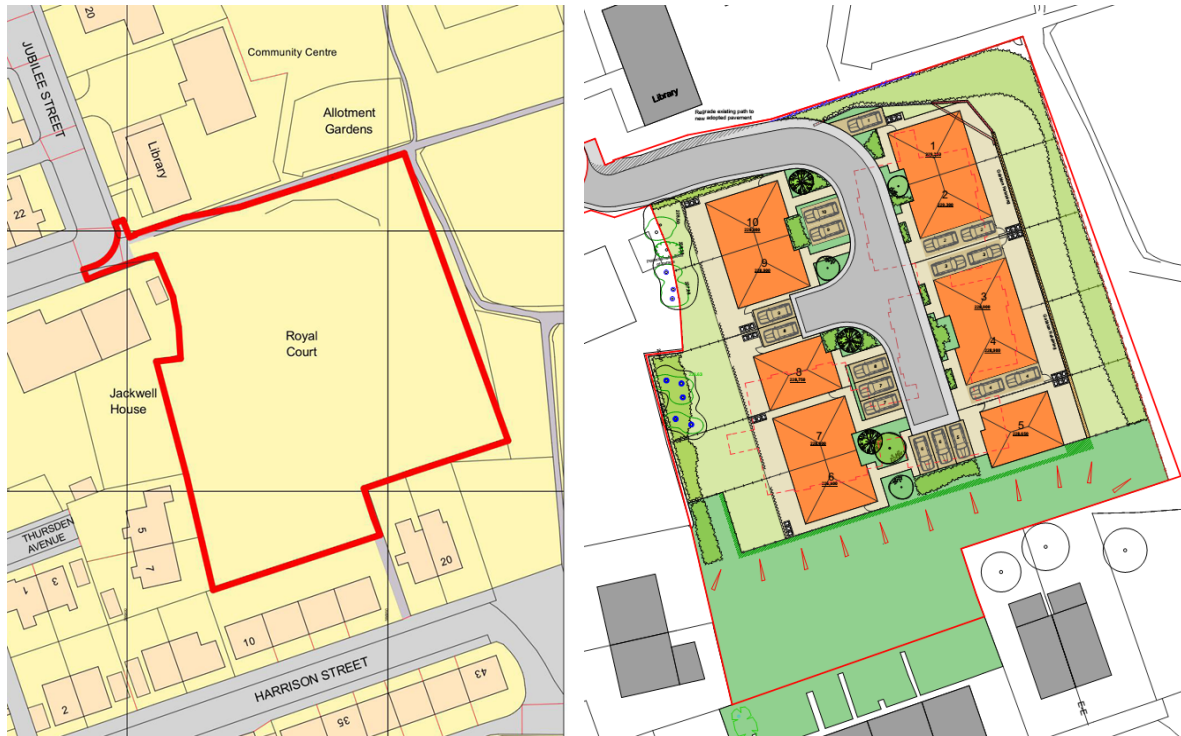
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Full Planning application

Proposed erection of 10 no. bungalows and associated landscaping and parking
ROYAL COURT TENNYSON STREET BRIERCLIFFE



Background:

The Royal Court site is within the urban boundary of Burnley and lies 3km north- east of the town centre. It is within the settlement of Briercliffe which has a traditional mixture of mills and terraced housing. The site in question was previously home to a two storey sheltered housing complex, however due to the outdated nature of the facility on the site this was closed and its tenants re-located. The building was demolished in early 2017.

The former building's total foot print was 1485m2. It had a level access at the entrance which dropped a storey to accommodate the level change over the site. The building provided 25 units in total which included a three bedroom unit for staff facilities. The site progressively slopes from the north east of the site down and across towards Tennyson Street.

The proposal has been subject to a lengthy pre-application process with the Local Authority and has also been subject to a lengthy community consultation process.

The scheme submitted proposes the erection of 10 single storey properties (bungalows) for outright sale, Help to Buy or shared ownership bungalows, all with associated landscape and parking. The majority of plots will have designated driveways with some afforded other on-site parking. A total of 17 spaces are

proposed on the site which meets the required criteria for housing of this size. Access to the site will be from the Jubilee Street/Tennyson Street end of the site.

The design has considered the established area of Briercliffe and reflects the scale, size and character of the older properties. The material palette used consists of reconstructed stone and grey roof tiles to match the local context as well as to make for a quality development suitable for the area of Briercliffe.

The proposal has been amended following discussions with the developers. This has resulted in the footprint of the houses being moved further from the garden boundaries of the nearest properties to the south of the site and the erection of taller boundary fences to the new garden areas of the proposed properties. Despite there being a difference in land levels between the development site and the existing properties to the south, this has led to a greater degree of privacy being afforded to not only the gardens of the existing properties but also the proposed properties.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary
GP3 – Design and quality
GP7 – New development and the control of pollution
GP9 – Security and planning out crime
GP10 – Developer contributions
H3 – Quality and design in new housing development
H4 – Providing a choice of housing in new development
H6 – Housing density
E5 – Species protection
E8 – Development and flood risk
TM15 – Car parking standards

Burnley's Local Plan – Submission Document, July 2017

SP1 – Achieving sustainable development
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
HS3 – Housing Density and Mix
HS4 – Housing Developments
NE1 – Biodiversity and Ecological Networks
NE5 – Environmental Protection
CC4 – Development and Flood Risk
IC3 – Car parking standards
IC4 Infrastructure and Planning Contributions

National Planning Policy Framework

Wildlife and Countryside Act 1981

Natural Environment and Rural Communities Act 2006

The Conservation of Habitats and Species Regulations 2010.

Burnley Green Infrastructure Strategy 2013-2031

Site History:

NOT/2016/0084 – Prior Approval Application for proposed demolition of 2 storey brick sheltered housing accommodation – Prior Approval Granted.

Consultation Responses:

LCC Highways (Developer Support)

The proposal has been the subject of some discussion primarily based around the site access and whether or not land could be acquired from the Library. This has not been the case and a slight widening to the south of the site has been achieved to maintain a safe pedestrian route into the site on the north side of the access.

With this amendment the proposed development would be acceptable in highway terms subject to appropriate conditions. I would however advise that the land transfer referred to on the submitted plan would need to be included within any subsequent S38 agreement and dedicated as highway.

LCC Lead Local Flood Authority

No formal consultation response has been received at the time of the reports submission.

LCC Education

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 1 primary school place. LCC will not be seeking a contribution for secondary school places.

As the education contribution assessment identifies the need for a contribution to be provided, Lancashire County Council is, in effect, objecting to the application.

A developer contribution will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable.

Greater Manchester Ecology Unit (GMEU)

No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to nesting birds, invasive species and landscaping can be resolved via condition.

Burnley BC (Environmental Health)

No objections subject to the imposition of conditions relating to the control of noise, hours of construction and dust, and the request for electric vehicle charging points where possible.

Burnley BC (Environmental Health – Contaminated Land Officer)

No formal consultation response has been received at the time of the reports submission.

Neighbour consultation responses

Objections have been received in respect of the application from four properties adjacent to the site. A summary of the material points of concern that have been raised are outlined below.

- Overdevelopment of the site, 8 properties would be more appropriate instead of 10 properties,
- Impact on residential amenity through the loss of privacy.
- Impact on residential amenity by the over-bearing effect of the position of the new bungalows and their garden boundary treatments,
- Potential for visitor parking to spill over into surrounding streets,
- The access and egress to and from the site is a nonsense.
- Concerns regarding Surface water run-off and drainage due to the remodelling on the ground.
- The previous residential blocks on the proposed land were located at a sufficient distance from our property so that they did not intrude upon our privacy.
- Plot No.6 will directly overlook into our garden, bedroom and living room especially as the elevation is several metres above our property.
- What guarantees can you give that our property will not suffer water or sewerage damage resulting from the new builds and consequential landscaping?
- Who will be responsible for the maintenance of the areas not within gardens?
- Whilst we are quite happy about the development of Royal Court in principle, it is our belief that 4 semi-detached bungalows would be sufficient.
- The 2 bungalows at the lower end of the proposals are too intrusive and overbearing and will destroy our Privacy.
- The statement originally was a development on the Footprint of Royal Court, which was sufficiently far enough away to cause us no privacy issues.
- Concerned about the upkeep maintenance and drainage of the site after the development.
- Plot 5 should not be built due to the close proximity to our property. Our privacy will be impeded by this property, particularly by the garden area.
- Is the land where they a planning to build bungalow 5 sound enough?
- Proximity too close to existing properties, overbearing, intrusive, destroying our visual and environmental amenity.
- We ask that Burnley Borough Council refuse this Planning Application and encourage Calico Group to resubmit a building design that is smaller, less intrusive (not just on ourselves, but on neighbouring properties) and has more parking spaces per property.

Planning and Environmental Considerations:

Principle of proposal

The site is previously developed land which has recently been cleared and part-levelled. It sits surrounded by a mixture of terraced streets, semi-detached and

detached properties within a built-up urban area where Policy GP1 of the current Local Plan would accept, in principle, to promote the re-development of the site for residential development. This is also supported by Policy SP4 of the emerging Local Plan document however this is subject to modification so only minimal weight can be afforded to this Policy at this stage. The National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is within an existing primarily residential area which is accessible to public transport. The site therefore represents a sustainable location for development and there is no objection in principle therefore to the proposal. The main issues relate to the impacts of the development on highway safety (in terms of its access), its design and layout and any subsequent impacts on the amenity of neighbouring properties, any potential risks from contamination and whether there are any ecological impacts.

Access and highway safety

Policy GP1 requires, amongst other things, that new development does not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. The Framework states that proposals should provide safe and suitable access for all people and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Policies H3 and TM15 require new housing development to make parking provision in accordance with the Council's standards which are set out in Appendix 9 of the Emerging Burnley Local Plan, and require a minimum of 1 parking space for single bedroom dwellings and 1.5 parking spaces for 2 bedroomed dwellings. This is not subject to modification at this stage so significant weight can be afforded to this Appendix at this stage.



Proposed site access, layout and parking spaces
Page 21

The proposed development would have a single point of vehicular access from Jubilee Street/Tennyson Street. This is an existing access and was previously used to access the former Royal Court development on the site. The proposal has been the subject of some discussion primarily based around the site access and whether or not land could be acquired from the Library. This has not been the case and a slight widening to the south of the site has been achieved to maintain a safe pedestrian route into the site on the north side of the access.

The disruption to the local area and highway network would be minimal and with this amendment the proposed development would be acceptable in highway terms subject to appropriate conditions.

The proposed layout and estate road design is satisfactory. LCC Highways note that the proposed number of car parking spaces for the development will be acceptable.

On this basis, the impacts of the proposed scheme on traffic and highway safety can be satisfactorily dealt with through off-site works suggested by the highway authority. The proposal offers adequate parking to cater for the needs of the development and would provide reasonable levels of accessibility for pedestrians and cyclists. The proposal would therefore in these respects comply with Policies GP1, H3 and TM15 of the existing Local Plan, Policies SP1, SP4, SP5 and IC3 of the Emerging Local Plan, and the Framework.

Design, layout and impacts on residential amenity

Policies H3 and GP3 require quality design that is suitable in respect of the layout, materials, size and scale of neighbouring properties and provides a distinctive character that contributes to local identity and a sense of place. The Framework states that development should seek a good standard of amenity for all existing and future occupiers of land and buildings.

The use of a suitable stone with a dark grey tiled roof would be in keeping, and the proposed dwellings have a collective and distinctive design that respects the character of other properties surrounding the site. The dwellings themselves are considered acceptable.



Proposed unit styles

Following discussions with the developer the general layout and plot positions have been re-designed for a number of reasons. Issues were raised in regards to the initially proposed layout and site design due to the impact on the amenity of the

neighbouring properties by virtue of unacceptable overlooking and a loss of privacy, caused by the close proximity of certain plots to existing properties and the position of certain boundaries.

Policy H3 of the existing Local Plan requires new housing development to ensure that the amenity of neighbouring properties is protected by minimising overlooking and ensuring a reasonable degree of privacy and outlook. It notes that to ensure that proposals do not adversely affect privacy (freedom from being overlooked) and outlook (quality of openness and space) the Council will work to the following minimum standards:

- the minimum acceptable distance between the windows of habitable rooms facing each other is 20 metres; and
- two storey blank gable walls will not be permitted closer than 15 metres from the main outlook of an existing window.

The policy notes that these standards will only be relaxed if there is a justifiable reason for doing so, or if a developer can show that the objectives of these standards can be met by way of high quality design. For example, to promote the re-use and conversion of buildings and facilitate mixed use development the Council may need to apply the standards flexibly so as not to unnecessarily constrain development.

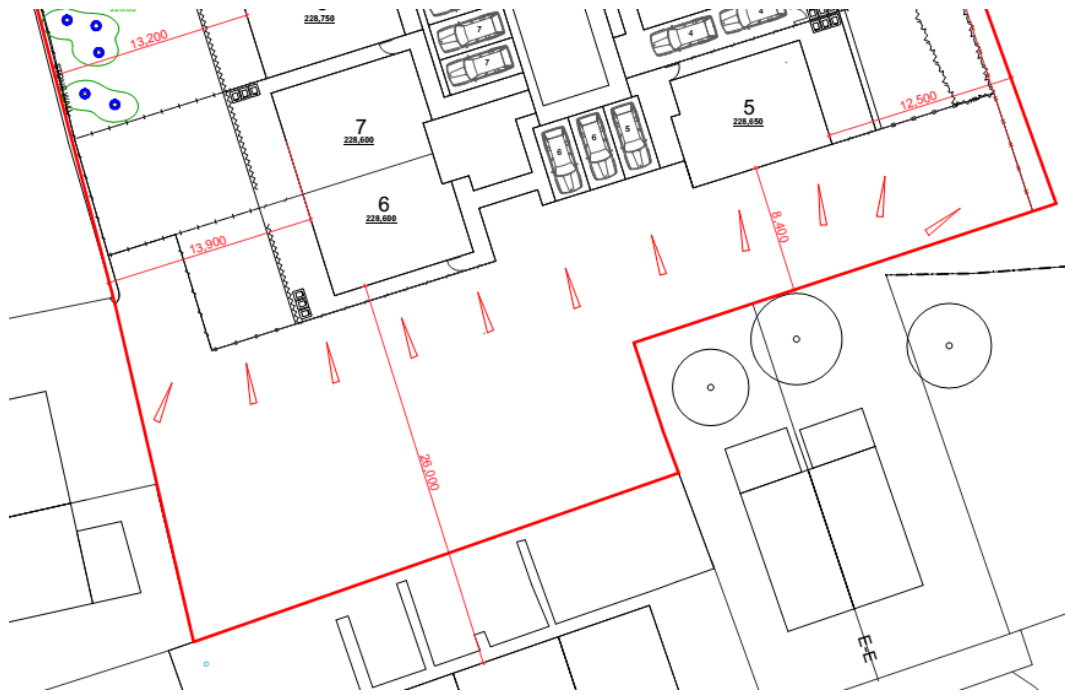
Policies HS4 and SP5 of the Emerging Local Plan, whilst the latter can only be afforded some weight at this stage, maintain the above spacing standards for new housing development of single or two storey dwellings, however HS4 does suggest that where levels create a 'significant difference in heights' that an additional set back of 3 metres is also applied. This will be considered below.

