

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 28th June, 2018  
6.00 pm

\*Please note earlier start time\*





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 28th June, 2018 at 6.00 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 Democracy 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 - 28

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**

29 - 30

To consider reports on planning applications for development permission:

**a) APP/2018/0148 - Unit 6, 7 and F Belshaw Court, Billington Road, Burnley**

31 - 40

Proposed industrial extension to current food storage facility

**b) APP/2018/0105 - Land East of Woodplumpton Road, Burnley**

41 - 52

Proposed construction of a stable barn and 40m x 20m all-weather outdoor

arena

- c) **APP/2018/0224 - Land rear of Southern Avenue, Burnley** 53 - 62  
Erection of 5 detached dwellings including details of access (all other matters reserved)
- d) **APP/2018/0013 - 3 Printers Fold, Burnley** 63 - 70  
Proposed two storey extension to side and rear and single storey to rear of dwelling
- e) **APP/2018/0171 - 98 Casterton Avenue, Burnley** 71 - 76  
Proposed single storey extension
- f) **APP/2018/0214 - Rockwater, Foxstones Lane, Burnley** 77 - 86  
Details of layout, scale, appearance and landscaping following outline planning permission APP/2014/0434
- g) **APP/2018/0255 - Former Open Market and Cinema, Curzon Street, Burnley** 87 - 92  
Reinstatement works including new cladding, new roof system, new staircase and landscaping
- 7. Decisions taken under the Scheme of Delegation** 93 - 100  
To receive for information a list of delegated decisions taken since the last meeting.

#### **MEMBERSHIP OF COMMITTEE**

Councillor Arif Khan (Chair)  
Councillor Frank Cant (Vice-Chair)  
Councillor Afrasiab Anwar  
Councillor Gordon Birtwistle  
Councillor Margaret Brindle  
Councillor Saeed Chaudhary  
Councillor Sue Graham  
Councillor John Harbour

Councillor Alan Hosker  
Councillor Mohammed Ishtiaq  
Councillor Marcus Johnstone  
Councillor Neil Mottershead  
Councillor Mark Payne  
Councillor Asif Raja  
Councillor Jeff Sumner  
Councillor Cosima Towneley

**PUBLISHED**

Wednesday, 20 June 2018

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 7th June, 2018 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, M Brindle, J Harbour, A Hosker, M Ishtiaq, M Johnstone, M Payne and A Raja

### OFFICERS

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

### 1. Apologies

Apologies for absence were received from Councillors Birtwistle, Graham, Mottershead, Sumner and Towneley.

### 2. Minutes

The Minutes of the last meeting held on 26<sup>th</sup> April 2018 were approved as a correct record and signed by the Chair.

### 3. 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:

Graham Love	APP/2018/003 – Land off Kiddrow Lane
Tom Clarke	APP/2018/0144 APP/2018/0145 – 118 St James St
Sophie Gibson	APP/2018/0144 APP/2018/0145 – 118 St James St
Amjad Ali	APP/2018/0144 & APP/2018/0145 118 St James St
Cllr Shah Hussain	APP/2018/0144 & APP/2018/0145 – 118 St James St
Francesco Musso	APP/2018/0144 & APP/2018/0145 – 118 St James St
Ian Scholes	APP/2018/0020 – former Life Church
Zara Moon	APP/2018/0176 – 25 Carlton Road
Angela Calvert	APP/2018/0191 – 57 Windermere Avenue
Asad Mahmood	APP/2018/0191– 57 Windermere Avenue

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

### 4. APP/2018/003 Land West of Kiddrow Lane, Burnley

#### Full Planning application

**Proposed demolition of existing buildings and erection of 250no. dwellings with associated access, car parking, open space and landscaping  
LAND WEST OF KIDDROW LANE BURNLEY**

**Decision: That the application be delegated to the Head of Housing and Development Control for approval subject to the applicant entering into a Section 106 Agreement relating to education provision, playing pitch improvements and accessibility improvements and the following conditions:**

#### Conditions:

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: v1.14p (1: 2500 location plan), WEL 1.7, WINS 1.7, WIN 1.7, OAK 1.7, Mou 1.7, MAI 1.7, GAR 1.7, CLE1.7, CHU 1.7, CHA 1.7, BRO 1.71, ASH 1.7, ASH 1.71, SD-SW2, F4/01 and SD-F1, received on 2 January 2018; SD/GDS/9, received on 17 January 2018; GAR 1.71, received on 18 January 2018; MCD001/SK02RevE, received on 22 March 2018; 5304.09RevD and 5304.10RevD, received on 9 May 2018; ARNI 1.7, BOU 1.7, BOW 1.7, CAD 1.7, DG/2a, GTC-E-SS-0010\_R1-8\_1of1 and M100-MP-01B, received on 11 May 2018; and, M100-SL-10F, M100-SL-11F, M100-SL-01F, 5304.03RevE, 5304.04RevE, 5304.05RevE, 5304.06RevE, 5304.07RevE, 5304.08RevE, M100-BTP-01d, M100-ML-01c and MCD001/102/P2, received on 4 June 2018.
3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the Materials Layout on drawing no. M100-ML-01c unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
4. The development shall be carried out and completed with the surfacing materials on the estate roads, driveways and parking spaces as indicated on the Materials Layout on drawing no. M100-ML-01c unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. Prior to the first occupation of any dwelling, a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved in perpetuity.
7. The new estate road/access between the site and Kiddrow Lane and Scott 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 development within that phase of the development takes place within the site.
8. The existing redundant access points on the perimeters of the site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing(s) shall be reinstated prior to any dwelling being first occupied, in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
9. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement (including the removal of school signing and lining associated with the former use of the site; and,

the construction of dropped crossings on Kiddrow Lane from new cycle links) shall be submitted to and approved in writing by the Local Planning Authority.

10. No dwelling shall be first occupied until the approved scheme referred to in condition 9 above has been constructed and completed in accordance with the scheme details.
11. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
12. Prior to any dwelling being first occupied, cycle and pedestrian links within that phase of the development as indicated on the approved plans, shall be constructed and available for use in accordance with detailed specifications which shall be previously submitted to and approved in writing by the Local Planning Authority. The pedestrian and cycle links shall remain open and available for use at all times thereafter.
13. Prior to the construction of any dwellings, the following shall be carried out, submitted and approved in writing by the Local Planning Authority:-
  1. A further ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Phase II Geo-Environmental Site Investigation (prepared by CBRE, reference, E3P Report: 10-292-r2, dated February 2015) to further investigate contaminants in the area of Hameldon College and to identify any shallow mine workings; and,
  2. a Remediation and Enabling Works Strategy, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme as a whole or within the approved phases of the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within that phase of the development is first occupied.

14. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
15. The development shall be carried out in accordance with the surface water strategy detailed on drawing number MCD001/SK02RevE to achieve a maximum total surface water from the proposed points of discharge of 65.8 litres/second.



16. No development shall be commenced until details of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling, and the approved drainage scheme shall thereafter be retained in perpetuity.
17. No dwelling hereby approved shall be occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 16 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
18. No development shall be commenced unless and until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed within any agreed phase prior to any dwelling within that phase is first occupied. The foul water drainage scheme shall thereafter be retained at all times.
19. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
20. No development shall take place (including any demolition, ground works, site clearance) until further bat surveys have been carried out in accordance with the details set out at Table 4.1 of the Updated Licensed Bat Survey and Assessment Draft (March 2018), carried out by ERAP (Consultant Ecologists) Ltd. The findings and assessment of these bat surveys shall be used to inform the applicant's licence application to Natural England as well as the method statement and bat mitigation measures required by conditions 21 and 22 respectively.
21. No development shall take place (including any demolition, ground works, site clearance) until a method statement for bats has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
  - a) Purpose and objectives for the proposed works;
  - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) Extent and location of proposed works shown on appropriate scale maps and plans;
  - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) Persons responsible for implementing the works;
  - f) Initial aftercare and long-term maintenance (where relevant);

The approved method statement shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

22. No development shall take place (including any demolition, ground works, site clearance) until a bat mitigation strategy for the compensation and mitigation of loss of bat roosts within the development site, which shall include timescales for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved bat mitigation strategy shall thereafter be implemented and completed in accordance with the approved details and approved timescales. The implemented measures shall thereafter be retained in perpetuity.
23. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 07:30 and 18:00 hours Monday to Friday and 08:00 and 14:00 hours on Saturdays.
24. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
25. The development, including the demolition of buildings and groundworks, shall at all times be carried out in accordance with the Environmental Management Plan, received on 9 May 2018 and the Management Plan (M100-MO-01B), received on 11 May 2018.
26. The development shall not be carried out otherwise than in accordance with the Written Scheme of Archaeological Investigation, prepared by Wardell Armstrong (Reference LE14368, report no. 0001 Version (0.1), received on 10 May 2018. The final reports of the archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority within two months following the completion of the investigation unless an alternative timescale is otherwise agreed in writing by the Local Planning Authority.
27. The development hereby approved shall be carried out in accordance with the phasing strategy indicated on drawing number M100-MP-01B, received on 11 May 2018, unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority.
28. The tree protection measures as indicated on drawing numbers 5304.09RevD and 5304.10RevD and contained within the Arboricultural Impact Assessment and method Statement (Revision D) prepared by tba landscape architects (Reference 5304/AIA&AMS/D/MAY18, received on 9 May 2018, shall be carried out prior to any demolition, ground works or site clearance taking place and shall remain in situ and be adhered to at all times until the completion of the development.
29. The proposed boundary treatments as indicated on drawing number M100-BTP-01d shall be carried out and completed within each phase of the development and shall be wholly completed prior to the occupation of any dwelling within the final phase of the development.
30. Prior to the construction of the pond/swale, details of its depth, profile, shelving banks, inlet and outlet invert levels shall be submitted to and approved in writing by

the Local Planning Authority. The pond/swale shall thereafter only be constructed and maintained in accordance with the approved details.

31. The proposed play area shall be constructed and completed prior to the completion of Phase 2 of the development in accordance with details of the play equipment and its layout to include its surfacing, seating, a bin and boundary treatment which shall be previously submitted to and approved in writing by the Local Planning Authority. The approved play area shall thereafter be available for use prior to the occupation of any dwelling within Phase 3 of the development.

**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 a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
4. To ensure a high quality appearance to the development and access/parking facilities, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan , Submission Document (July 2017).
5. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS4 of Burnley's Local Plan, Submission Document (July 2017).
7. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS1 of Burnley's Local Plan, Submission Document (July 2017).
8. To limit the number of access points to, and to maintain the proper construction of the highway, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
9. To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy H3 of

the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).

10. To ensure that the traffic generated by the development is satisfactorily managed, in the interests of highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
11. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan (2006) and Policies IC1 and IC3 of Burnley's Local Plan, Submission Document (July 2017).
12. To ensure the site is accessible within its surroundings, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policies Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
13. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006) and Policy NE5 of Burnley's Local Plan, Submission Document (July 2017).
14. To ensure adequate means of storing waste, in the interests of visual and local amenities, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
15. To suitably restrict surface water flows which will contribute to a reduction in flood risk to downstream properties in Padiham, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).
16. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
17. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).
18. To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006) and Policy NE5 of Burnley's Local Plan, Submission Document (July 2017).
19. 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.

20. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The surveys are necessary prior to the commencement of development in order to inform a licence application to Natural England and to ensure adequate protection can be made to any bats that are found to be present on the site.
21. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The method statement is required prior to the commencement of development in order to ensure adequate precautions can be carried out to protect any bats that are found to be present on the site.
22. To ensure adequate protection to bats which are protected species, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework. The bat mitigation strategy is required prior to the commencement of development in order to ensure adequate compensation and mitigation is carried out at the appropriate time to minimise any potential harm from the removal of existing bat roost on the site.
23. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
24. To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interests of highway safety, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006) and Policy IC1 of Burnley's Local Plan, Submission Document (July 2017).
25. In order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP7 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
26. To ensure adequate investigation and recording of any archaeological/historical importance associated with the site, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006), Policy HE4 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework.
27. To ensure a suitable phased approach to the development to enable the satisfactory implementation of the proposal, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and Policy HS1 of Burnley's Local Plan, Submission Document (July 2017).
28. To ensure adequate protection for the long term health of trees/hedges which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies E4, E6 and H3 of the Burnley Local Plan, Second Review (2006) and Policies NE1 and NE4 of Burnley's Local Plan, Submission Document (July 2017).

29. To ensure a satisfactory appearance to the development from within the site and its environs, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006) and Policy SP5 of Burnley's Local Plan, Submission Document (July 2017).
30. To ensure the details are satisfactory and appropriate to an area of public open space in respect of visual amenity, function and safety, in accordance with Policies E8, H3, H8 and E4 of the Burnley Local Plan, Second Review (2006) and Policies CC4, HS4 and NE1 of Burnley's Local Plan, Submission Document (July 2017).
31. To ensure the details are satisfactory and appropriate to an area of public open space in respect of visual amenity, function and safety, in accordance with Policies E8, H3, H8 and E4 of the Burnley Local Plan, Second Review (2006) and Policies CC4, HS4 and NE1 of Burnley's Local Plan, Submission Document (July 2017).

<b>5. APP/2018/0144 and APP/2018/0145 118 St James Street, Burnley</b>
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Full Planning Application APP/2018/0144

Change of use of theatre entrance to cafe and bar (class A3/A4), rebuild front elevation to form new shop front with iron gates, form balcony to rear, install extractor flue and partial mezzanine floor to use as office (re-submission of APP/2017/0386)

118 ST JAMES STREET BURNLEY

Listed Building Application APP/2018/0145

Partial demolition of front elevation and form new shop front with iron gates, form balcony to rear, install extractor flue, partial mezzanine floor and internal alterations (re-submission of APP/2017/0387)

118 ST JAMES STREET BURNLEY

**Decision: That against officer recommendation, the application be delegated to the Head of Housing and Development Control for approval subject to the development of appropriate conditions.**

**Reasons:**

1. The theatre building has been disused for over 20 years, is in a very poor condition and has no guaranteed future use as a Theatre.
2. To allow the applicant to invest and continue the development which would assist in regenerating Lower St James Street.

<b>APP/2018/0144 &amp; APP/2018/0145 (Resolution)</b>	
Councillor Arif Khan	For
Councillor Frank Cant	Against
Councillor Afrasiab Anwar	For
Councillor Margaret Brindle	Against
Councillor John Harbour	Against
Councillor Alan Hosker	Against
Councillor Mohammed Ishtiaq	For
Councillor Marcus Johnstone	For
Councillor Mark Payne	Against
Councillor Asif Raja	For
Councillor Arif Khan	For (Casting Vote)
<b>Carried</b>	

## 6. APP/2018/0020 Former Life Church, Sycamore Avenue, Burnley

### Full Planning application

Proposed demolition of existing building and erection of 5no 2 storey dwellings fronting onto Sycamore Avenue together with 3 storey 12no residential apartments with ground floor parking to the rear of site; complete new site access road, parking and landscape area.

### FORMER LIFE CHURCH SYCAMORE AVENUE BURNLEY

**Decision:** That the Head of Housing and Development Control be delegated to grant planning permission for the development subject to there being no adverse comments on ecology or from the Lead Local Flood Authority, and subject to the applicant agreeing to provide an Education Contribution (or demonstrating conclusively that provision of such contribution would make the proposed development financially unviable), and the following conditions and any further conditions arising from the negotiations.

### 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: Drawings No:016, 021,015, 025, 026, A6121-LIB-B3-A1 20-Z3-02-P2-001 rev P1, A1621-LIB-B3-A1 20-Z3-00-P2-001 reP1, A1621-LIB-B3A1 20-Z3-ZZE2-001 rev P1, A1621-LIB-B3-A1 20-Z3-01P2-001 rev P1, A1621-LIB-S1-A1 00-ZS-ZZ-E2-001 rev P1, A1621-LIB-S1-A1 00-ZZ-ZZ-P2-001 rev P1, A1621-LIBS1-A1 01-Zs-00-P2-001 Rev P2, A1621-LIB-S1-A1 01-ZS-ZZ-E2-001 rev P1, A1621-LIB-S1-A1 01-Zs-ZZ-S1-001 rev P1, A1621-Lib-B1-A1 20-Z1-02-P2-001 rev P1, A1621-LIB-B1-A1 20-Z1-01-P2-001 rev P1,A1612-LIB-B1-A1 20-Z1-03-P2-001 rev P1, A1621-LIB-B1-A1 20-Z1-ZZ-E2-001 rev P1, A1621-LIB-B1-A1 20-Z1-00-P2 001 revP1, A1621-LIB-B1-A1 20-Z1-ZZ-E2-002 rev P1, A1621-LIB-B2-A1 20 Z2-00-P2-001 rev P1, A1621-LibB2-A1 20-Z2-01-P2-001 rev P1,A1621-LIB-B2-A1 20-Z2-02-P2-001 rev P1, A621-LIB-B2-A1 20-Z2-ZZ-E2-001 rev P1, and location plan, received 30 April 18

3. The existing access 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.
4. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.
5. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the scheme details.
6. Prior to work commencing on site a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how deliveries during construction will be managed and where workers on the site will park during construction; normal hours of site working; how dust and pollutants will be minimised; and facilities available on site for the cleaning of the wheels of vehicles leaving the site and equipment to 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.
7. The new estate access between the site and Sycamore Avenue shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
8. Facilities to encourage the use of cycles as a means of alternative transport shall be provided in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be provided as approved before the residential use commences.
9. The development shall not begin until the investigation
  - a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
  - b. An investigation has been carried out in accordance with the approved strategy;
  - c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and



approved in writing by the local planning authority before any part of the development is brought into use.

10. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration.  
The investigation report shall:
  - a. describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations
  - b. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.
11. If remediation measures are recommended as a result of the investigations required by Condition \* above, these measures shall be incorporated into the development, before any buildings are occupied.
12. 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.
13. Samples of the external materials of construction shall be submitted to and approved in writing by the Local Planning Authority before their use in construction of the development.
14. Full details of the means of enclosure of the dwellings shall be submitted to and approved in writing by the Local Planning Authority and the means of enclosure shall be provided, as approved, in relation to each dwelling before it is first occupied. The means of enclosure may include the retention of part of the side wall of the existing building to be demolished as indicated on drawing number A1621-LIB-S1-A1-01-ZZ-LL-P2-003, or otherwise.
15. The proposed dwellings on plots 1 to 5 shall be sound insulated in accordance with the details identified in the submitted email dated 25 May 2018 before the dwellings are first occupied.
16. A minimum of two dwellings shall (unless otherwise approved in writing by the Local Planning Authority) be provided as Affordable Housing in connection with the development, in accordance with Policy H5 of the Burnley Local Plan Second Review, before any of the houses are occupied.

**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 limit the number of access points to, and to maintain the proper construction of the highway.

4. 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.
5. 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.
6. To prevent stones and mud being carried onto the public highway to the detriment of road safety; and, to minimise the impact of construction on existing residents in the vicinity of the site, and in the interests of the amenities of the area generally.
7. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative
8. To allow for the effective use of the parking areas
9. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
10. To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
11. To ensure that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
12. In the interests of the amenities of the neighbouring residents in accordance with policy DC1 and DC2 of the Unitary Development Plan.
13. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with policy GP3 of the Burnley Local Plan, Second Review.
14. In the interests of residential amenity and the visual amenities of the area generally, in accordance with Policy H3 of the Burnley Local Plan Second Review, currently saved.
15. In the interests of the amenities of the residents of those dwellings, in accordance with Policy H3 of the Burnley Local Plan Second Review, currently saved.
16. To ensure provision of Affordable Housing in accordance with Policy H5 of the Burnley Local Plan Second Review, currently saved.

**7. APP/2018/0126 32 Ighten Road, Burnley**

**Full Planning Application**

**Erection of 4 bedroom dwelling in rear garden (re-submission of APP/2017/0593)  
32 IGHTEEN ROAD BURNLEY**

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

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01A (location and site plan); 02A (site plan); 03A (ground floor layout); 04A (first floor layout); 05A (basement layout); 07A (general section); and 08A (site section) received 11 April 2018. Drawing No. 06B (proposed elevations) received 4 June 2018.
3. The windows on the ground and first floor level of side gable elevation of proposed dwelling shall be obscurely glazed. The windows shall thereafter remain obscurely glazed to the satisfaction of the local planning authority.
4. A scheme for the hard and soft landscaping of the site shall be submitted to the local planning authority before the dwelling hereby approved is first occupied. The scheme as may be approved shall be implemented no later than within the first planting season following the occupation of the dwelling.
5. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be approved by the statutory undertaker prior to connection to the public sewer.
6. Prior to development commencing on site the applicant shall carry out a visual and photographic inspection of the access road between Ightenhill Park Lane and Ighten Road to determine the current condition of the road surface. The carriageway surface shall be maintained to this level of repair or better throughout the period of construction and made good on completion of the development.
7. The garage accommodation hereby approved shall remain available for the parking of vehicles at all times.
8. Unless otherwise agreed in writing by the local planning authority, no works of construction, including the use of equipment or deliveries to the site shall be carried out outside the hours of 0800 hours and 1700 hours on Mondays to Fridays or 0800 hours to 1300 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.
9. No development, except the exterior painting of the building, whether permitted by the Town and Country Planning (General Permitted Development Order) or not shall

be carried out on the site, unless a further permission has been submitted to and approved in writing by the local planning authority.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to protect the residential amenities of the occupiers of the neighbouring property, in particular No. 34 Ighten Road, Burnley.
4. In order to ensure that the landscaping of the site enhances to site and the surrounding area in the interests of visual amenity.
5. To secure proper drainage and to manage the risk of flooding and pollution.
6. To ensure that the proposed development and construction does not cause a further deterioration of the road surface in the interests of highway and pedestrian safety.
7. To ensure adequate parking provision is available at the property, in the interests of highway safety.
8. In order to protect the amenities of the neighbouring residents at unsocial hours.
9. To enable the local planning authority to reconsider any further development having regard to the restricted site and the amenities of the neighbouring residents.

<b>8. APP/2018/0176 25 Carlton Road, Burnley</b>
--

**Full Planning Application  
Conversion of dwelling to 2no. apartments  
25 CARLTON ROAD BURNLEY**

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

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 06, 07 and 08, received on 4 April 2018; and, 05B, received on 14 May 2018.
3. Neither apartment shall be first occupied until its associated off-street parking provision of a minimum of two parking spaces per apartment have been constructed and are available for use in accordance with the approved plans. The approved car parking spaces shall be retained at all times for purposes of car parking.

4. Neither apartment shall be first occupied until its associated refuse and recycling storage has been provided and is available for use, as indicated on the approved plans. The approved bin and refuse storage provision shall be retained for the purposes of each apartment at all times.
5. Neither apartment shall be first occupied until a scheme of soundproofing to protect against internally generated noise has been carried out and completed in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.
6. The existing and any future replacement gates shall open inwards only and at no time shall be permitted to open over the adjoining footway.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure adequate off-street parking, in the interests of highway safety and street amenity, in accordance with Policies H15 and TM15 of the Burnley Local Plan, Second Review (2006).
4. To ensure adequate refuse and recycling storage away from public views, in the interests of visual amenity, in accordance with Policy H15 of the Burnley Local Plan, Second Review (2006).
5. To provide adequate levels of amenity for the adjoining property and future occupiers, in accordance with Policy H15 of the Burnley Local Plan, Second Review (2006).
6. To prevent an obstruction on the adjoining footway, in the interests of highway safety, in accordance with Policy H15 of the Burnley Local Plan, Second Review (2006).

<b>9. APP/2017/0502 176 Colne Road, Burnley</b>
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**Full Planning Application**

**Proposed change of use of disused part (first, second, third floors, basement and rear internal stairway of 176 Colne Road (St Andrews Conservative Club) into 3no. self contained flats (one on each floor) (existing street-level uses unaffected).  
176 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 shall be carried out in accordance with the application drawings, namely: Location Plan/Block Plan; four drawings showing existing floor layout of the Basement, First Floor, Second Floor and Third Floor; four drawings showing the proposed layout of the Basement, First Floor, Second Floor and Third Floor, received 13 Oct 17.
3. Before the building is brought into use, its exterior shall be treated in accordance with a scheme of external treatment that shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of (a) works to enhance the appearance of the rear of the building; (b) any replacement window frames.
4. Before the development commences a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall give details of construction working hours, parking of construction vehicles, and the means of suppression of dust and fumes during construction. The construction method, as approved, shall be implemented at all times during construction.

**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. In the interests of visual amenity in accordance with Policy H13 of the Burnley Local Plan, Second Review, currently saved.
4. In the interests of the amenities an operating conditions of the neighbouring occupiers, in particular because of the main road location and mix of neighbouring uses.

**10. APP/2018/0191 57 Windermere Avenue, Burnley**

**Full Planning Application**

**Demolish existing garage, erect two storey extension to side & rear, and single storey extension to rear. (re-submission of APP/2017/0503)  
57 WINDERMERE 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 hereby permitted shall be carried out in accordance with the following approved plans: One drawing REV C received 19 April 18.
3. Before any part of the extension is occupied the driveway shall be re-laid to a suitably graded slope at the entrance to the property to allow for effective use. Any resurfacing will need to be carried out using a bound and porous material. A scheme for the re-laying of the driveway shall be submitted for approval prior to the start of the development; the scheme shall be carried out as approved.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to prevent the possible grounding of vehicles on the existing footway in the interests of highway safety and in accordance with policies H13 and TM15 of the Burnley Local Plan Second Review and policies HS5 and IC3 of the emerging Local Plan.

**11. APP/2017/0523 11 Matlock Grove, Burnley**

**Full Planning Application**

**Retrospective application for a single storey rear extension to dwelling & installation of a 2.4m fence along the boundary.**

**11 MATLOCK GROVE BURNLEY**

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

**Condition:**

1. The development hereby permitted shall be carried out in accordance with the following drawings:  
Drawing Number: BR/MAT 001C, received 21 March 2018  
Drawing Number: BR/MAT 002C, received 21 March 2018

**Reason:**

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

**12. Decisions taken under the Scheme of Delegation**

Members received for information a list of decisions taken under delegation for the period 01/04/2018 to 13/05/2018

### 13. Appeal and other decisions

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

**APP/2016/0434** Appeal against the refusal of planning permission for the erection of a gas fuelled electricity generating plant (20mw) to provide standby power.  
Land south of Blackburn Road Padiham

The Inspector considered the main issues to be:

1. whether the proposal would be inappropriate development in the Green Belt as set out in the National Planning Policy Framework and the development plan;

In considering whether the proposal would be inappropriate development the Inspector had regard to The National Planning Policy Framework ('the Framework') which establishes that certain types of development are not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it. The appeal proposal does not accord with any of the exceptions set out in paragraph 89 of the Framework nor does it comprise one of the 'other forms of development' cited in paragraph 90. Similarly, Policy E26 of the Burnley Local Plan Second Review (2006) states that development in the Green Belt is inappropriate unless it is for one of a limited number of purposes, none of which are applicable in this case.