ASSESSMENT OF PROPOSED AMENDED LAYOUT

The general layout of the plots on the site has been moved further to the northern end of the site by some 2m approximately. This has brought the positions of plots 5 and 6 closer the position of the original footprint of the former building on the site. Plot's 1-4 & 7-10 are considered to be acceptable and will have no significant impact on the residential amenity on the occupiers of adjacent neighbouring properties.

The boundary treatments to the southern portion of the site closest to the parking for plots 5 and 6 have been left open with an area of planting differentiating the site from the sloping land to the south. This creates a much more open feel to the site and retains the visual link to the bungalows to the south of the site. Due to the orientation of the properties on the site, satisfactory privacy standards for the neighbouring properties are retained in terms of the distances between the front elevations of plots 5 and 6.

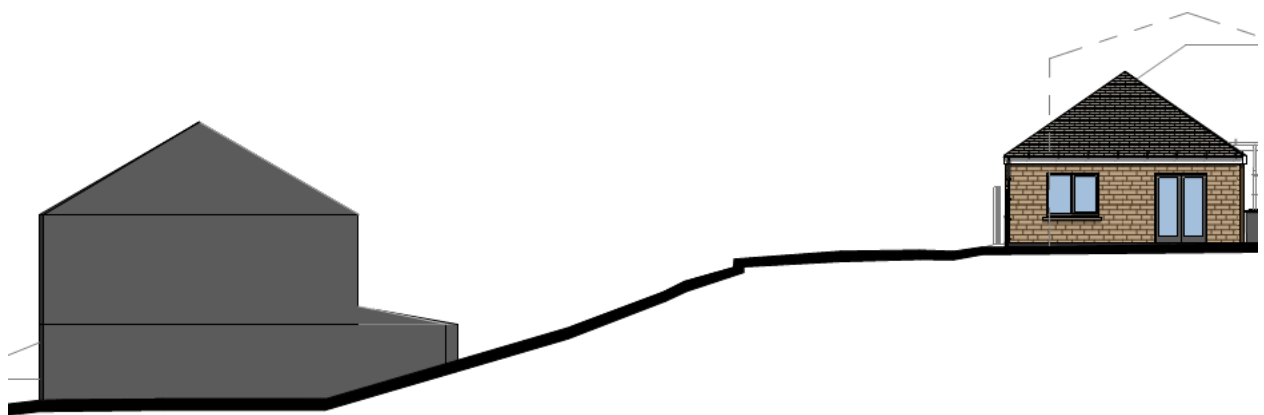
The boundary treatments to the southern portion of the site for the rear gardens of plots 5 and 6 have been improved following discussions with the developer and these amendments are considered separately below.



Proposed distances between boundaries

PLOT 5

Plot 5 is now positioned some 20.2m from the first floor of the nearest properties on Harrison Street (the closest habitable room windows). Due to the difference in land levels the eaves of plot 5 sit approx. 1.3m higher than the eaves of the properties on Harrison Street. This will effectively give the impression of a two storey property from the bedroom windows of the properties so the suggestion of Policy HS4 for an additional 3m set back is not considered to be appropriate in this instance. In addition, given that there are no habitable room windows in the side elevation of plot 5, the spacing distance is considered acceptable.

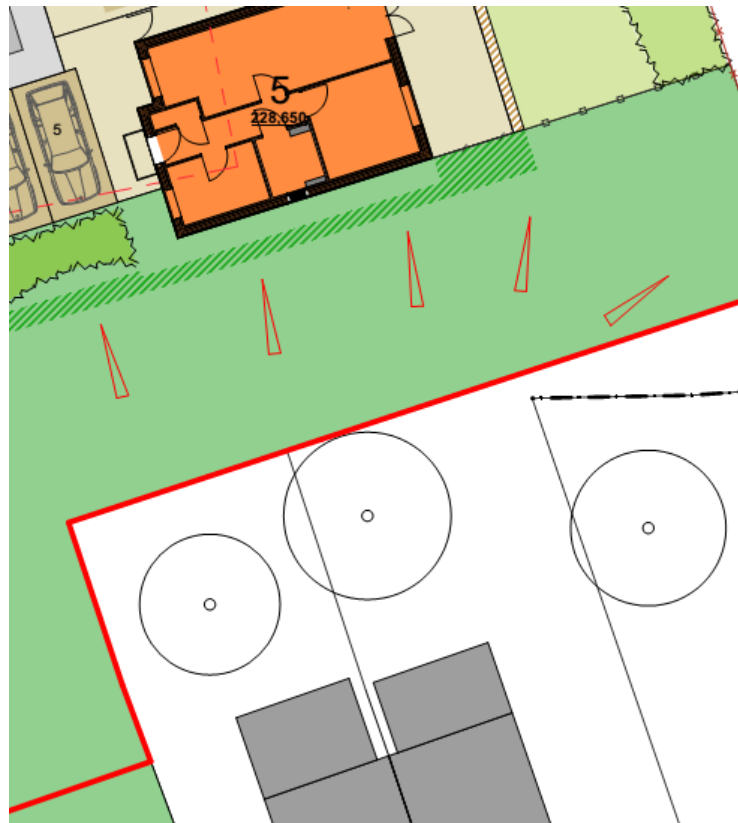


Relationship between Plot 5 and 18/20 Harrison Street

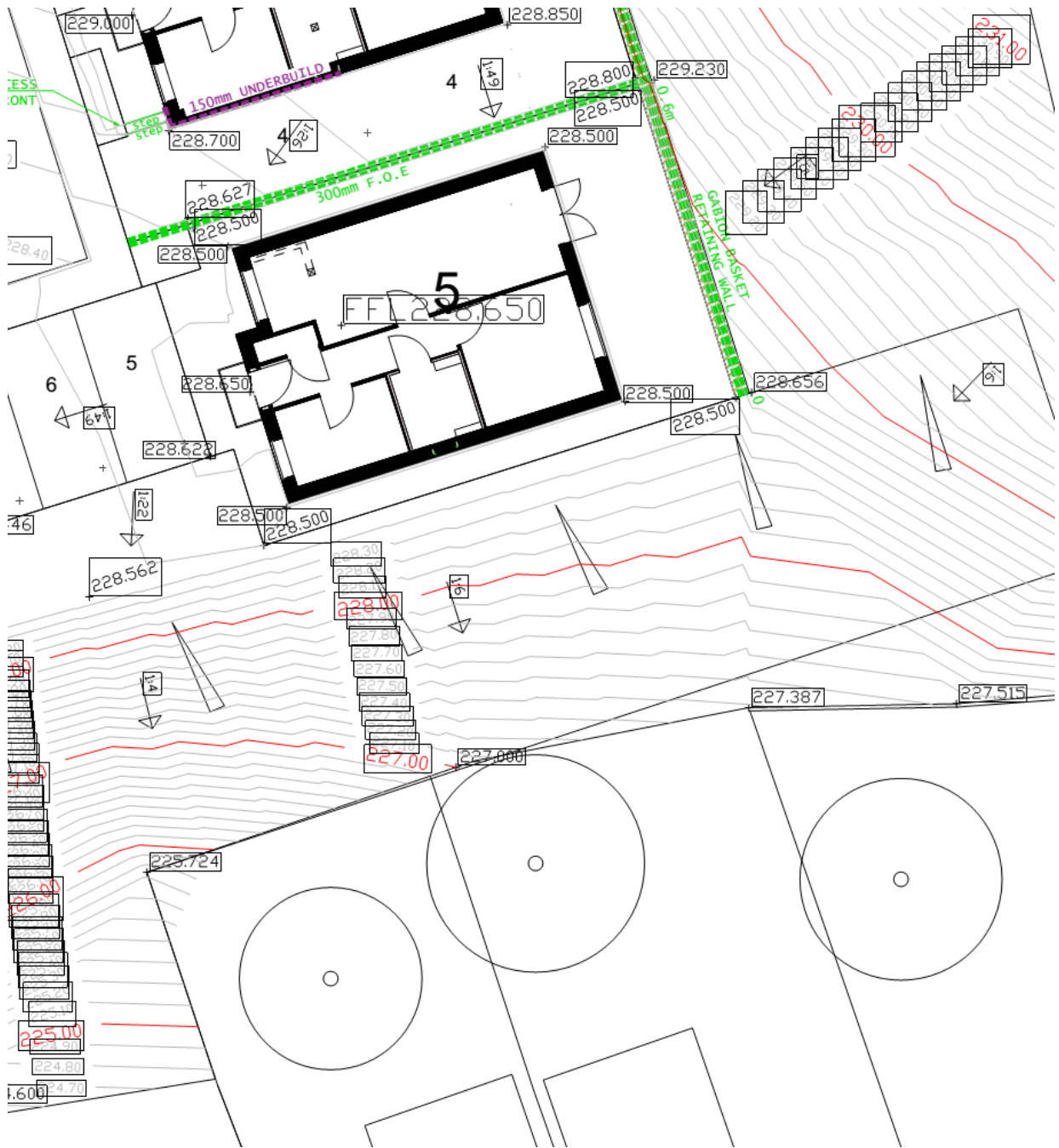


View from rear window of 18 Harrison Street

The rear patio area of this plot is to be screened by a 1.8m close boarded fence, with the sloping rear garden area to be bordered by a 1.6m high close boarded fence. The highest portion of this garden will be landscaped. This raised area will be sufficiently well screened to not only provide privacy for the occupants of the property but also to provide an acceptable level of privacy for the occupiers of the two properties on Harrison Street. The development will be conditioned to remove permitted development allowances from the site to ensure that any development of the rear garden area would require further permission.



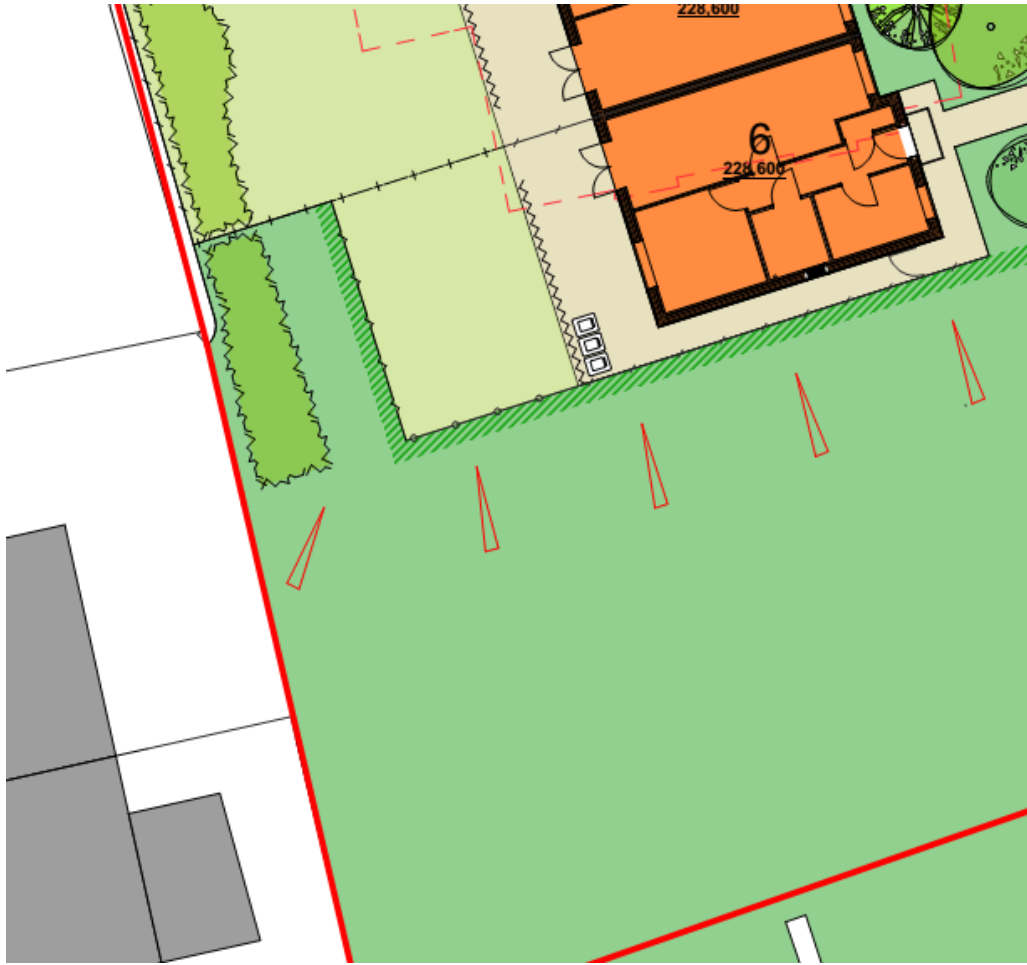
Plot 5 relationship to properties



Land levels – Plot 5 in relation to 18 & 20 Harrison Street (approximately as surveyed)

PLOT 6

The property on Plot 6 is now positioned some 14m from the garden boundary of no. 5 Thursden Avenue, and some 20m from the closest elevation of no. 5 Thursden Avenue (noted by the occupier to be their front elevation as their lounge faces this way). The garden boundary for Plot 6 has been reduced in length and now sits 5.5m from the boundary of no. 5 Thursden Avenue. A 2.1m high close boarded fence with 300mm trellis has also been introduced on this rear boundary, with a 2.1m high close boarded fence (no trellis) also provided to the southern (side) edge of the garden. The patio for this property is also enclosed by a 1m high patio fence internally.