Accordingly, the proposal comprises inappropriate development which is, by definition, harmful to the Green Belt, with the Framework indicating that such harm carries substantial weight.

2. the effect of the development on the openness and purposes of the Green Belt;

The appeal site extends to about 1.2ha and lies close to the busy junction of Blackburn Road and the A6068. The sloping land is down to rough grass and is largely enclosed on three sides by trees, hedges and scrub with the River Calder corridor on the southern boundary. The surrounding area is characterised by a mix of built development, including housing and industrial, office, storage and commercial buildings, and extensive tracts of open countryside.

The proposed 20MW gas-fired embedded electricity generating plant would include two ranks of generators (20 in total), a switch room, a gas reception kiosk, a steel oil storage tank, a control & welfare room and a HV/LV switchroom in steel containers and 10 step-up transformers. Associated parking and access/circulation tracks are also proposed together with CCTV cameras and 2.4m high steel palisade security fencing to the site boundaries. Four portable office/security buildings, a storage compound and 10 parking spaces are also proposed during the construction period.



The plant would be connected below ground to the local distribution network via an electricity sub-station located in the Shuttleworth Mead Business Park to the east of the site. The appellant advises that the lifespan of the development would be about 20 years after which the site would be cleared.

Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is thus characterised by a lack of buildings, structures or other above-ground items rather than those that are unobtrusive or screened in some manner. There is therefore a clear distinction between openness and visual impact, and the containment of the appeal site by hedges and trees has no bearing on this assessment. It is clear that the proposed structures, buildings and containers together with parked vehicles would diminish the openness of the Green Belt.

Furthermore, the proposal would conflict with two of the five purposes of the Green Belt set out in paragraph 80 of the Framework, namely checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment.

The Inspector gave significant weight to the reduction in openness, encroachment of the development into the countryside and contribution to unrestricted sprawl in the planning balance.

3. the effect on the character and appearance of the area;

The Inspector considered that this would be a substantial development which would be locally prominent from hedgerow gaps and the new and existing (and significantly widened) accesses on Blackburn Road, and also from the elevated road bridge over the River Calder adjacent to the site. In addition it would be clearly visible from the public right of way on the south side of the river opposite the site and, at a greater distance, from a higher level footpath on the east side of the A6068 near Shuttleworth Hall.

From these vantage points the proposal would be seen to consolidate and extend development beyond the urban fringe into the countryside to the detriment of the character and appearance of the area. The prominence of the development would be increased during the autumn and winter months when the boundary foliage thins out. The proposed bund and planting adjacent to the river would not provide effective screening of the site from the south.

It was considered therefore that the proposed development would cause harm to the character and appearance of the area in conflict with Local Plan Policy E27 which, amongst other things, seeks to protect the Borough's distinctive landscape character. This additional harm carries moderate weight in the planning balance.

4. the implications of the proposal for ecology; and

The appellant's Ecology Constraints Appraisal submitted with the planning application concludes that the improved grassland site does not contain Schedule 1 species and the proposed development would not constitute a risk to any protected species or habitats. However, the Inspector shared the Council's view that this 'desk-based' appraisal lacks sufficient detail and rigour. For example, it does not include

mitigation measures or demonstrate how the scheme would achieve a net gain in biodiversity, and the implications for trees along the site boundaries are unclear.

In response, the appellant has submitted an Extended Phase 1 Habitat Survey with the appeal papers. Amongst other things, it concludes that the site is of low ecological value, and whilst the loss of an area of grassland to the development would have a temporary negative impact on biodiversity it would not be significant in the long term as wildflower areas would be created within the site. It also advises the site is not considered to have the potential to support badgers, reptiles, notable terrestrial invertebrates or notable flora.

The Framework makes it clear that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy E5 of the Local Plan broadly reflects these objectives.

On the basis of the evidence before the Inspector, he was not satisfied that the ecological impacts of the appeal proposal would be adequately mitigated; specifically, it has not been demonstrated that the provision of wildflower areas on the site would be sufficient to offset the negative impacts of the development identified in the appellant's habitat survey and this would be in conflict with Policy E5.

5. if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development.

There is no dispute that continuity of electricity supply, including from renewable sources, is essential both nationally and locally, especially during periods of peak demand. The appeal proposal would provide a flexible supply of back-up electricity for the local (DNO) network and thus contribute to meeting this objective in an efficient and effective manner with minimal transmission loss. In this respect the proposal would accord with the recognition in the Overarching National Policy Statement for Energy EN-11 that back-up electricity capacity is necessary to ensure security of supply until other storage technologies reach maturity. These factors attract significant weight in favour of the proposed development.

In terms of the three dimensions to sustainable development set out in the Framework, the proposal would perform an economic role through the provision of infrastructure and a social role in supporting strong, vibrant and healthy communities. These factors are accorded moderate weight in favour of the proposal.

The appellant submits that there are no sequentially preferable sites for the development in the area, arguing that those identified at Simonstone Road, Whalley Road and Whalley Road/Blackburn Road have land-use planning, physical and environmental constraints that render them unsuitable. However, from the information before me I consider that the assessment of these sites lacks sufficient detail and rigour. Furthermore, whilst there are operational and practical benefits in having a site local to the sub-station at Shuttleworth Mead Business Park, including avoidance of traffic disruption, there is no evidence to show that other sites in the wider area could not fulfil the criteria without encroaching upon the Green Belt. I therefore attach limited weight to this argument.

Whilst the development would be removed after some 20 years this is a significant period for the Green Belt and landscape to be affected by the scheme, and I am not persuaded that it can reasonably be regarded as a short-term installation. Furthermore, the fact that the site comprises low grade agricultural land and may be prone to fly-tipping is of little merit in favour of the proposal. Limited weight is therefore afforded to these submissions.

### **The Planning Balance and Overall Conclusion**

In this case, in addition to harm by reason of inappropriateness, substantial weight must be attributed to the harm to the openness of the Green Belt and the harmful effects in relation to encroachment and unrestricted sprawl. The Inspector also identified a moderate degree of harm to the character and appearance of the area and to ecology.

It was concluded that although the energy benefits of the proposal carry significant weight and the economic and social benefits attract moderate weight, they do not clearly outweigh the harm by reason of inappropriateness and the other harm identified. The very special circumstances necessary to justify inappropriate development in the Green Belt do not therefore exist. As such, the proposal would be contrary to paragraph 87 of the Framework and Policies E26 and E27 of the Local Plan.

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

28<sup>th</sup> June 2018

Housing and Development

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Housing & Development  
19 Parker Lane

Ref.

## APP/2018/0148

Paul Gatrell Head of Housing and Development

Location:



## Unit 6, 7 & F Belshaw Court, Billington Road, Burnley

1:1250



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## **Application Recommended for Approval**

**APP/2018/0148**

Coalclough with Deerplay Ward

Full Planning Application

Proposed industrial extension (B8 use) to current food storage facility

UNIT 6 AND 7 AND 8 BELSHAW COURT BILLINGTON ROAD, BURNLEY

### **Background:**

The proposal is to erect an extension to an existing industrial unit Cherry Tree Bakery (approx.760sqm) with a link to the existing unit. The site is situated at the end of a cul-de-sac Belshaw Court which is situated on Rossendale Road Industrial Estate.

An objection has been received.

### **Relevant Policies:**

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

E3 - Wildlife links and corridors

E5 - Species protection

TM15 - Car parking standards

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

GP7 - New Development and the Control of Pollution

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

EMP2 - Protected Employment Sites

EMP3 - Supporting Employment Development

IC3 – Car Parking standards

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 - Development Quality and Sustainability

NE5 – Environmental Protection

[The document has been submitted to the Secretary of State. No objections were received in respect of Policies EMP2, EMP3, which are now considered to carry significant weight]

National Planning Policy framework

### **Site History:**

None.

### **Consultation Responses:**

**LCC Highway Authority – Initial comments** - The proposal is to erect a B2 storage area for food. The footprint of the proposed building will encroach into the yard area of the adjacent buildings and I would therefore need to know if the area is currently used for material storage, parking and deliveries. I would need to be satisfied that the

proposed development does not impede the operating requirements of the existing uses and that any displaced parking can be safely accommodated within the remainder of the site

Further highway comments were received following the submission of further information as follows: The confirmation that it will be B8 storage will remove the requirement for additional parking over and above that already provided. I am assuming that the planning permission, if granted, will reflect the confirmation of the B8 use. The original application form stated a B2 use (*the application form was amended to a B8 use*).

**Neighbouring Business –**

I wish to object to the proposed development on 2 accounts:-

- The area is already severely congested, particularly since the building of the unit opposite E1-E3 (not yet occupied). This is evidenced by the parked cars to both sides of the road shown in the attached pictures. You will note that cars are parked on the pavement to allow access for the many lorries delivering and collecting in this place. I believe this is a matter of safety for workers and visitors to all businesses on Belshaw Court , in postcodes BB11 5UB and BB11 5ED
- The building is on an area of land in which building is prohibited by the head lease – the designated use of the land for the parking and turning of vehicles

Reference the turning of vehicles the area has had unrestricted use for the turning of articulated vehicles for a period in excess of 30 years. The continuation of this facility is essential to the commercial operation of Peter Scott Printers Ltd and other businesses at this end of the Billington Road Estate

I note that previous searches on immediately adjacent land indicated severe problems for development due to the presence of several mine shafts and associated mine workings

**BBC Environmental Health** – I would ask that a condition be put on for the desk top survey to be carried out now. Once the initial survey is then conducted depending on the findings we could then remove the condition if the findings indicate no contamination is present or if contamination is found the condition would require remediation and the production of a verification report stating the type of work carried out and that the site will be compliant with its end use type..

**Planning and Environmental Considerations:**

The site falls within the urban boundary where development and investment is expected to be focussed. The site forms part of an established industrial estate where policy EW5 of the current Local Plan permits the expansion and improvement of the Rossendale Road Industrial Estate. Policy EMP2 of the emerging Local Plan seeks to protect the site for employment uses falling within Classes B1 (b&c), B2 and B8. The proposed development falls within Class B8 (storage and distribution) and is required to expand the current operations of the site. The development would therefore, in principle, comply with policies GP1 and EW5 of the Local Plan and policy EMP2 of the emerging Local Plan.



*the location of the proposed extension*

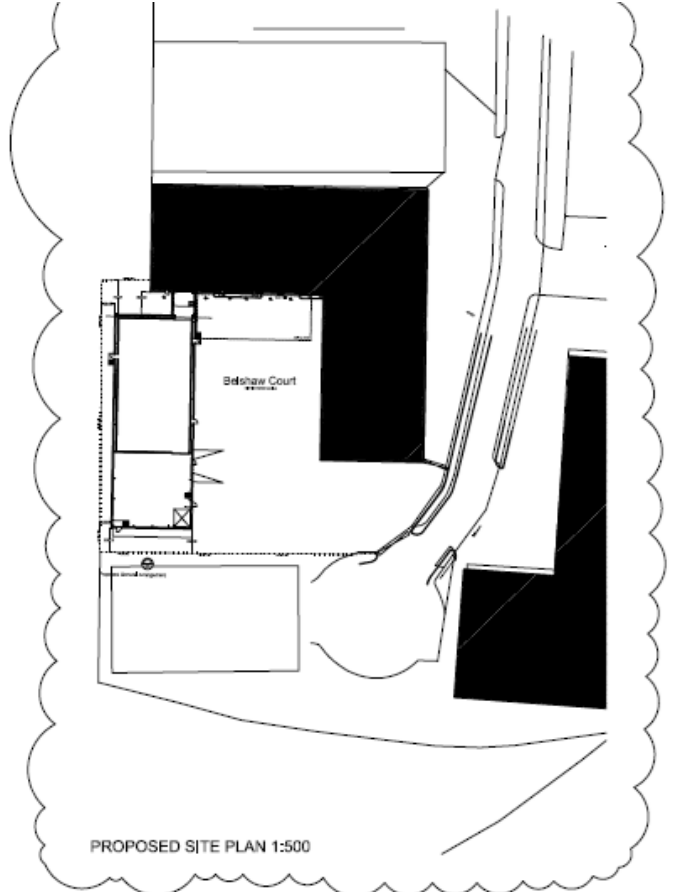
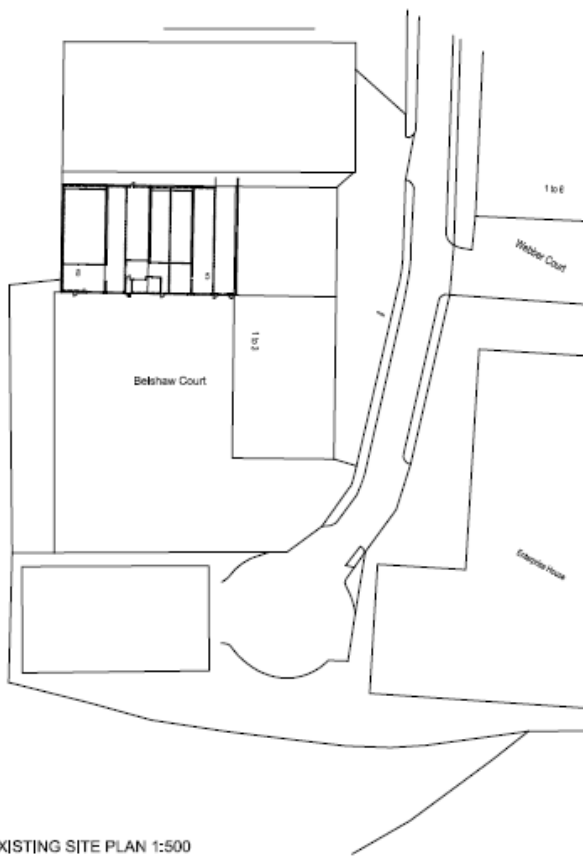
The site is located on the edge of the industrial estate and is currently hardstanding/grassed area. The proposal is to extend onto this area to create additional storage facilities for the business. The 760sqm extension to the south facing elevation of the existing building would extend out by 46m and be used for cold food storage. Two roller shutter doors will be provided, both on the east facing elevation, these will be used to facilitate forklift truck movements. Personnel doors will be added to 3 elevations for fire escape purposes.

The new unit will be linked to the existing unit via a cladding link, the height of the link will match the eaves of the current unit; this will provide sheltered forklift and pedestrian movements.

The elevations of both the new extension and cladding link will be insulated cladding sheets, colours to match the existing unit. On plan a pitched roof shape is proposed. The roof will have a 5 degree pitch and be clad in profiled sheet cladding to match the existing unit; the supporting roof and wall structure will be formed in steelwork.

The extension will match the existing materials, i.e. profiled sheeting in silver/grey to the roof and walls with red cills, flashing and gutters. Roller shutter doors and pedestrian doors will be finished in a colour to match.

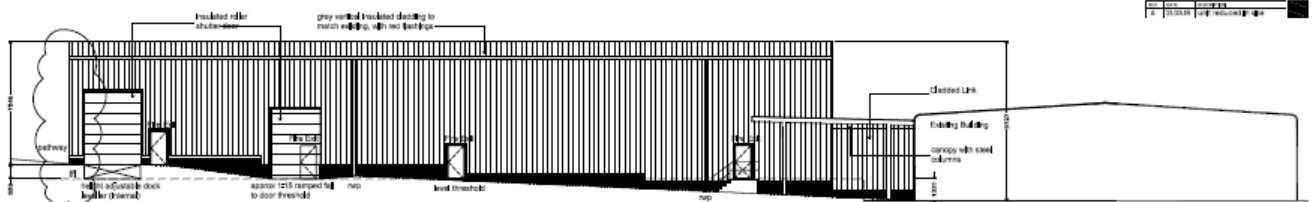
The proposed extension will be taller (9.727m) than the existing unit (approx.6m) in order to facilitate full height storage; however this will not be overbearing, considering the height of some of the surrounding buildings on the industrial estate.



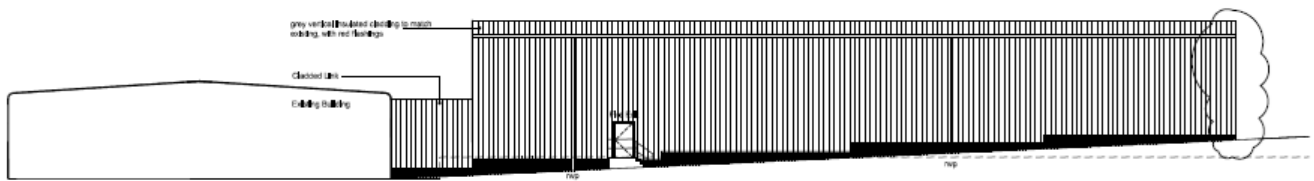
EXISTING SITE PLAN 1:500

PROPOSED SITE PLAN 1:500

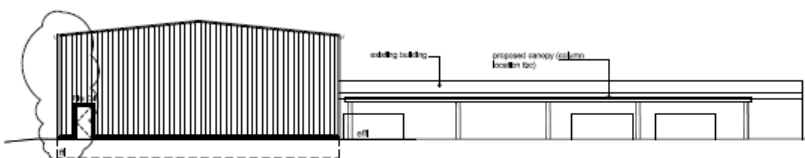
**existing and proposed site layout**



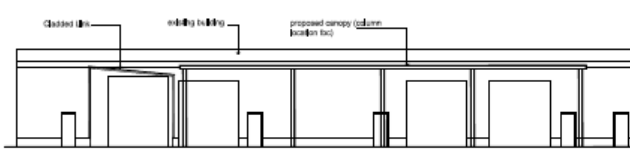
Proposed Extension Side Elevation A



Proposed Extension Side Elevation B



Proposed Extension Gable Elevation C



Proposed Extension Elevation D (dadded link, canopy & existing building)