Plot 6 relationship to adjacent properties



Existing land levels across rear of 5/7 Thursden Avenue

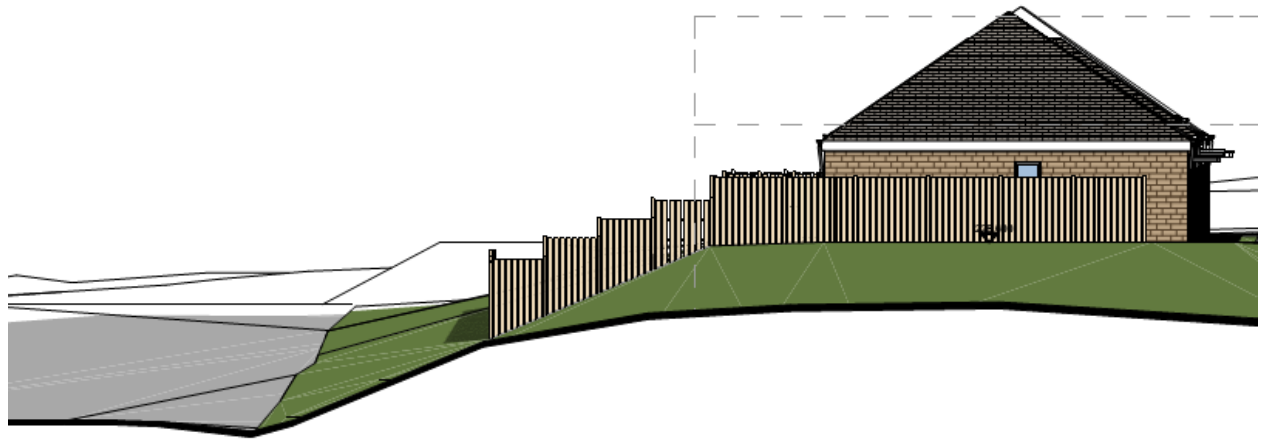


Land levels – Plot 6 in relation to 5 & 7 Thursden Avenue (approximately as surveyed)



Land levels between the site and Thursden Avenue

The proposed levels on site note that that the property on Plot 6 would sit at approx. 228.45m (FFL) Above Sea Level (ASL) with the proposed boundary fence sitting at a level of approx. 226.75m ASL. The garden boundary of no. 5 Thursden Avenue is at approx. 225/224.5m ASL. Given the added height to the FFL of the property proposed on Plot 6 due to the difference in land levels on site, it would effectively be seen as a two storey property from the windows to the rear of the properties on Thursden Avenue (the ridge height would sit at approx. 233.674m ASL, approx. 8.6/9.1m above the ground level at the garden boundary of no. 5 Thursden Avenue).



Plot 6 approx. rear garden levels

This difference in height at a spacing distance of 20m is considered to comply with the standards suggested between one and two storey properties, and as such the suggestion of Policy HS4 for an additional 3m set back is not considered to be required in this instance as the difference in heights is not considered to be significant.

Having assessed the proposal on site, it is considered that due to

- the re-positioning of Plot 6 on site (moving further north on site) thereby creating a more oblique angle between the windows in the rear elevation of the nearest existing property and the windows in the rear elevation of that property proposed on Plot 6,
- the re-positioning of the garden boundary for Plot 6 thereby creating a significant 5.5m+ gap between residential garden areas that will be enhanced by landscape planting, and
- the introduction of a much taller boundary treatment thereby enclosing the rear garden of Plot 6 and also providing a higher level of privacy for the occupiers of the properties on Thursden Avenue,

and despite the difference in land levels on site, an acceptable level of privacy and outlook is afforded to not only the occupiers of the new property (within the garden and the property itself) but also to the occupiers of the properties on Thursden Avenue. The spacing distances between habitable room windows meets that set out within the relevant policies, and the re-positioning of the rear garden boundary and the addition of high boundary fences is considered to acceptably balance the difference in land levels in this instance.

CONCLUSION

Mindful of the previous building on site that was two storey in height and had little or no screening between bedroom windows that faced southwards, the amended proposed plans are considered to provide acceptable on-site boundary treatments and spacing distances between properties to be sufficient to protect levels of privacy, outlook and daylight/sunlight provision. The proposals would not therefore significantly or unacceptably affect neighbouring residential amenities.

Impact on Ecology

Section 109 NPPF states that the planning system should contribute to and enhance the natural and local environment. No significant ecological constraints were identified by the developer's ecological consultant. The existing site is of low ecological value with the proposed landscaping including adequate soft landscaping to ensure no nett loss and potentially net gain dependent on the wildlife value of the species utilised. Issues relating to nesting birds, invasive species and landscaping can be resolved via conditions.

Land contamination

Policy GP7 states that new development will be assessed against any risk that potential pollution may have on the development or the environment. A Phase I and Phase II geo-environmental site assessment and remediation strategy have been submitted with the report which identifies the contaminants on the site and the measures, including gas monitoring that are necessary. This is being considered by the Council's Contaminated Land Officer and any comments will be reported on the night.

Drainage

A Drainage Strategy Report produced by The Alan Johnston Partnership (Ref. 216-210) has been submitted with the application which identifies on site attenuation for surface water drainage at Greenfield runoff rates. This is being considered by the Lead Local Flood Authority at present.

Other Material Considerations

Based upon the latest assessment, taking into account all approved applications, Lancashire County Council are seeking a contribution for 1 primary school place. As the education contribution assessment identifies the need for a contribution to be provided, Lancashire County Council is, in effect, objecting to the application.

The applicant has submitted a financial viability and appraisal detailing the costs and revenues from this site which clearly demonstrates that it will not be viable to make payment of the requested Education Contribution required by Lancashire County Council in their capacity as Education Authority. The lack of a requested contribution must be considered as part of the planning balance when making the final decision on this application.

Paragraph 173 of the NPPF, Ensuring viability and deliverability, advises that pursuing sustainable development requires careful attention to viability and costs in plan making and decision-taking, and that schemes should be deliverable. It continues noting that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened, and that to ensure viability, the costs of any requirements likely to be applied to development,

such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The verified evidence provided with this application makes it clear that any additional cost to the scheme under a planning obligation would render the scheme as an undeliverable site and the development would not take place. The likely scenario then is that the site would then sit vacant until another developer or scheme came forward. However as the constraints to developing the site remains the same, it is my opinion that it is unlikely that the site would be developed for any housing, market or affordable, for the foreseeable future.

I am mindful that the National Planning Policy Framework supersedes the Council's current Local Plan and in terms of ensuring viability and deliverability of schemes, the scheme is acceptable when assessed against paragraph 173 of the NPPF.

Summary

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity and minimise waste and pollution.

On the basis of the above assessment contained within my report, when considering the planning balance of the scheme submitted I have the following view.

When determining whether the site represents sustainable development, it is important to consider that all the above elements contribute to assessing whether or not a site can be considered 'sustainable'. Sustainability includes such matters as the re-use of brownfield land, safeguarding of ecological habitats, sustainable locations for housing, achieving good design and economic development. Many of these aspects are consistent with the concept of sustainability, and it is clear that this proposed scheme is substantially in accordance with this view.

The only areas of sustainability that appear to be contested relate to the lack of a contribution towards education. National Guidance advises that separate elements combine to meet the definition of a sustainable development; therefore a proposal can be a sustainable one even if it suffers from limitations in terms of its perceived impact.

The site is a previously developed, brownfield site within the development boundary of Burnley and close to existing transport infrastructure. Therefore it is in a location where growth would be expected to be directed. The Council considers the land use of the site acceptable, and following amendments to the scheme as a whole, can be appropriately developed for housing purposes with acceptable impacts.

The verified evidence provided with this application makes it clear that any additional cost to the scheme under a planning obligation would render the scheme undeliverable site and the development would not take place. The question therefore is whether the adverse impact of the lack of the requested contribution would be so significant that it would outweigh the benefits of the proposal as a whole? In my opinion, there are far more benefits to approving this scheme without a contribution especially given the size of the properties proposed and the likelihood of the end occupier being ones that do not add to the requirement for additional school places in this area.

Given that the site can be considered as sustainable in NPPF terms, the benefits include:

- A deliverable site;
- Short term economic benefits relating to work carried out during the construction phase of the development;
- medium term economic benefits by virtue of a likely increase in annual spend in the Borough by future residents in the new houses;
- medium term economic benefits of supporting local tradesmen in the Borough;
- the boosting of the supply of market housing; and
- the delivery of a high quality sustainable development on an accessible and well-located site.

The main detractors in this instance are highlighted within the body of the report above, however having considered the issues raised within this report, I consider these impacts are not considered to be so significant as to represent a sustainable reason for refusal of the application, and I consider the benefits to this proposal significantly outweigh these minor adverse impacts, and the proposal is therefore recommended accordingly.

Recommendation: Minded to approve but that the Head of Housing and Development Control be delegated to determine the application following the receipt of formal comments from the Lead Local Flood Authority and the Council's Contaminated Land Officer and subject to the following conditions (together with any further conditions/amendments which are required based on comments received).

Draft Conditions (to be agreed and confirmed with the developer before the 26th April 2018)

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: 2491 – 01, 2491 – 02, 2491 – 03F, 2491 – 04F, 2491 – 05D, 2491 – 06C, 2491 – 07C, 2491 – 08, 2491 – 09, 2491 – 10, 2491 – 11D, 2491 – 12 and 2491 – 13D.

3. Notwithstanding the submitted plans, prior to the commencement of built development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.
5. Prior to any earthworks being carried out, a method statement detailing eradication and/or control and/or avoidance measures for wall cotoneaster and monbretia should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.
6. Notwithstanding the submitted details, a final landscape plan shall be submitted to and approved in writing by the LPA prior to commencement of built development. Hard landscaping shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, lighting etc.); Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate, and shall include details of the condition of existing trees and specify which are to be retained. The content of the plan should also include measures to enhance the natural environment including native trees shrubs and bird nesting habitat. The approved plan will be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.
7. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development. The Landscape Management Plan shall be carried out as approved.
8. Prior to the commencement of built development, details of the final ground floor slab levels/finished floor levels for the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.
9. The new estate road/access between the site and Tennyson Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any built development takes place within the site.
10. Prior to the commencement of built development, a scheme for the construction of the site access and the off-site works of highway improvement shall have been

submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

11. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 11 has been constructed and completed in accordance with the scheme details.
12. 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.
13. No development shall take place until a construction method statement accompanied by an appropriate scaled plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - a. The parking of vehicles of site operatives and visitors
 - b. The loading and unloading of plant and materials
 - c. The storage of plant and materials used in constructing the development
 - d. Details of a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works
 - e. The erection and maintenance of security hoarding
 - f. HGV delivery times and routeing to / from the site
 - g. Contact details for the site manager
14. No deliveries or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority. 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.
15. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.
16. Electric vehicle charging points within the development will be encouraged. Within the curtilage of properties with on-site parking areas, there shall installed of a minimum of one, three-pin 13-amp electrical sockets in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Strategy Report produced by The Alan Johnston Partnership (Ref. 216-210) received 20th December 2017.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

18. Prior to the commencement of any built development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning

Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

19. The approved fences and railings hereby approved, as per drawing no. 2491-04F, shall be erected and maintained on site prior to the first occupation of any dwellings, and shall thereafter be retained at the height specified in perpetuity. Any replacement fence shall be at the height and design as specified in the Key on the above drawing number.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A-F shall take place on the dwelling house(s) hereby approved or within their curtilage.
21. Before the development hereby permitted is first occupied the window(s) in the southern facing elevation(s) of Plots 5 and 6 shall be glazed with obscure glass and fixed with a ventilation stay restricting the opening of the window, the details of which shall be agreed in writing with the LPA prior to their insertion. The windows shall be permanently maintained with obscure glazing at all times thereafter.
22. Possible Contaminated Land Condition

Draft 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 the interests of visual amenity and the character and appearance of the area.
4. In order to satisfy the requirements of the NPPF, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, and The Conservation of Habitats and Species Regulations 2010.
5. To ensure proper management of plant species otherwise harmful to the built environment.
6. To ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in full and in order to provide suitable mitigation for bird breeding habitats. In accordance with Policies GP3, E3 and E6 of the Burnley Local Plan, Second Review.
7. To ensure the long term landscape management of the site, in accordance with policy GP6 of the Burnley Local Plan, Second Review.

8. In the interests of ensuring the amenity of the occupiers of the adjacent properties is protected and in the interests of visual amenity.
9. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
10. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
11. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
12. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
13. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
14. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
15. In order to not significantly pollute the environment.
16. 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.
17. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with the NPPF.
18. In accordance with the National Planning Policy Framework and Building Regulations.
19. In the interests of visual amenity and the character and appearance of the area, and to ensure that the amenity of existing occupiers and the amenity of the occupiers of adjacent dwellings is protected to the satisfaction of the Local Planning Authority.
20. In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions, enlargements or any other development within the curtilages.
21. In the interests of residential amenity and privacy.
22. ??

GDT
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Housing & Development
9 Parker Lane

Ref.

APP/2017/0602

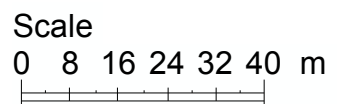
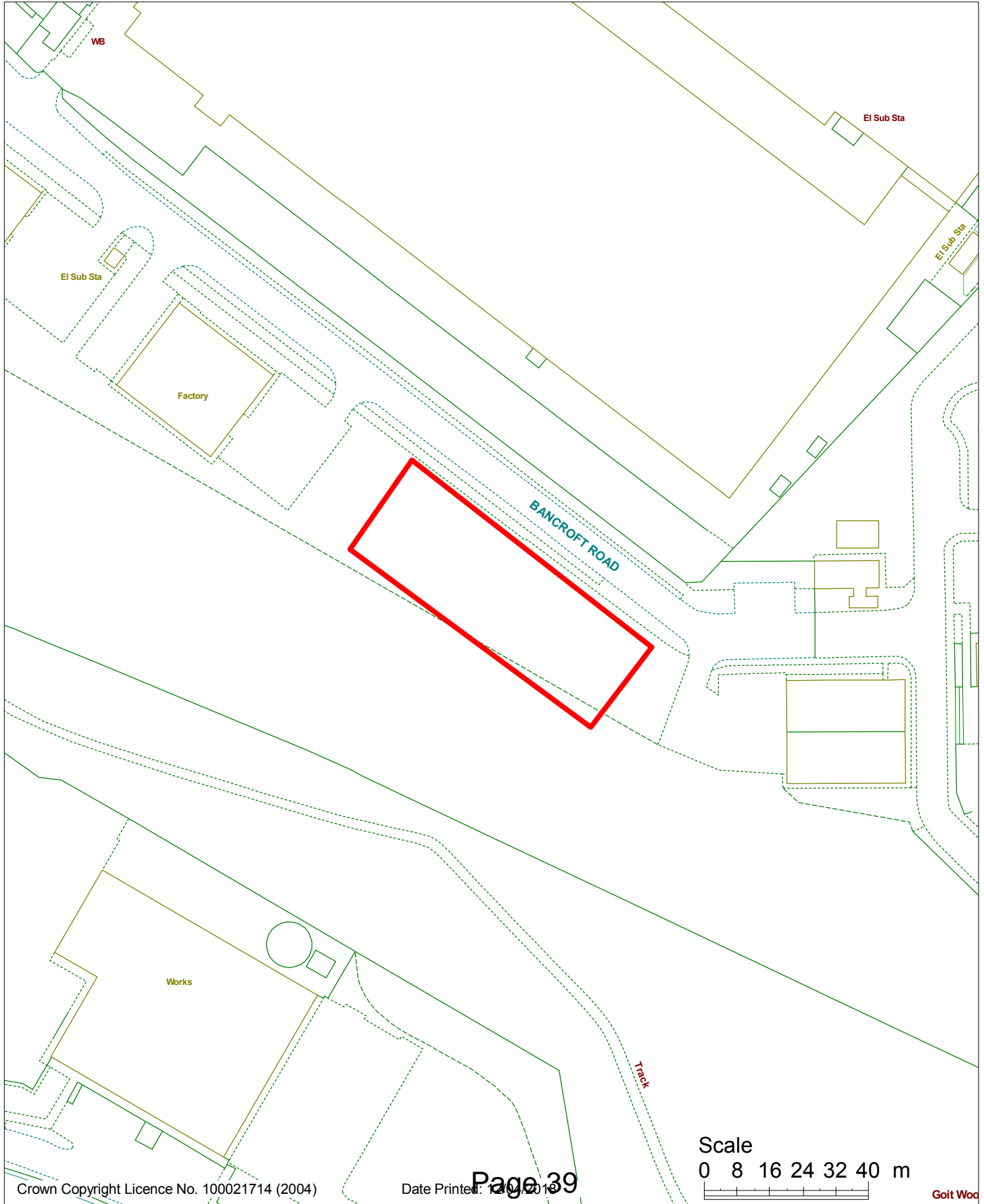
Paul Gattrell Head of Housing and Development

Location:



Land off Bancroft Road, Burnley

1:1250



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Full Planning Application

Amended scheme for small scale gas fired energy reserve facility and ancillary infrastructure (vary conditions 2, 3, 5, 6, 7, 10, 11, 12, 13 & 14 of planning permission APP/2016/0357) (material minor amendment)
LAND OFF BANCROFT ROAD BURNLEY

Background:

The proposal is for amendments to an approved scheme to erect a building to house a gas fired reserve power station with capacity for up to 20MW. The proposal also seeks to discharge a number of conditions that were imposed on the permission in respect of materials, mining investigations, protection measures for trees, landscaping scheme, precautionary measures for bats, noise assessment, stack heights and emissions, ground investigations and boundary treatment.

The approved energy reserve facility is a flexible 'peaking plant' to supply electricity during peaks of demand. The site for the power plant is on approximately 0.23 ha of undeveloped vacant land on the south side of Bancroft Road. The site is rectangular in shape, sitting between Kavia Tooling and Lomax Offshore Couplings Ltd and bounding an area of woodland which is part of the River Don/Brun Valley Biological Heritage Site (BHS). Rectella International Ltd is located on the opposite side of Bancroft Road to the north east side of the site.

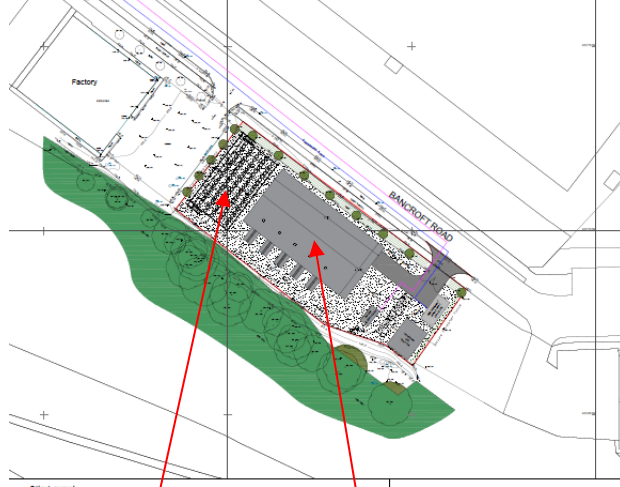
BHS to left hand side and Kavia Tooling in background



The amendments to the approved scheme involves a smaller main building (the engine hall) measuring approximately 35m long x 17.6m wide (compared with 45.5 m x 20.5m as approved) which would be re-sited further away from the site's north west elevation. The height of the building would also be reduced from 10m to 8m and the

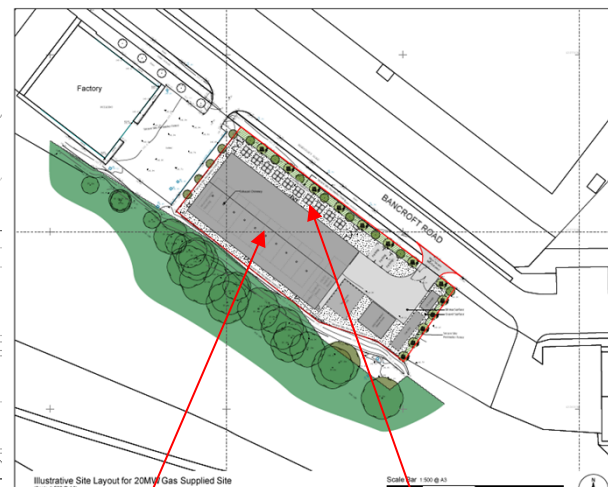
number of exhaust stacks reduced from 10no. to 5no. at a lower height of 11m (approved at 13m high).

Proposed Amended Site Layout



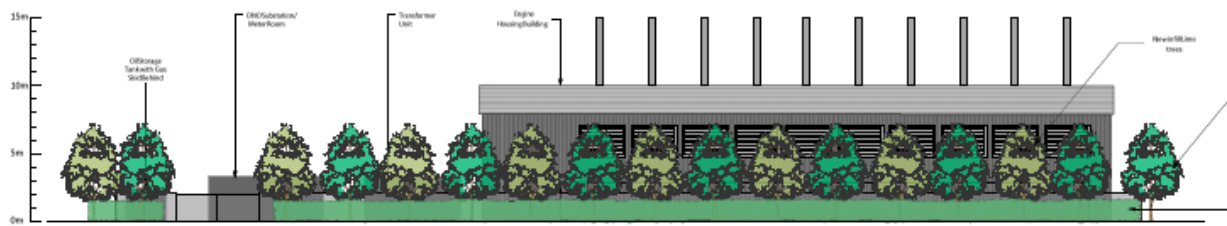
Radiators Engine hall

Approved Site Layout



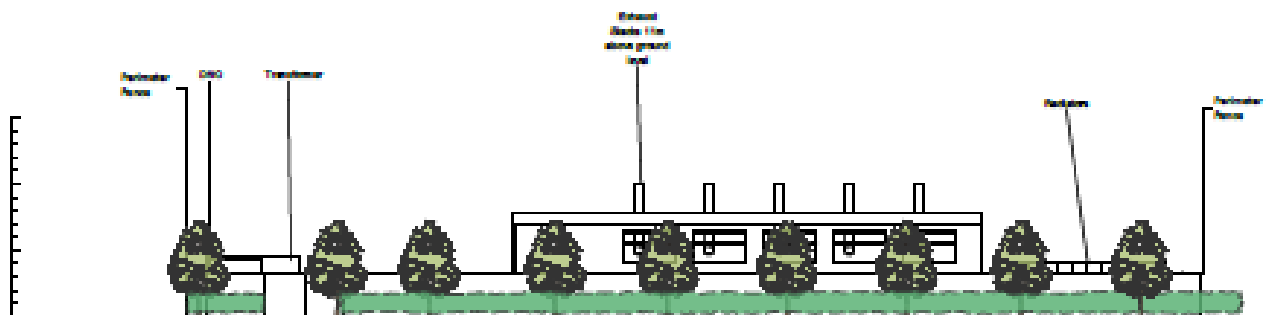
Engine hall Radiators

Approved Street Elevation



External NE Site Elevation (Scale 1:200 @A3)

Proposed Amended Street Elevation



External NE Site Elevation (Scale 1:200)

Whilst the approved development provided for radiators to the front of the site, the current proposal sites a larger area of radiators which would be elevated above the ground by approximately 4m and positioned between the main building and the site's north western boundary. Similar ancillary structures to house plant and store oil and waste oil would be sited towards the south east side of the site.

The revisions to the approved scheme are a result of a technology provider for the site having been selected and detailed design work being undertaken by that provider. The amended scheme is proposed to utilise 4 x 4.5MW and 1 x 2.67 MW engines rather than 10 x 2MW engines as had been assumed in the original application. The total output of the facility would remain at 20MW and the number of operational hours would also remain at 1500 hours running time per year.

In respect of conditions 2, 3, 5, 6, 7, 10, 11, 12, 13 and 14, these are submitted to in part vary the approved development and to also provide pre-commencement details to address the conditions.

Condition 2 refers to the approved drawing numbers and its variation would permit the changes as set above to the approved plans.

Condition 3 relates to details of external materials, including colour finishes. The applicant has agreed to the use of a dark grey (Merlin Grey) to be used on the walls and roof of the main engine hall; the sub-station structure would be Juniper Green and the exhaust stacks would be stainless steel and unpainted.

Condition 5 requires an intrusive site investigation to detect any coal mining legacies that may affect the stability of the site. Drilled borehole testing found that it was unlikely that unrecorded mining workings exist below the site.

Condition 6 requires details of tree protection measures which are provided within the submitted Arboricultural Impact Assessment and method Statement. This provides for protective fencing to be erected around the mature trees within the adjoining Biological Heritage Site (BHS).

Condition 7 requires a scheme of landscaping which shall include some native planting that would assist in maintaining habitat for wildlife. Details of native shrub planting to the front of the site and a small number of trees to the site's south east boundary.

Condition 10 requires a scheme of precautionary measures to protect bats, birds, badgers, great crested newts and wildlife that may be affected during construction works. A detailed scheme is submitted with this application.

Condition 11 requires a noise assessment, based upon the detailed specifications of equipment and plant. This demonstrates that the maximum sound output would be lower than the previously identified levels and asserts that the identified mitigation measures (cladding materials, silencers) are adequate.

Condition 12 states that the approved development shall have stack heights of 15m and maximum emissions as states in the information submitted by the applicant. The stack heights had been increased from 13m high to 15m high at the request of the Council's Environmental Health Officer for the purposes of assisting the dispersal of emissions from the plant. The applicant seeks approval for a lower height of 11m for a fewer number of stacks which is supported by details of maximum emissions.

Condition 13 requires a ground investigation report, followed if necessary by any remediation of the site. An intrusive site investigation has been submitted which contains recommendations for capping and gas protection measures.

Condition 14 requires details of new boundary treatment. Details of a 3.2m open mesh fence (coloured dark green) on all four sides of the development have been submitted.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

GP7 – New development and the control of pollution

EW5 – Development and improvement of major industrial estates

E2 – Nature Conservation – County Biological and Geological Heritage Sites and Local Nature Reserves

E3 – Wildlife links and corridors

E5 – Species protection

E6 – Trees, hedgerows and woodlands

Burnley's Local Plan – Submission Document (July 2017)

SP1 – Achieving sustainable development

SP5 – Development quality and sustainability

EMP2 – Protected employment sites

NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

The National Planning Policy Framework

Site History:

APP/2003/0486 - Refurbishment of existing factory buildings including division into smaller units; erection of new industrial units; creche; cafe; technology centre and associated site works. Approved October 2003.

APP/2003/0807 - Proposed two-storey building to form Technology Centre with associated car parking areas. Approved October 2003.

APP/2016/0357 - Small scale gas fired energy reserve facility and ancillary infrastructure. Approved October 2016.

Consultation Responses:

LCC Highways

No objection.

Coal Authority

On the basis of the submitted information, there is no objection to the discharge of Condition 5.

Greater Manchester Ecology Unit (GMEU)

The submitted information is satisfactory and there are no objections to the discharge of Condition 10.

Environmental Health

Agree that Condition 11 can be discharged on the basis of the submitted noise assessment subject to further conditions that the proposed mitigation measures are carried out and that on completion of these measures that written confirmation is submitted to the Council. A further request is made for a condition to be imposed to require a scheme to be agreed for the handling of any complaints that may arise in the future regarding noise from the development.