**Culeth**  
**aldrack**  
 architects - planners - interior  
 CIAT RICS  
 CHRYSTIE ARCHITECTS  
 PROPOSED DEVELOPMENT  
 A AH13\_02  
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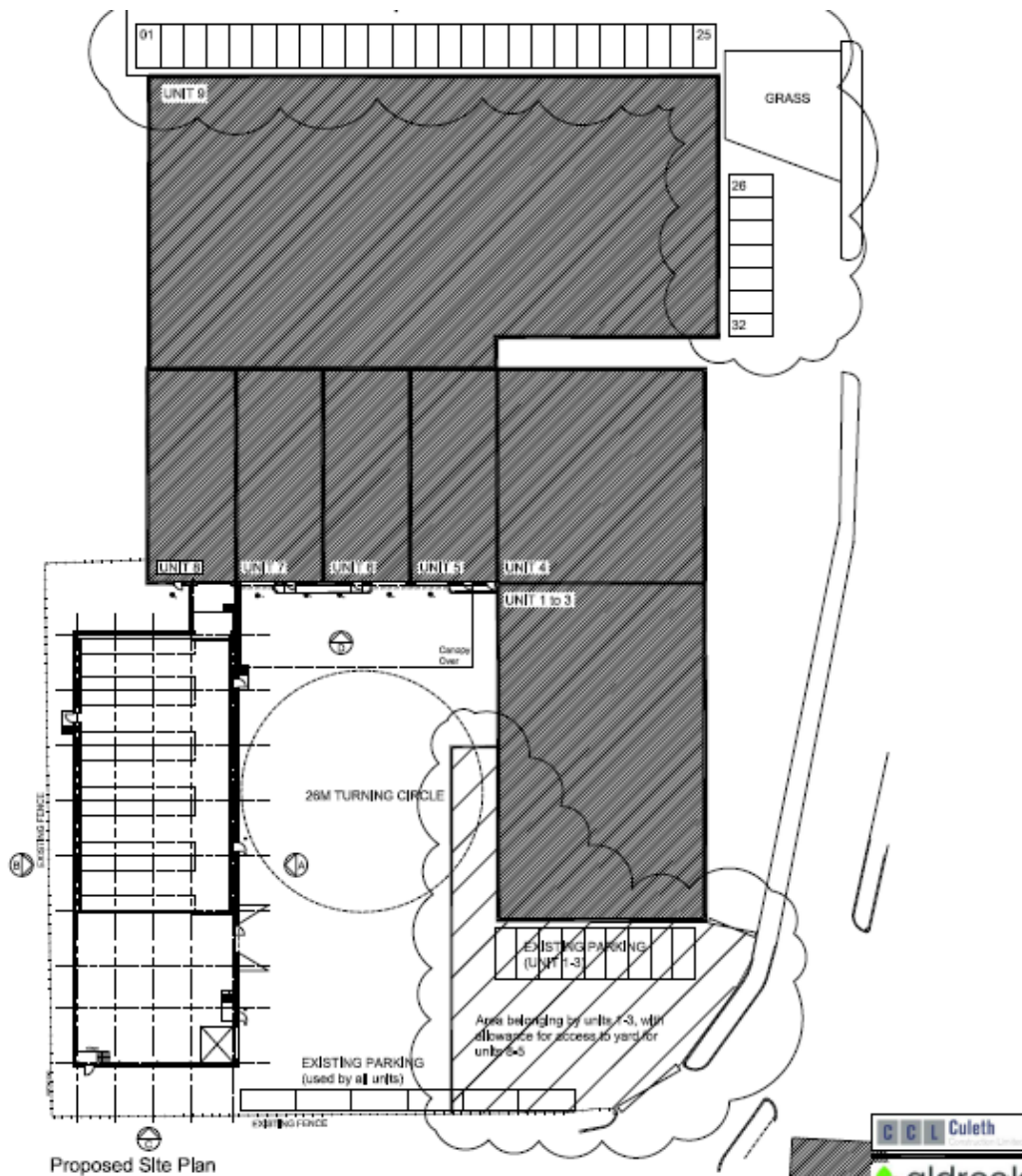
**Highway issues**

The applicant has stated that there will be no increase in employee numbers. The existing vehicular access and parking will remain unaffected. Access to the site will be from Billington Road (as existing). The applicant has submitted a plan showing that a 26m turning circle for waggons can still be achieved (see plan below). The Highway Authority has confirmed that no additional parking is required over and above that already provided.

The applicant has confirmed that the use of the extension will be for Class B8 use only (storage and distribution). The Highway Authority have confirmed that no additional parking spaces will be required for the development.

Given that a change or partial change to other Class B uses would generate the need for higher levels of car parking, a condition is recommended to ensure that the development is used and retained in use for Class B8 purposes.

The proposal would therefore satisfy policies EW5 and TM15.



**plan showing proposed vehicular turning circle and existing parking areas**

### **Contaminated Land**

A Preliminary Risk Assessment report has been submitted which states that a number of potential risks associated with contamination have been identified with respect to the proposed development. The report recommends that a site investigation comprising of the drilling of boreholes across the site should be undertaken etc. A condition is therefore required in respect of contamination.

### **Conclusion**

The proposal represents an acceptable form of expansion and improvement to an existing warehouse use within an established employment area and would not lead to any significant impacts on amenity or highway safety. Conditions are recommended to deal with any potential impacts that have been identified.

### **Recommendation:**

Grant subject to the following conditions:

### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans; Drawing nos. ESD0112\_2DT, AH113\_02 rev A, AH113\_03 rev A all received 21<sup>st</sup> March 2018; additional plan AH113\_04 rev A received 19<sup>th</sup> April 2018 and amended plan AH113\_01 rev B received 18<sup>th</sup> June 2018.
3. Notwithstanding any indication on the submitted application form, the approved extension and approved new industrial building shall be used for Class B8 (storage and distribution use) of the Town and Country Planning (Use Classes) Order 1987 only and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any provisions equivalent to that Class or any statutory instrument revoking and re-enacting that Order with or without modification) shall not be used for any other Class B use.
4. Prior to any development being commenced there shall be submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, as well as details of new planting along the southern edge of the site, providing details of species, planting numbers, heights on planting, cultivation, staking and maintenance.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any part of the approved development or its completion, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. 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.

7. There shall be no external lighting on any part of the development unless details of a scheme of lighting have been first submitted to and approved in writing by the Local Planning Authority. Only external lighting approved by the scheme shall thereafter be installed at the site.

8. The external materials of construction to be used on the walls and roof of the approved extension and new warehouse building shall be as described on the approved plans unless any variation to this is otherwise first approved in writing by the Local Planning Authority.

9. The development shall not begin until:

- a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
- b. An investigation has been carried out in accordance with the approved strategy;
- c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

## **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 clarity as the application form incorrectly refers to the existing building at Enterprise House as Class B2 (general industrial) use and the proposal provides insufficient car parking for other Class B uses and to safeguard highway safety, in accordance with Policies GP1 and TM15 of the Burnley Local Plan, Second Review (2006).
4. To provide some degree of softening to the edge of the site, in accordance with Policy EW5 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
5. To ensure the satisfactory implementation of the approved landscaping scheme and the achievement of its objective, in accordance with Policy EW5 of the Burnley Local Plan, Second Review (2006).
6. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works as well as residents in the wider area are satisfactorily protected, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
7. To avoid excessive lighting adjoining a rural area, in accordance with Policies GP1 and GP2 of the Burnley Local Plan, Second Review (2006).
8. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
9. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.



Housing & Development  
19 Parker Lane

Ref.

**APP/2018/0105**

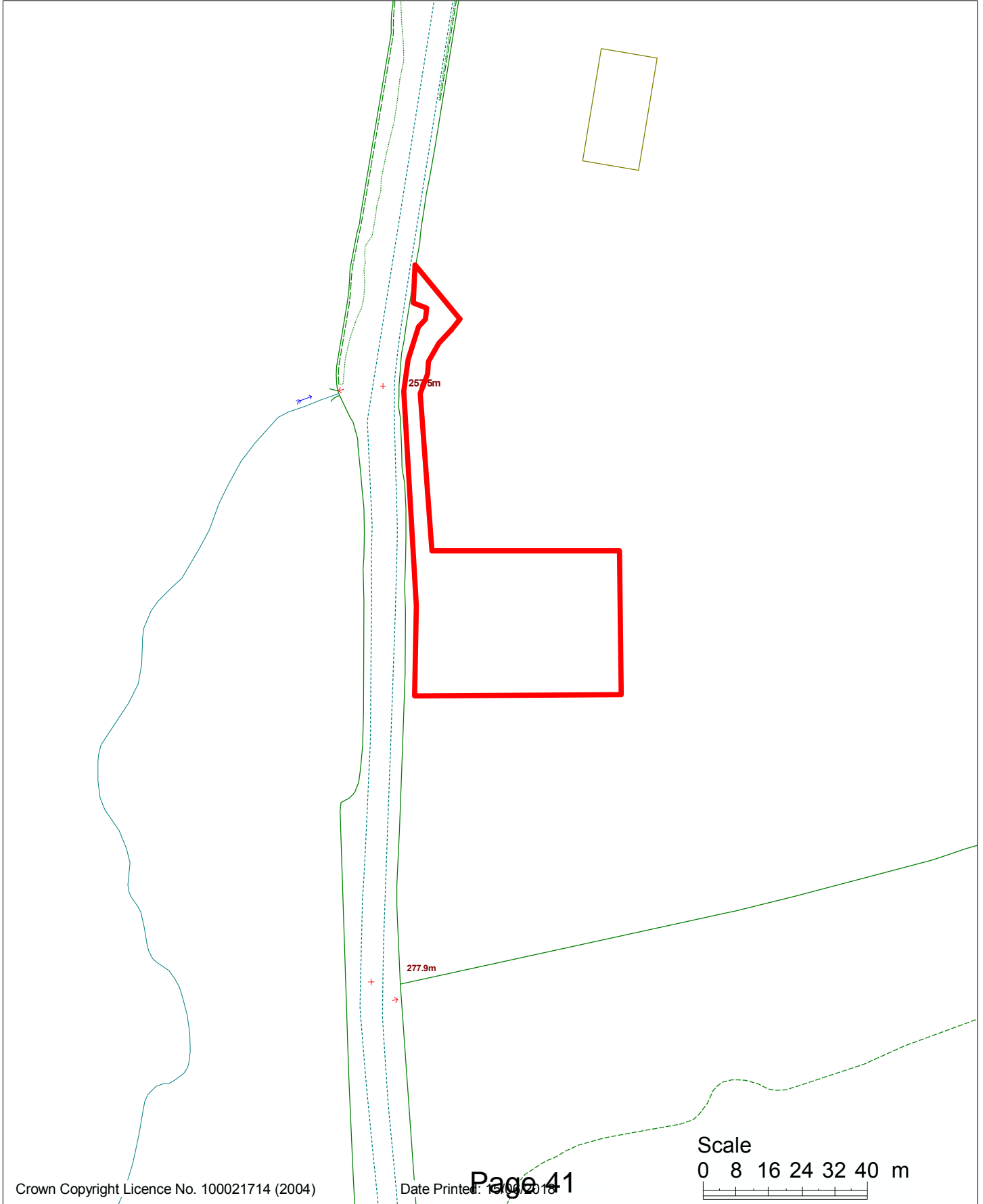
Paul Gatrell Head of Housing and Development