Agree to the removal of Condition 12 relating to air quality and stack height subject to a condition to limit the operational hours of the facility to a maximum of 2500 hours per year and to require the development to be operated and maintained in accordance with the manufacturer/installer's instructions and recommendations. A record of operating hours would need to be kept by the operator to allow a limit on hours to be checked and monitored when required.

Satisfied that the land investigations have been carried out in accordance with condition 13. Due to the presence of asbestos on one trial pit, a further formal capping/covering layer should be laid in areas that are not covered by hardstanding. Gas protection measures are also required and a verification report should be submitted once the measures have been carried out.

Publicity

One letter of objection has been received from a solicitor acting on behalf of a neighbouring unit (Kavia Tooling Ltd). Their objection is concerned with the potential impact from vibration on their specialised engineering business. The letter refers to the applicant's own report which affirms that the foundations of the site are not suitable to bear a stratum and as such, driven piled foundations will be necessary. The objector's business uses precision machinery and the letter states that the business will not withstand the vibrations associated with driven piled foundations.

Planning and Environmental Considerations:

Principle of proposal

The main considerations relate to the visual impact of the development on the technology park and impact of any changes to the scheme in terms of emissions/air quality and the detailed considerations relating to the individual conditions as listed above. The objections from a neighbouring industrial unit should also be considered.

Visual impact

Policy GP3 seeks development to be of good design and quality. The proposed changes to the approved scheme display a similar building on a smaller footprint with a larger area of radiators to the north side rather than to the site's frontage. The overall appearance of the engine house and associated equipment would be similar to the approved scheme. Boundary tree and shrub planting are similarly proposed to the front and side boundaries of the site and would help to integrate the development into its industrial surroundings. Whilst the changes to the scheme are significant, they represent acceptable material minor amendments to the scheme as a whole.

Air quality

The National Planning Policy Framework (the Framework) states that the cumulative impacts on air quality should be consistent with local air quality action plans. A revised air quality assessment has been carried out by the applicant to take account of the revised design for five instead of the approved ten engine sets. In both cases, the

output from the engine sets would be 20MW. The revised engine sets would operate up to 2500 hours per year. No hours limit was imposed on the original approval, although the approval requires compliance with the maximum emissions contained within information put forward by the applicant. At that time the applicant had suggested that the power reserve facility would be likely to operate for 1500 hours per year. The Council's Environmental Health Officer has assessed the air quality information submitted with the application and agrees that the level of emissions would remain within acceptable limits but requests that a condition be imposed to limit the operational hours to no more than 2500 hours per year. Suitable conditions can be imposed to restrict the development as requested and the applicant has confirmed that they have no objections to such conditions. The reduced stack height and amended scheme would not therefore have a significant impact on air quality at the site or its surroundings.

Conditions

The information that has been submitted to comply with the conditions listed above is satisfactory and permits the partial discharge of conditions. In some cases, further conditions are also required to deal with the site remediation, the handling of any noise complaints, a register of operating hours and operating and maintenance schedules. A list of varied and additional conditions is produced below.

Other issues

The objection from a neighbouring unit is concerned with the potential impact from vibration, primarily from the impact of machinery used to excavate foundations for the development. The applicant asserts that drilled boreholes (required to carry out intrusive site investigations) to a depth of 23m have already taken place on the site. The anticipated depth of foundation piles would be similar to this. The applicant states that as these drilling works did not result in vibrations affecting the neighbouring premises that a drilled pile solution would be expected to result in a similar low risk of vibration.

Conclusion

There are a significant number of changes to the scheme in terms of a reduced scale and re-siting of the engine house and associated infrastructure but its main elements are not significantly affected. The power output of the proposed reserve facility would be unchanged. Conditions can be varied to take account of further information that has been submitted and some new conditions are also required to deal with issues raised by consultees and to take account of the neighbour objection.

Recommendation: Approve with conditions

Conditions

1. The development must be begun by no later than 20 October 2019.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 9655-0003-01 (1:1250 location plan), received on 28 September 2016; 008b_STOR_Bancroft_LAY (1:500 Site Layout), 001c_STOR_Bancroft_ELEV (1:500 Site Elevations - Internal) and 301RevA (Landscape Proposals), received on 20 December 2017; 001b_STOR_Bancroft_ELEV (1:500 Site Elevations - External), received on 2 January 2018; 009b_STOR_Bancroft_LAY (1:200 site layout),

002c_STOR_Bancroft_ELEV (1:200 Site Elevations - Internal), 001_STOR_Bancroft_Rad (1:100 Heat Dump Radiators), 001_STOR142DNO (Substation Plan and Elevations), 001a_STOR150OST/001/Issue no. 001 (Clean Oil Storage Tank), 001b_STOR150OST/001/Issue no. 1) and EGSF120B (Kiosk) received on 23 January 2018.

3. The steel cladding to be used on the walls and roof of the main engine hall shall be Merlin Grey (BS18B25) and Juniper Green (BS12B29) shall be used on the sub-station and ancillary buildings unless any alternative colour treatment is otherwise submitted to and approved in writing by the Local Planning Authority.
4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays
 - v) measures to control the emission of dust and dirt during construction
 - vi) wheel washing facilities
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) details of working hours.
5. The construction of the site shall be carried out with drilled piles only and not driven or impact piling, in a manner which minimises the risk of vibration.
6. Prior to any development being commenced, including any ground clearance works, protective fencing and precautionary measures to safeguard trees and hedges as set out in the Arboricultural and Impact Assessment and Method Statement (carried out by RPS and dated 27 November 2017) submitted with this application shall be implemented in their entirety and shall be thereafter retained during building operations until the completion of the development.
7. 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 5 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.
8. The approved development shall not operate at a rate exceeding 2,500 hours in any 12 month period. For this purpose, an up to date record of operating hours shall at all times be maintained by the operator and shall at any time be available for inspection or submission to the Local Planning Authority.
9. Prior to any development being commenced, details of a scheme of external lighting shall be submitted to and first approved in writing by the Local Planning

Authority. The submitted scheme shall demonstrate the avoidance of artificial lighting on wildlife, hedgerows and trees within the adjoining River Don-Brun Valley Biological Heritage Site. The development shall thereafter only be carried out in accordance with the approved scheme and no additional external lighting shall at any time be installed without the prior written permission of the Local Planning Authority.

10. The development shall not be carried out otherwise than in full accordance with the protective and mitigation measures contained with the 'Ecological Protection Method Statement' (prepared by RPS, dated December 2017) and this shall be adhered to at all times during the construction of the development.
11. The mitigation measures contained within the Noise Assessment (prepared by RPS, reference no. JAT9549-150-REPT-01-R0, dated 20 December 2017) shall be carried out, completed and confirmed in a report to be submitted to the Local Planning Authority, prior to the development being first brought into use. The approved mitigation measures shall thereafter be retained and adhered to at all times.
12. The approved development shall not be operated otherwise than in compliance with the maximum emission levels contained with the Air Quality Assessment (prepared by RPS, reference JAP10099Rev2, dated 19 December 2017). A copy of the operational limits and maintenance schedule of the approved gas fired energy reserve facility shall be submitted to the Local Planning Authority within 28 days of its complete installation.
13. In accordance with the 'Ground Investigation Factual and Interpretative Report' (prepared by RPS, reference JER6979, dated November 2017) submitted with this application, a further capping layer shall be laid in areas without hardstanding and gas protection measures shall be installed using suitable membranes or other barriers to achieve the targets set out in this statement. Following the completion of the aforementioned measures and prior to the approved development being first brought into use, a verification report of all the remediation measures that have been carried out shall be submitted to and approved in writing by the Local Planning Authority.
14. The development shall be carried out in accordance with the boundary treatment details as indicated on the approved plans and on the details of Euroguard Regular fencing on JSW 91 Issue 01 submitted with this application. The approved fencing shall be pre-coated in a dark green colour prior to its installation and shall be retained thereafter and maintained in the same or similar colour at all times.
15. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints that are made in relation to noise from the approved development to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.

Reasons

1. To comply with the date imposed on the original permission as required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works are satisfactorily protected, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
5. To minimise the risk of vibration to the adjoining occupiers where there may be a risk to precision machinery, in order to protect existing businesses at an employment site, in accordance with Policy EW5 of the Burnley Local Plan, Second Review (2006) and Policy EMP2 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure adequate protection for the long term health of woodland trees/hedges which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policies E2, E3 and E6 of the Burnley Local Plan, Second Review (2006).
7. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings and enhances biodiversity, in accordance with Policies GP3, E2 and EW5 of the Burnley Local Plan, Second Review (2006).
8. To limit the emissions of nitrogen dioxide to acceptable levels, in order to maintain adequate air quality to protect the local area, in accordance with the National Planning Policy Framework.
9. To safeguard birds, bats and other wildlife that would be adversely affected by excessive lighting, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that the measures identified in the scheme can be properly carried out at the appropriate stage of construction.
10. To provide adequate protection measures for wildlife that is known to be present within the adjoining River Don-Brun Valley Biological Heritage Site or close to the site, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006).
11. To safeguard the residential and local amenities of the area, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
12. To ensure the emission of pollutants does not exceed acceptable levels and to enable the Local Planning Authority to check the operating and maintenance

schedules if it becomes necessary to do so, in order to safeguard against pollution in the local area, in accordance with the National Planning Policy Framework.

13. To ensure the site is made suitable for the construction of the development, in accordance with GP7 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
14. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
15. To provide a mechanism for dealing with any complaints relating to noise that may arise as a result of the development, in order to adequately protect the amenities of occupiers within the local area, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).

JFL
16/4/2018

Part One Plan

Housing & Development
9 Parker Lane

Agenda Item 6c

Ref.

APP/2018/0060

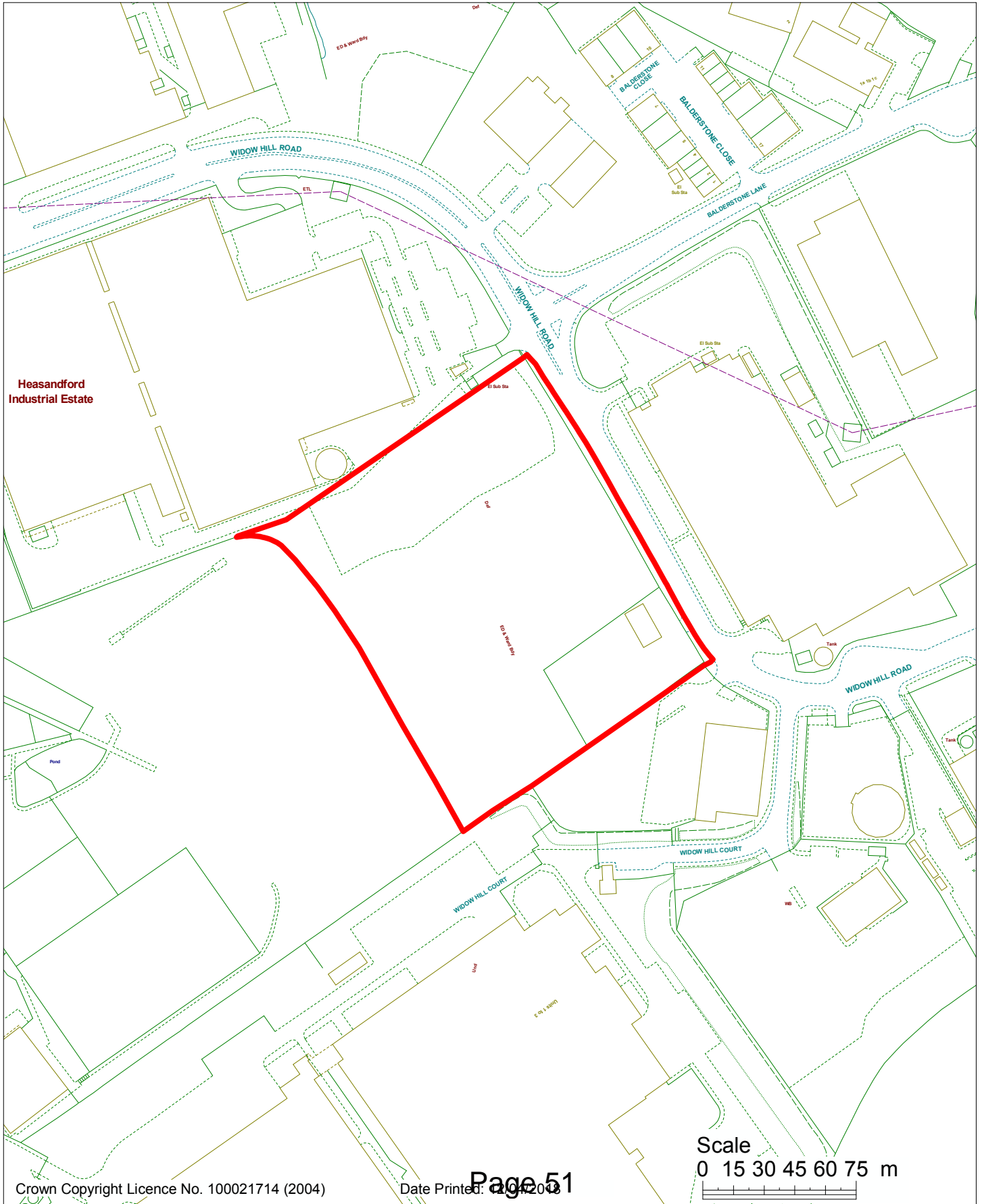
Paul Gatrell Head of Housing and Development

Location:



Boohoo.com, Widow Hill Road, Burnley

1:2500



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Application Recommended for Approval

APP/2018/0060

Lanehead and Briercliffe Ward

Full Planning Application

Variation of condition 2 of planning permission APP/2016/0528 to enable insertion of internal floors within the approved building

BOOHOO.COM WIDOW HILL ROAD BRIERCLIFFE

Background:

Permission was granted in February 2017 for the erection of a new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure to enable the applicant to meet these increased sales and works commenced on site in the late spring of 2017.