Location:



## Land East of Woodplumpton Road, Burnley

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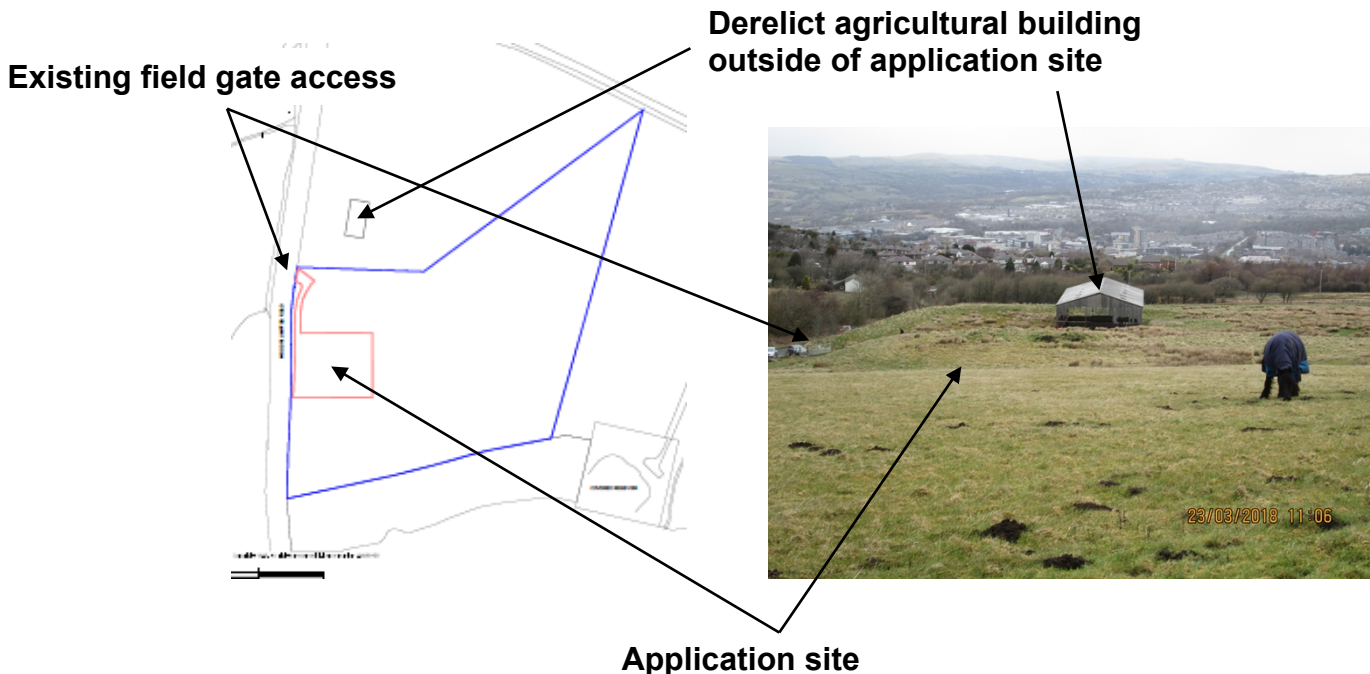
Full Planning Application

Proposed construction of a stable barn and 40m x 20m all-weather outdoor arena.  
LAND EAST OF WOODPLUMPTON ROAD

**Background:**

The proposal is to erect a stable barn for six horses with concrete apron and an adjoining outdoor arena (menage) which would be served by a new access track from an improved access on Woodplumpton Road.

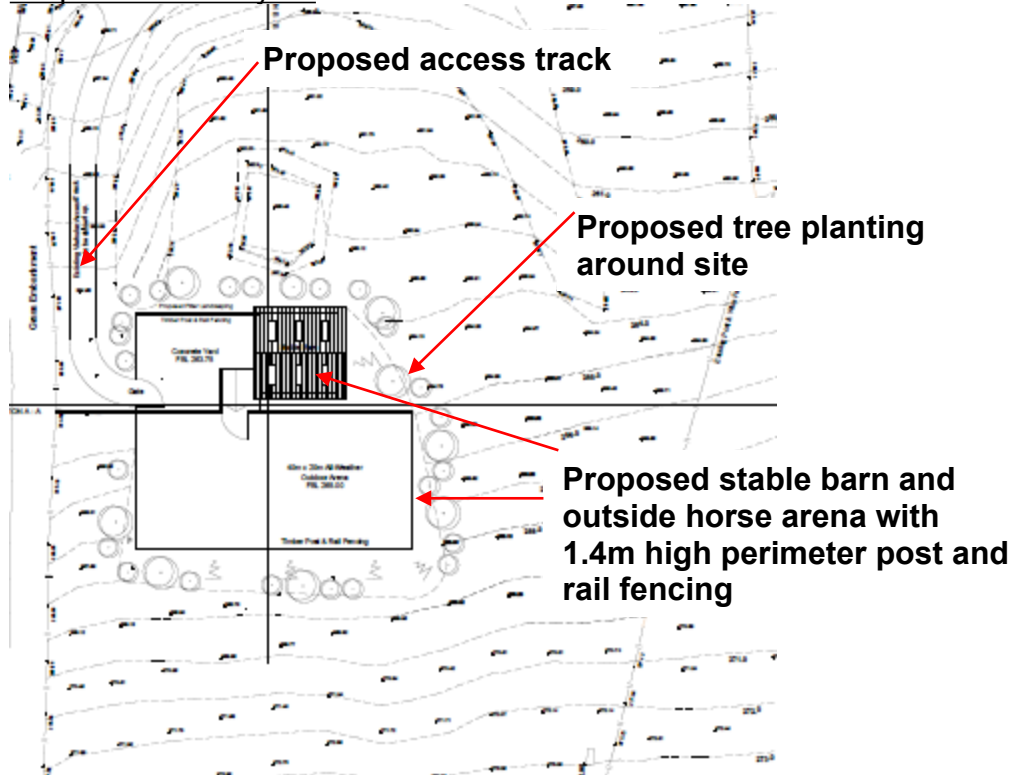
The site on the east side of Woodplumpton Road within the rural area to the southern edge of the main urban area of Burnley, is an uneven and sloping field under grass and currently used for grazing ponies.



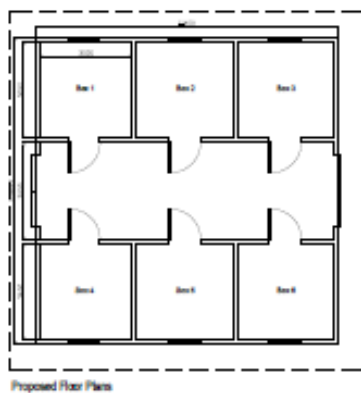
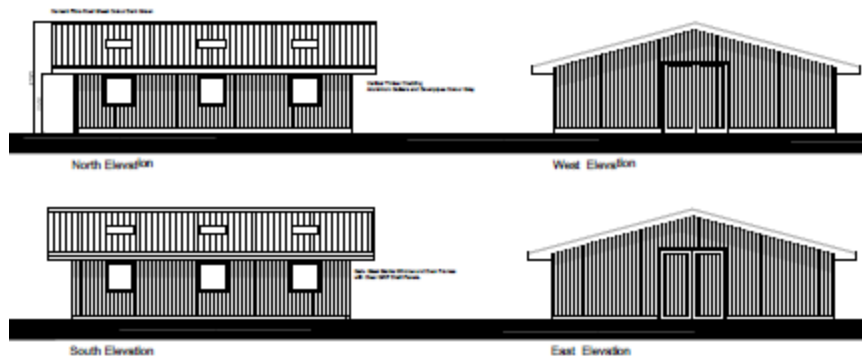
The application site is within a larger field amounting to approximately 4.2ha (10 acres), surrounded by the Burnley Golf Course and Hollin Cross Farm to its west sides and by Lower Small Hazels Farm to its east side. The site is also surrounded by a network of the definitive public footpaths (PF 20 to the south side of the applicant's field, PF 19 passing north to south through Lower Small Hazels Farm, PF 20 passing along the track to Lower Small Hazels Farm to the north of the application site and FP13 which leads to Woodplumpton Road from Hollin Cross Farm).