This section 73 application seeks a variation to Condition 2 of planning permission APP/2016/0528 which lists the permitted drawings. The variation would allow the insertion of a number of additional internal mezzanine floors within the building.

The application seeks a variation to Condition 2 as opposed to the submission of a fresh planning application for the following reasons:

1. The APP/2016/0528 permission did not seek to limit the amount of floor space proposed under that consent.
2. The proposal would not result in an increased requirement for staff car parking or additional HGV movements due to the future forecasting to 2023 which was undertaken as part of the original application. This is explained in full in the accompanying Technical Note prepared by Vectos. And,
3. The proposed works are internal only and would not result in any external alterations. As such the proposal did not alter the external appearance of the building.

As a consequence, the proposal is not materially different to that which was originally granted planning permission for the reasons set out above. A s.73 application is therefore an acceptable format to determine the internal works.

A legal agreement accompanies the original permission and this requires amending to accompany the s.73 application. This is being finalised at this moment in time.

An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

E4 - Protection of other features of ecological value

E5 - Species protection

E8 - Development and flood risk

E19 – Development and Archaeological Remains

EW1 - Land for Business (B1) and Industrial (B2) and Warehousing (B8) Development

EW4 - Expansion and Improvement of existing businesses

EW5 - Development and Improvement of Major Industrial Estates

GP1 - Development within the Urban Boundary
GP3 - Design and Quality
TM2 - Transport Assessments (TAs)
TM3 - Travel Plans (TPs)

National Planning Policy Framework.
National Planning Practice Guidance.

Site History:

APP/2017/0430 - 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 – Conditions partially discharged

APP/2017/0411 - Discharge of Condition 24 (an Employment and Skills plan) of planning application (APP/2016/0528) relating to proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure – Condition discharged.

APP/2017/0188 - Application for approval of details reserved by conditions 17 and 18 (drainage) of planning permission APP/2016/0528 – Conditions discharged.

APP/2017/0171 - Discharge of conditions 4 and 7 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 construction method statement (Condition 4); and programme of works statement (condition 7) – Conditions partially discharged.

APP/2016/0528 - Proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure – Granted Conditionally.

APP/2015/0208 – 144 space car park – Withdrawn.

APP/2015/0105 - Addition of 3no. dock levellers and the extension of the dock canopy to rear south elevation. Increase size of service yard area to facilitate use of additional docks. Feature flashing on North West, south west and south east elevations changed from pink to black. Relocation of the gatehouse into the centre of the entrance/exit road (in respect of planning application APP/2014/0041) – Granted.

APP/2014/0377 – Discharge of condition 5 of planning application APP/2014/0041 – Discharged.

APP/2014/0355 – Discharge of conditions 6, 10, 11, 12 and 13 of planning application APP/2014/0041 – Discharged.

APP/2015/0334 – Proposed minor material design amendment to previously approved application (APP/2014/0041) – Granted.

APP/2014/0332 - Amendment to the phased construction of the amenity accommodation (in reference to planning permission APP/2014/0041) (NMA) – Granted.

APP/2014/0041 – Erection of extension to existing class B8 warehouse together with associated ancillary office and amenity accommodation and vehicular manoeuvring and circulation infrastructure – Granted Conditionally.

APP/2007/0069 – Proposed erection of three industrial units and alterations to the west elevation of the existing industrial unit (Use Classes B1, B2 and B8) – Granted with Conditions.

Consultation Responses:

Lancashire County Council (Highways - Developer Support)

Following earlier discussions, the applicant has submitted a revised technical note which explained the effects of the automation process on the employment levels within the site and how its implementation would limit the level of employment recruitment required when the site becomes fully operation in 2022/23. It also referred to proposed changes in the delivery practices which will ultimately result in a more efficient use of the HGV vehicles visiting the site and thereby reduce their impact on the road network.

Since these improvements are based on proposed operational efficiencies is there any way to ensure that the automation process for instance is carried out as described within the technical note I am mindful that although on paper the benefits of automation are clear in respect of the number of employees, should the applicant not wish to pursue this route then there would be a significant increase in the work force which will exceed the parking provision.

Although alterations to the highway infrastructure have largely been dealt with in the previous application for the construction of the second unit, one area was overlooked. The former entrance to the southerly area adjacent to the new "goods in " entrance. This should be kerbed and made good.

Also, as discussions on the travel plan for the site have progressed it has become apparent that the applicant will be seeking to pick up and set down passengers for the new employee buses on Widow Hill Road as opposed to within the site. In order to ensure that the stops remain accessible it will be necessary to provide bus bay markings on Widow Hill Road.

[The proposed drawings are entitled Proposed Automation Layout. In my view listing the drawings at condition 2 should suffice in ensuring that the scheme is implemented in accordance with the drawings that refer to an automation layout.]

Local consultation responses

An email has been received from a local resident and tenant of Widow Hill Road Industrial Estate, and the following objection and areas of concern have been raised.

- concerns for the safety to the traffic and pedestrians outside boohoo.com's pedestrian factory entrance.
- At the present moment there are alterations to the pavement in central reservation in this area and as a regular user of Widow Hill Road at boohoo.com's shift changes at 6 AM and 6 PM I can only express that it is only a matter of time before there will be a serious accident during these times due to the parking, drop off and pick up of employees. On numerous occasions I have been in a situation where there have been employees who have walked out from parked cars to either cross the road or to get to waiting cars in the central reservation.
- This was an issue prior to the road alterations and is still an issue during the road alterations; whilst the planning application relates to the internal of the building consideration must be given for the long-term future of this entrance. We ask that consideration is given to the above prior to any decisions being made.

Planning and Environmental Considerations:

This section 73 application seeks a variation to Condition 2 of planning permission APP/2016/0528 which lists the permitted drawings. The variation would allow the insertion of a number of additional internal mezzanine floors within the building. The building is almost completed in terms of its external appearance.

The proposed works are internal only and would not result in any external alterations. As such the proposal did not alter the external appearance of the building. As a consequence, the proposal is not materially different to that which was originally granted planning permission. A section 73 application is therefore an acceptable format to determine the internal works.

The key considerations with this application are in respect of highway safety matters.

HIGHWAY SAFETY AND PARKING

Further and additional information was requested by the County Highways Officer following initial concerns raised in regards to this proposal. The applicant has submitted a revised technical note which explained the effects of the automation process on the employment levels within the site and how its implementation would limit the level of employment recruitment required when the site becomes fully operation in 2022/23. It also referred to proposed changes in the delivery practices which will ultimately result in a more efficient use of the HGV vehicles visiting the site and thereby reduce their impact on the road network.

These improvements are based on proposed operational efficiencies and the proposed plans will be conditioned as such so that the development can only be carried out in accordance with those plans.

There are discussions ongoing at the present time in regards to the formulation of a Travel Plan for the site, and it is hopeful that an employee service bus will be provided in the coming months. In addition to this, the applicant has already implemented opportunity to improve the sustainability of the site by increasing the accessibility to purchasing pedal cycles for employees. The contribution request towards the upgrade of two cycling routes into the Heasandford Industrial Estate has also been paid by the

applicant and works will commence on the previously discussed, agreed and approved upgrade improvements within the next 12 months.

Further agreed works to the highway surrounding the site to improve pedestrian access across Widow Hill Road as well as an enhanced crossing facility between Unit 3 and the main site and also the pedestrian linkages to and within the main site, and the implementation of a taxi drop-off / pick up point outside Unit 2 are also underway and are due to be completed in the next few months.

On the basis of the information provided within the Transport Assessment Addendum Note, there are no objections to the proposed scheme from a highway safety point of view subject to the imposition of relevant conditions.

CONCLUSION

The National Planning Policy Framework (NPPF) makes it clear that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration in planning decisions and it advises that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay.

The proposed scheme involves internal alterations to the previously approved building on the site (that is close to external completion) and as such the key considerations relate to whether these alterations have any other material impact on the development originally proposed.

The proposal would not result in an increased requirement for staff car parking or additional HGV movements due to the future forecasting to 2023 which was undertaken as part of the original application. This is explained in full in the accompanying amended Technical Note prepared by the applicant. The highways authority raises no objection to the proposal and as such the application is recommended accordingly.

Recommendation:

That planning permission be granted subject to the following conditions.

Initial Draft Conditions (to be discussed with the developer and finalised by the evening of DC Committee - 26th of April 2018):

1. The permission shall relate to the development as shown on plan drawing numbers: A0701-P1, A0702-P1, A0703-P1, B0101, B0103, B0110, B0150, B0230, B0501 (x2), B0601-P1, B0602, B0603, L0001-P1, L0101-P1, L0601 and S0001 received 30th November 2016, and L0401-T5 received 1st February 2017, and plan drawing numbers 586930/601 – 06, 586930/602 – 06, 586930/603 - 03, 586930/604 - 02, 586930/605 - 03 and 586930/606 – 03 received 7th February 2018, and #####

2. The materials used in the development shall be in accordance with those specified within the approved scheme, to the satisfaction of the local planning authority, unless otherwise agreed in writing with the Local Planning Authority.
3. Prior to the commencement of demolition works or built development, a construction method statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - a) The parking of vehicles of site operatives, visitors and the existing parking that will be displaced by the development,
 - b) Details of the delivery regime for materials and plant to the site
 - c) The loading and unloading of plant and materials,
 - d) The storage of plant and materials used in constructing the development,
 - e) The erection and maintenance of security hoarding,
 - f) Wheel washing facilities,
 - g) Measures to control the emission of dust and dirt during construction,
 - h) Details of working hours, and
 - i) Contact details of the site manager.
4. 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.
5. No demolition or construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays and Bank Holidays, including all works and ancillary operations in connection with the construction of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. Where practicable, operations which create the most noise shall only occur between the hours of 08.30 and 17.30 Monday to Friday.
6. No part of the built development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt, the offsite works of highway improvement will include,
 - a) Formation of the new site access,
 - b) Closure and reconstruction of the existing vehicular access opposite Unit 3 Widow Hill Road,
 - c) Extension of the central reserve in the vicinity of the redundant vehicular access, and
 - d) Formation of a pedestrian crossing facility between the main BooHoo site and Unit 3.
7. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 6 has been constructed and completed in accordance with the scheme details.

8. The cycling and motorbike facilities hereby approved shall be provided in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. They shall be provided before the use of the premises hereby permitted becomes operative.
9. The car park areas hereby approved shall be surfaced or paved in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative.
10. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Business Travel Plan shall include details of an assisted cycle purchase / loan scheme and the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided). This shall be subject to agreement with the planning authority in consultation with the highway authority, and shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.
11. As part of the final car parking plan (condition 9), the developer shall include on-site the installation of a minimum of eight, three-pin 13-amp electrical sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable. The charging points shall be installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.
12. The existing access onto Widow Hill Road (as shown on plan reference number L0401 Rev. T5) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to.
13. Foul and surface water shall be drained on separate systems.
14. Notwithstanding the submitted details, as indicated on plan drawing number L0601 Landscaping, within six months of the commencement of any built development above slab level, full and final details of the proposed comprehensive hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
 - a) Hard landscaping shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

- b) Soft landscaping shall include full details of the proposed lake (including site sections and construction details), schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.
 - c) The scheme shall also include details of habitat mitigation enhancement measures such as bat and bird boxes which could be installed on retained or new semi-mature trees or elsewhere within the site on existing buildings.
15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development or in accordance with a programme approved in writing by the local planning authority.
16. The mitigation and recommendations detailed in the submitted Ecological Assessment (TEP, August 2016) shall be incorporated within the detailed on-site landscaping proposals (condition 20), and thereafter carried out in full prior to the first occupation of the development or in accordance with an approved timetable. Final details of this shall be submitted to the Local Planning Authority for consideration and approval.
17. Within six months of the commencement of the development, a scheme and programme for any other lighting on the site, outside of the proposed car parking areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:
- a) Location, type and intensity of lights.
 - b) Types of masking or baffle at head.
 - c) Type, height and colour of lighting columns.
 - d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.
- The lighting shall only be installed in accordance with the approved scheme and programme.
18. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions and/or extensions (internal or external) to any building forming part of the development hereby permitted.
20. The premises shall be used for B1/B8 use only and for no other purpose including any purpose within Class ## 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.
21. Condition limiting the floor area of the building?
22. The existing access in the southern area of the site adjacent to the new "goods in" entrance. shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in

accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.

23. Within 12 months of the date of this decision a scheme for the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. [This refers to the introduction of bus boxes on Widow Hill Road].

24. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 22 and 23 has been implemented and completed in accordance with the scheme details.

Reasons

1. For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
2. To secure a satisfactory development in materials which are appropriate to the locality, and to enable any necessary flexibility in the choice of materials, in the interests of visual amenity and in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
3. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, EW4 and EW5 of the Burnley Local Plan Second Review.
4. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
5. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
6. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before construction work commences on site.
7. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
8. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
9. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
10. To promote and provide access to sustainable transport options.

11. 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.

NOTE: 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 an adjacent building to enable the socket to be turned off.

12. To limit the number of access points to, and to maintain the proper construction of the highway.
13. To secure proper drainage and to manage the risk of flooding and pollution.
14. On the basis that full and final details of the proposed scheme have not been provided, and to ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in full, and in order to ensure a net gain for nature. In accordance with the NPPF and Policies E4, E5 and GP3 of the Burnley Local Plan.
15. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings, and in order to ensure that the landscaping works proposed are carried out in full. In accordance with Policies E4, E5 and GP3 of the Burnley Local Plan.
16. To ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF.
17. To ensure that the visual impact and impact on the amenity of the wider area is acceptable and that the scheme is appropriate in terms of its close proximity to other nearby wildlife habits and buildings. Also in the interests of highway safety, and to safeguard the amenity of adjacent buildings. To conform to Policy GP7 of the Burnley Local Plan, Second Review.
18. In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.
19. In the interests of the amenity of the area and highway safety, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or internal/external alterations, or the installation of any outdoor plant/machinery.
20. To enable the local planning authority to consider any future change having regard to policy ***** of the Burnley Local Plan, Second Review and any other material considerations.
21. ??

22. To limit the number of access points to, and to maintain the proper construction of the highway.
23. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
24. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

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Part One Plan

Agenda Item 6d

Housing & Development
9 Parker Lane

Ref.

APP/2017/0610

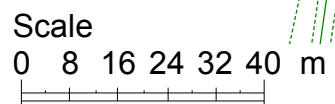
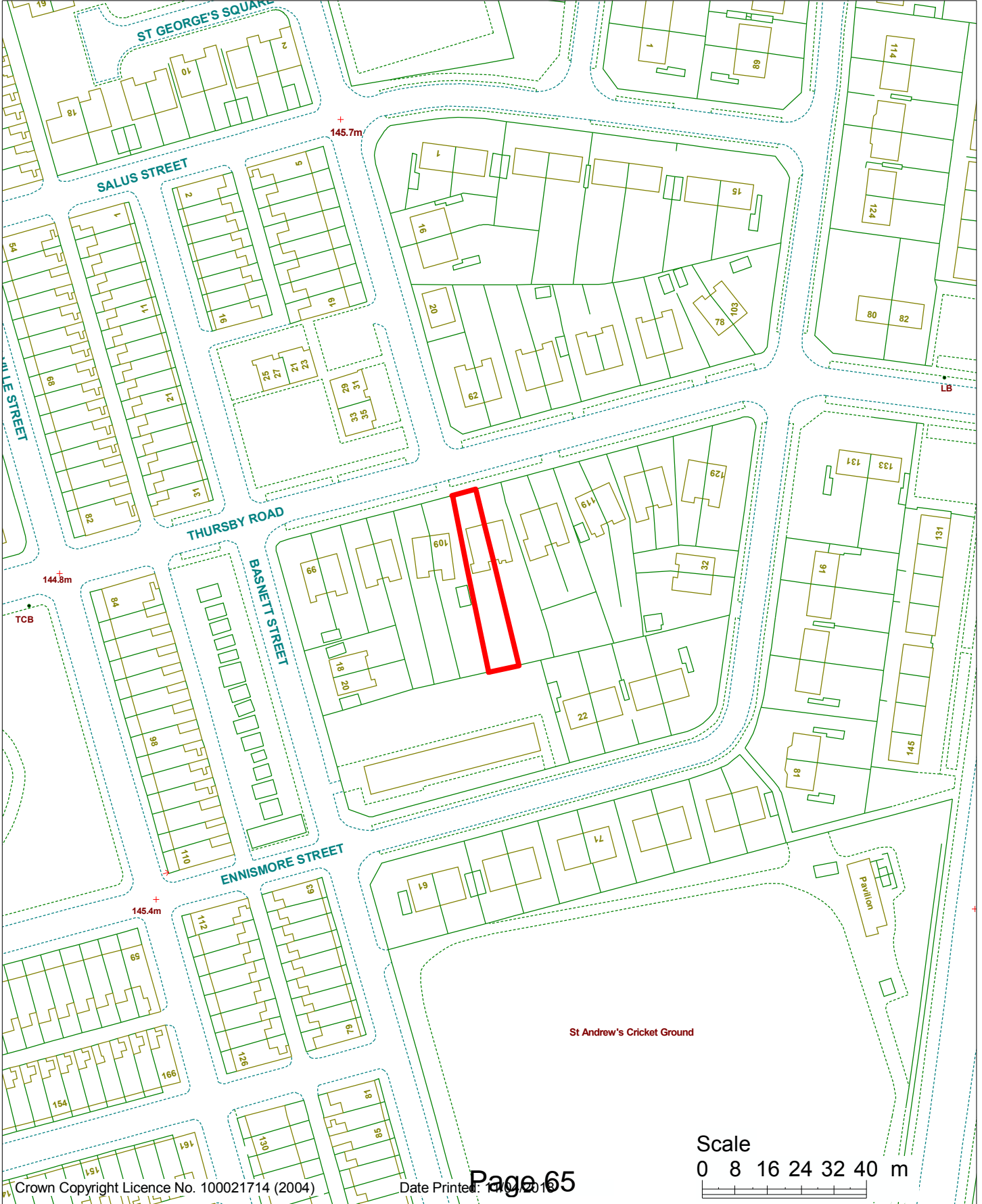
Paul Gatrell Head of Housing and Development

Location:



111 Thursby Road, Burnley

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Lanehead Ward

Full Planning Application

Proposed 2 storey extension to side and rear (re-submission of APP/2017/0198)

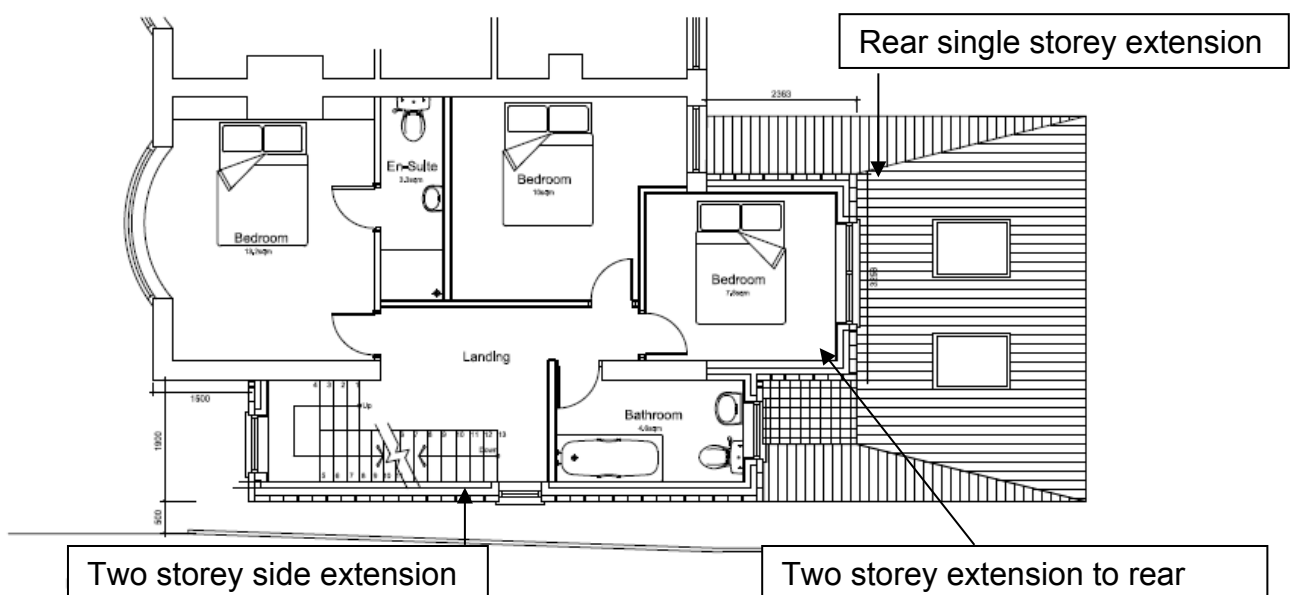
111 THURSBY ROAD BURNLEY

Background:



This application is a resubmission of an application for extensions to the semi-detached dwelling which was withdrawn to allow negotiations to take place to achieve an acceptable design. The proposal has been amended and reduced in size since it was originally submitted and further amendments have been made during the course of the application.

It is proposed to demolish the existing car port and construct a two-storey side extension to the property, with a two storey and a single storey extension at the rear. A new rear dormer is also proposed.



First Floor Layout

The elevations would be in render, with a grey tile roof to match the existing. The dormer would be slate hung in grey tile to match the existing roof.

Relevant Policies:

National Planning Policy Framework

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

TM15 - Car parking standards

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

SP4 - Development Strategy

SP5 – Development Quality and Sustainability

HS5 – House Extensions and Alterations

IC3 – Parking Standards

Site History:

APP/2017/0198 – Proposed two storey extension to side and rear - withdrawn

Consultation Responses:

1. Lancashire County Council (Highway Authority) – The development will increase the number of bedrooms from 2 to 4 there would be a parking requirement for 3 cars.
The amended plan showing a parking layout for three vehicles is not achievable. There is scope to provide 2 spaces but these would need to be perpendicular to Thursby Road which will require the removal of the front wall and the extension of the vehicular crossing. Subject to a plan being submitted showing an amendment to the car parking in accordance with the above no objections are raised on highway grounds.
2. Letters from 4 neighbouring residents have been received, objecting to the proposal on the following grounds:
 - The extensions by virtue of their size and scale are overbearing and out of scale, they would destroy the residential amenity of the neighbourhood and would have detrimental impacts on the street scene.
 - The appearance and materials of the proposal would be out of keeping with the rest of the properties on Thursby Road.
 - The proposal will result in a high density development.
 - The proposal would not satisfy the privacy/outlook distances set out in the Local Plan. There would be a drastic reduction on daylight entering the side windows of No. 109 Thursby Road and privacy would be adversely affected.
 - The extension would cause overshadowing and loss of light to No.113 Thursby Road.

Planning and Environmental Considerations:

The proposal is considered having regard to the policy H13 of the Burnley Local Plan and Policy HS5 of the Burnley Local Plan Submission Document July 17. The current saved Local Plan is under review at the present time and the emerging new Local Plan was submitted to the Secretary of State for examination in July 2017. The house extension policy of the emerging plan has no outstanding material objections to it and the Inspector has not suggested modifications to it. The policy can, therefore, be given significant weight in determining applications.

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

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

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

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

- d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on the street and does not create a danger to pedestrians, cyclists or vehicles; and
- e) The proposal does not lead to an unacceptable loss of useable private amenity space.

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

Design Issues

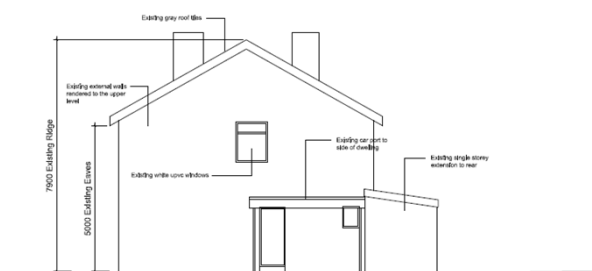
The property is within a residential street of similar semi-detached properties. The extension has been designed so that it does not dominate the front elevation of the dwelling. It would extend from the side elevation of the house by 1.9 metres, set slightly away from the boundary wall by 0.50 metres at the front and 0.8 metres at the rear, taking account of the angled boundary. It would be set back from the front elevation by 1.5 metres at first floor level and the ridge line of the extension would be set lower than the existing roof



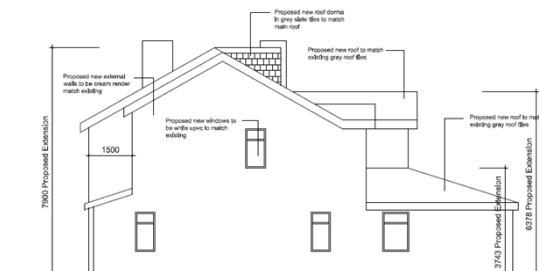
Proposed front elevation

The main part of the extension at the rear is single storey and this would extend 5.963 metres from the rear of the dwelling. The two storey side extension extends slightly beyond the rear elevation of the house by 1 metre and the two storey section over the existing ground floor kitchen extension would extend from the rear by 2.363 metres.

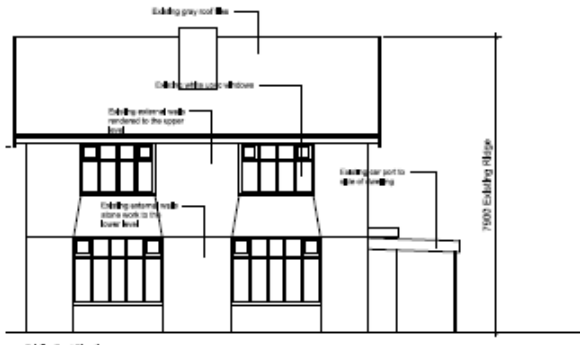
The mass of the extensions at the rear are broken up by the introduction of separate pitched roofs and single and two storey elements.



Existing side elevation facing No. 109



Proposed side elevation facing No. 109



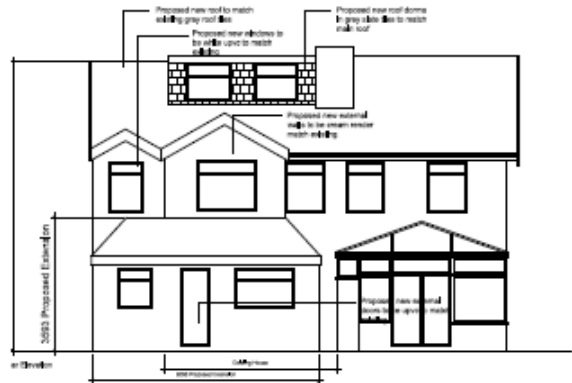
Existing front elevation



Existing rear elevation



Proposed front elevation



Proposed rear elevation

A new dormer on the rear elevation would serve an additional bedroom in the roof space. The dormer would normally be permitted development. It would be slate hung and is acceptable at the rear of the dwelling. It is relatively modest and does not project above the roofline.

In terms of design it is considered that the proposals will not dominate the main dwelling, particularly from the street. The design and materials are acceptable and the application is considered to be in line with the saved Local Plan and the new Local Plan Submission Document.

Impact on the amenities of the neighbouring dwellings

The extension will have some impact on the neighbouring properties but it is considered, that provided the extension is modified to reduce its length by one metre, the impact is not sufficiently detrimental to warrant refusal of the application.

No. 111 Thursby Road is the attached semi to the application property. There is an existing conservatory at the rear of No. 111 which extends from the rear elevation by approximately 3 metres.



Relationship of No. 111 to 109

If the proposed single storey extension to No. 111 was reduced in size by 1 metre it would extend beyond the conservatory by 4 metres, which is acceptable and should not have an unacceptable impact on the outlook from No. 109. The privacy of No. 109 would not be affected. There is a high level window proposed in the single storey extension directly on the boundary to provide light to the dining room but this would not cause privacy issues. There would be some loss of sunlight to the ground floor windows of No. 109 in the late afternoon but this would not be significantly detrimental to warrant refusal of the application.

No. 113 Thursby Road has two kitchen/dining room windows in the side elevation of the dwelling and a kitchen window facing towards the rear garden. The kitchen window facing towards the garden will not be affected significantly. There is a garage at the property which already obscures the outlook towards the proposed extension. The two small side windows will be affected to some degree by the proposed two storey side extension.



Looking from the application site towards No. 113.

The two storey extension would come within 2.8 metres of the windows. As the windows are side windows and to some extent secondary windows to the kitchen / dining room, close to the boundary with the application property, the impact on outlook from the windows would not be so detrimental to warrant refusal of the application.

It would be possible to construct a single storey extension on the side which would have some impact on the outlook from the windows.

There would be three non-habitable room windows in the side elevation of the proposed extension facing No. 111, a hall, landing and w.c window, but these would not cause privacy issues and it is suggested that a condition requiring these windows to be obscurely glazed is imposed.

On balance, the proposal is acceptable in terms of residential amenity.

Parking provision, Private Amenity Space and Refuse Storage.

The proposal would result in the loss of parking provision to the side of the house and as the dwelling would increase from two bedrooms to four bedrooms, the parking requirement would be for three car parking spaces.

The applicant has indicated that 3 spaces can be accommodated in front of the dwelling. The Highway Authority confirms that these spaces are not feasible but advises that 2 spaces set perpendicular to the dwelling with the front garden wall removed and the vehicular crossing widened be removed, would be acceptable. The space on the street in front of two parking spaces would be available for the use of the applicant. On this basis the Highway Authority recommends that a new parking layout is provided to demonstrate this.

This would result in the front garden being lost to a hard standing area which would have an impact on the visual character of the area. There is some scope for a small amount of landscaping to compensate for the loss of the garden and this should be incorporated into any scheme. The surface should be of a permeable material to avoid surface water run-off.

In terms of private amenity space there is adequate space in the rear garden remaining after the extension is built. There is adequate provision for refuse storage in the rear garden and enough space to be able to bring the bins around the front of collection day.

Other Issues

There is a slight discrepancy in the measurements on the application plans. This would not have an impact on the above considerations but the plans should be amended to clarify the position.

Summary

The proposal is satisfactory in terms of design, impact on the amenity of neighbouring residents, private amenity space provision and refuse storage provision. The alterations and extensions are acceptable in terms of Local Plan policy.

The amended parking arrangements should be submitted for approval as set out above, before permission is granted.

Recommendation:

That the Head of Housing and Development Control be delegated to determine the application subject to the submission of an amended car parking and landscaping layout and clarification of the measurements on the submitted drawings, subject to the following conditions (together with any further conditions/amendments which are required following the submission of the parking/landscaping scheme and the clarification of the measurements).

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: Drg.Nos. 173101/A3/1.000; 173101/A3/1.001; 173101/A3/1.002; 173101/A3/1.003 received 20 December 2017. Drg.No. 173101/A3/3.001C received 5 February 2018; Drg. Nos. 173101/A3/2.0028; 173101/A3/3.000D; 173101/A3/2.005B received 13 March 2018.
3. The car parking provision shown on Drg. No. xx shall be provided as approved before any part of the extension hereby permitted is brought into use.
4. All windows on the side elevations of the extensions hereby permitted shall be obscurely glazed before the extensions are brought into use. The obscure glazing shall thereafter be maintained to the satisfaction of the local planning authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that adequate parking provision is in place in the interests of highway safety.
4. To protect the amenities of the adjoining residents having regard to Policy H13 of the Burnley Local Plan and Policy HS5 of the emerging Burnley Local Plan.

CMR

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

26th April 2018

Housing and Development

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Delegated Decisions from 05/03/18 to 31/03/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Lawful Development Certificate (S192)		
Lawful Development Certificate Granted		
APP/2018/0076	13 CHANCERY WALK BURNLEY BB11 1PZ	Change of use to class A2 Financial & Professional Services
Express Consent to Display an Advertisement		
Advert Consent Granted		
APP/2017/0540	GALA BINGO CENTENARY WAY BURNLEY BB11 2EJ	Display of 4 internally illuminated fascia signs; 2 internally illuminated poster frames; 4 banner signs & 2 car park signs.
Withdrawn		
APP/2017/0505	GALA BINGO CENTENARY WAY BURNLEY BB11 2EJ	Display of 1 internally illuminated hoarding
APP/2018/0027	290 290A COLNE ROAD BURNLEY BB10 1DZ	Display of internally illuminated shop signage
Compliance with conditions		
Conditions discharged		
APP/2017/0156	CLOCK TOWER MILL SANDYGATE BURNLEY	Application for approval of details reserved by conditions 3 (material samples), 5 (site investigation), 7 (surface water drainage), 8 (sustainable drainage) and 9 (management and maintenance plan for sustainable drainage system. of planning permission app/2016/0289.
APP/2018/0094	IVY COTTAGE HURSTWOOD VILLAGE WORSTHORNE-WITH-HURSTWO	Approval of details reserved by condition 2 of Listed Building Consent APP/2010/0468 (windows)
APP/2018/0100	LAND AT (VISION PARK) RECTORY ROAD, HOLMES ROAD, GROSVENOR ST BURNLEY	Application for approval of details reserved by condition 6 (relating to car parking) of planning permission APP/2014/0397
Conditions partially discharged		
APP/2017/0526	LAND ADJACENT PRINCESS WAY BURNLEY BB12 0EQ	Application for approval of details reserved by condition 4 (highways) of planning permission APP/2017/0226

Delegated Decisions from 05/03/18 to 31/03/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0594	LAND ADJACENT PRINCESS WAY BURNLEY BB12 0EQ	Approval of details reserved by condition 10 (archaeological report) of planning permission APP/2017/0226

Full Planning Application

Full Planning Permission Granted

APP/2017/0269	STOCKBRIDGE GARAGE STOCKBRIDGE ROAD PADIHAM BB12 7HA	Demolition of existing concrete framed building and erection of new portal frame building on the same footprint of the existing building and the extension approved under APP/2017/0062 (re-submission)
APP/2017/0596	106 RICHMOND AVENUE CLIVIGER BB10 4JL	Rear Extension and Rear Decking Area.
APP/2018/0002	LONG SHAY FARM COTTAGE BACUP ROAD CLIVIGER BURNLEY BB11 3RL	Proposed two storey side extension
APP/2018/0008	ALMA INN 235 ACCRINGTON ROAD BURNLEY BB11 5AL	Proposed change of use from public house to office with retained first floor living accommodation
APP/2018/0013	REAR OF 46 BURNLEY ROAD BRIERCLIFFE BURNLEY BB10 2JJ	Proposed siting of two shipping containers on existing concrete pads (formerly used for garages)
APP/2018/0017	81 BURNLEY ROAD PADIHAM BURNLEY BB12 8BL	Proposed change of use from retail A1 to form pizzeria (A3/A4)
APP/2018/0024	UNIT 8 THROSTLE MILL DANESHOUSE ROAD BURNLEY BB10 1AG	Variation of condition 5 of planning permission APP/2008/0695 to allow upto 20 private hire vehicles to operate from the site permanently in connection with private office use granted under permission APP/2008/0695 including identification of 10 additional parking spaces adjacent to the canal
APP/2018/0031	TRAVIS PERKINS LIMITED FORMER HORNERS GARAGE ACCRINGTON ROAD BURNLEY	Reorganisation of existing builders merchants yard including increase in the height of storage and racking
APP/2018/0034	FORMER GRAMMAR SCHOOL BANK PARADE BURNLEY BB11 1UF	Redevelopment of the Old Grammar School into a new digital/technology hub including new entrance and reception area and provision of a new lift and extension. Additional emergency escape routes from lower ground floor level and introduction of mezzanine floors to enhance the work spaces within existing classrooms
APP/2018/0040	NAZARETH UNITARIAN CHAPEL CHURCH STREET PADIHAM BB12 8JH	Provision of access ramp

Delegated Decisions from 05/03/18 to 31/03/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0057	388 COG LANE BURNLEY BB11 5JS	2 storey extension to side of dwelling
APP/2018/0058	6 WENSLEY CLOSE BURNLEY BB11 4RF	1st floor extension over existing attached garage
APP/2018/0067	2 HORSE HILL FARM BARN ACCRINGTON ROAD HAPTON BB11 5QJ	Single storey extension to rear
APP/2018/0101	FORMER NEW CHURCH BRIERCLIFFE ROAD BURNLEY BB10 1XA	Formation of external doorway
APP/2018/0102	11 CHAPEL STREET WORSTHORNE-WITH-HURSTWOOD BB10 3NR	Extension to existing front porch (retrospective)
APP/2018/0108	GARAGE/STORE OFF HUNSLET STREET BURNLEY	Demolition of garage/store building

Full Planning Permission Refused

APP/2018/0006	Land Adjacent No 3 (car park) FAIRVIEW ROAD BURNLEY BB11 3EP	Proposed 2no, three storey semi-detached houses with garages
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Withdrawn

APP/2017/0176	CORNFIELD FARM CORNFIELD GROVE BURNLEY BB12 8UB	Change of use of existing yard to form caravan pitches and the construction of a toilet and shower block to be used in connection with the caravan pitches and existing fishing lakes at the site
APP/2018/0026	290 290A COLNE ROAD BURNLEY BB10 1DZ	Change of use of 1st floor from storage to A3 dessert lounge including new shop front
APP/2018/0030	3 ALNWICK CLOSE BURNLEY BB12 0TW	Proposed conversion of existing garage into habitable space. First floor extension above garage and new garage extension to front elevation

Full Planning application

Full Planning Permission Granted

Delegated Decisions from 05/03/18 to 31/03/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0565	BURNLEY LEAGUE CLUB RICHARD STREET BURNLEY BB11 3AJ	Change of use of licensed premises to Class B1 business use with warehouse and showroom (in association with the assembly of kitchens and furniture), replace roofs with new pitched roof and increase height of external walls and erect profiled sheeting to upper walls and external alterations
APP/2017/0576	THE HEIGHTS (FORMER RIDGE WOOD COMMUNITY SCHOOL) BURLEIGH STREET BURNLEY	Proposed new school, associated parking and landscaping

Listed Building Application

Listed Building Consent Granted

APP/2018/0035	FORMER GRAMMAR SCHOOL BANK PARADE BURNLEY BB11 1UF	Redevelopment of the Old Grammar School into a new digital/technology hub including new entrance and reception area and provision of a new external visually contrasting lift and new concealed extension. Additional emergency escape routes from lower ground floor level and introduction of mezzanine floors to enhance the work spaces within existing classrooms
APP/2018/0041	NAZARETH UNITARIAN CHAPEL CHURCH STREET PADIHAM BB12 8JH	Provision of access ramp

Work to trees covered by Tree Preservation Order

Work to TPO trees granted

APP/2018/0029	ST JOHNS COURT WORDSWORTH STREET BURNLEY BB12 6QE	Application to crown lift and prune 1no. Horse Chestnut Tree covered by the Burnley (St John the Baptist, Gannow Lane) Tree Preservation Order 1981
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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

26th April 2018

Housing and Development

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

Date: 26th April 2018

PART III

Request to vary Committee resolution in respect of APP/2017/0454 and APP/2017/0455 for development at Rowley Farm, Rowley Lane

1. Background

Application APP/2017/0454 to convert barn to two dwellings and shippon to one dwelling and APP/2017/0455 for Listed Building Consent to carry out internal and external alterations for conversion of barn to two dwellings and shippon to one dwelling at Rowley Farm, Rowley Lane were considered by the Development Control Committee on the 25th January 2018. The Committee made the following resolution:-

“That authority be delegated to the Head of Housing and Development Control to approve applications APP/2017/0454 and APP/2017/0455 subject to a Section 106 Agreement or Unilateral Undertaking to dedicate the part of FP2 Worsthorne with Hurstwood at Rowley Farm to a Public Bridleway and to the agenda conditions and further/modified conditions as set out below:”

The purpose of the Section 106 Agreement or Unilateral Undertaking was to attain the consent from the applicant and any other owner(s) of land at Rowley Farm to re-dedicate the part of FP2 that crosses Rowley Farm from a Public Footpath to a Public Bridleway.

2. Purpose of report

To seek a variation to the above stated resolution of the Committee to allow an alternative means of securing the agreement of the applicant and owner(s) to a re-dedication without the need for a Section 106 Agreement or Unilateral Undertaking. Since the resolution of the Committee, Lancashire County Council has agreed to prepare a Section 25 dedication agreement under the Highways Act 1980 which once signed by the applicant and any other owner(s) of the land would provide the consent that is necessary for the re-dedication of FP2 at Rowley Farm from a Public Footpath to a Public Bridleway. Following on from this, Lancashire County Council would have the requisite powers to re-dedicate the complete public footpath route between Rowley Lane and Worsthorne as a public bridleway once they have attained the necessary agreement of all other landowners on the public footpath route.

3. Main Issues

The use of a Section 25 dedication agreement under the Highways Act 1980 would achieve the objectives of the requirement in the resolution to secure the agreement of the applicant and any other owner at Rowley Farm to the re-dedication of FP2 at Rowley Farm to a Public Bridleway. As such, there is no overriding requirement to secure the re-dedication of FP2 through a section 106 Agreement or Unilateral Undertaking.

4. Recommendation

That the recommendation as set out at Paragraph 1 above be varied to the following:-

“That authority be delegated to the Head of Housing and Development Control to approve applications APP/2017/0454 and APP/2017/0455 subject to a Section 25 Dedication Agreement under the Highways Act 1980 to give consent to dedicate the part of FP2 Worsthorne with Hurstwood at Rowley Farm to a Public Bridleway and to the agenda conditions and further/modified conditions as set out below:”

Background Papers

Planning application files APP/2017/0454 & 0455

The above papers are available for inspection from Planning and Environment Services,

Contact Burnley, 9 Parker Lane, Burnley, BB11 2DT. Telephone (01282) 425011