The field has a small plateau towards its north side and generally rises from this point towards the southern edge of the field which bounds FP 25. The proposal is to utilise and improve the existing field access where access is generally level and construct a stoned up access track with a length of approximately 55m within the field (parallel with Woodplumpton Road) to take vehicles and horse boxes up to a proposed concrete yard in front of the proposed stable barn.

Proposed Site Layout



The proposed stables are a timber construction with dark green cement fibre sheets to the roof.

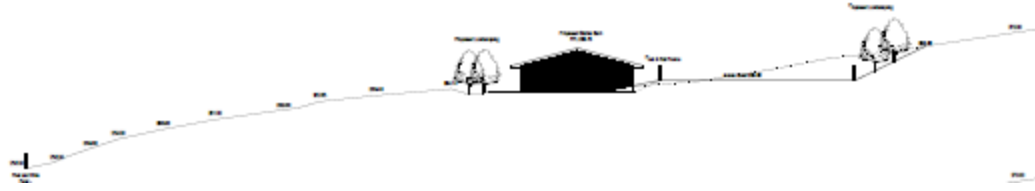


Six stables with central corridor for private use by the applicant.

The current plans as indicated above have been amended since the original submission. The main changes have been to remove a large overhanging canopy to the front of the barn and to slightly reduce the height of the building to 4.6m; to reduce the size of the concrete yard; to reduce the size of the outdoor arena from 60m x 20m to 40m x 20m, to re-site the arena close to the stables; to erect the stables and construct the concrete apron at a lower level than the arena. The proposed site

section shown below indicates that there would be some cutting and filling within the field in order to form a level platform for stables and a slightly higher level for the outdoor arena.

Section north to south through site (as apparent from Woodplumpton Road)



Section west to east through site (as apparent from PF 25 to south side of site)



### **Relevant Policies:**

Burnley Local Plan Second Review

GP2 – Development in rural areas

GP3 – Design and quality

E\* - Development and flood risk

E27 – Landscape character and local distinctiveness in rural areas and green belt

CF7 – Outdoor recreation and rural areas

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

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

CC4 – Development and flood risk

EMP7 – Equestrian development

NE3 – Landscape character

The National Planning Policy Framework

### **Site History:**

None.

### **Consultation Responses:**

LCC Highways

Given that the stables will be for the applicant's own horses and not offered on a commercial basis, there is no objection on highways grounds. Conditions are recommended to require wheel washing facilities once the use has commenced and to require the proposed access between the highway boundary and the new gated access to be hard surfaced in tarmac, concrete or similar material.

## Environmental Health

No objection.

## Publicity

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

- Visual impact of development from all directions
- Excessive development, including arena and fencing
- Development would be at highest point
- Unrestricted views from surrounding public footpaths that are well used
- Would become overlooked with views into garden
- Concerns that it would become a livery yard and lead to on-site living accommodation
- Would lead to excessive traffic on Woodplumpton Road which is narrow and only passable for one car in places and with very steep sides
- There has been a significant increase in traffic over the last 10 years; there is no speed limit and it is used for the golf club and as a cut through. Planned development nearby would make this worse
- Additional traffic would be a danger to horse and rider and drivers who use this road
- Poor state of existing public footpaths which would worsen
- Impact on wildlife: deer, kestrels, owls, sparrowhawks, foxes, hedgehogs and ground laying birds
- Disturbance to an adjacent honey bee hive
- Would cause substantial run-off, washing loose surface material down the lane
- Suggest plant more trees.

## **Planning and Environmental Considerations:**

### Principle of development

The proposal is for private stables and outdoor horse exercise arena in association with the use of the surrounding fields (4.2ha/10 acres) for the grazing of horses/ponies. Given the size of the fields are sufficient for the grazing needs of all the private horses/ponies to be kept in the proposed stable barn, the proposal would retain the agricultural use of the land. Policy GP2 permits appropriate development in the rural area where it relates to agriculture, forestry and outdoor recreation uses not requiring large buildings. This proposal which relates to the agricultural use of the land would therefore in principle comply with the limitations of development in Policy GP2. The proposal also involves an element of outdoor recreation and should be considered against Policy CF7. Burnley's Local Plan (Submission Document) is the emerging local plan and is at an advanced stage; as such, it carries significant weight. Policy EMP7 of this plan provides criteria for assessing stables and equestrian related development. The main considerations are therefore the suitability of the site for the development, its visual impact and any adverse impacts on highway safety. Other issues raised by neighbours who have objected to the proposal are also addressed below.

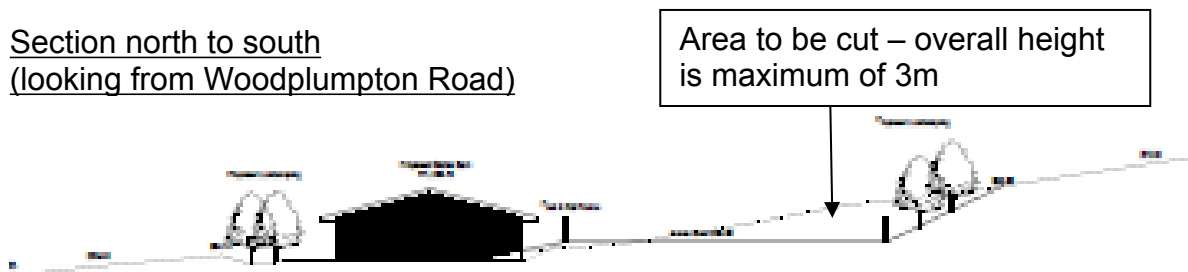
### Visual impact in rural area

Policy EMP7 of emerging local plan states that new freestanding stables and equestrian facilities will only be permitted where they are closely related to existing farm buildings or other groups of buildings, are well screened and do not cause harm to the visual amenity, openness or rural character of the area. The proposed site is

not adjacent to other buildings associated with the applicant and to this extent would create a relatively isolated development. The site is however reasonably close to the main urban boundary in the local plan and this would be brought closer to the development by the new urban boundary indicated on the Policies Map of the emerging local plan. The proposal is therefore sufficiently close to existing development. The site is steeply sloping in parts and would not provide a level or sheltered site. However, horses/ponies have been grazing on this exposed land for some months and the introduction of the proposed stables would provide shelter during adverse weather.

Policy CF7 of the local plan seeks to ensure that proposals for new outdoor recreation in rural areas is designed and landscaped to reflect the landscape character of the area. Policy E27 of the local plan and Policy NE3 of the emerging local plan similarly seek to ensure that development respects and enhances the landscape character of the area by, amongst other things, ensuring that proposals relate well to local topography and built form and are of an appropriate scale, siting, layout, design, density and use of materials. The proposal has been reduced in scale to ensure that it meets the needs of the applicant without appearance excessive. This has led to a reduction in the overall size of the stable barn and in the length of the proposed horse arena from 60m to 40m. Further steps have also been made to relate the development to the local topography by staggering the development across a lower level for the stable and concrete yard to that of the proposed outdoor arena (difference is 1.25m). This enables the proposed stable building to sit at a lower level and to avoid excessive cutting into the rising ground to the south side of the site to form a level arena.

Section north to south  
(looking from Woodplumpton Road)



The view of the stable barn and outdoor arena would be obscured by the high steep banks along Woodplumpton Road. From the surrounding public footpaths, the development would be visible but would be seen to comply with the general grain of the land. Distant views of the development would also be filtered by proposed tree planting. The applicant states that no floodlighting is required. Conditions to prevent external lighting and to require a detailed landscaping scheme would therefore be necessary. The proposed stable barn would be constructed in timber and green fibre cement sheets which would be appropriate materials in the rural area.

Whilst the location of the development is on rising land and exposed, the visual impact of the development would be reduced by its careful positioning, proposed levels, design, scale and materials of the stable barn and new landscaping. The proposal would therefore satisfy Policies CF7 and E27 of the local plan and Policies EMP7 and NE3 in these respects.

### Impact on highway safety

Policy EMP7 of the emerging local plan requires stables and equestrian facilities to have satisfactory access. The existing access is adequate for the proposed use which would be lightly trafficked with occasional horse boxes and trailers. The amount of additional traffic on Woodplumpton Road would therefore be minimal and would not significantly affect conditions for other users of the road, including horse riders, walkers and drivers. LCC Highways has no objections to the proposal but recommends suitable conditions relating to wheel washing and hard surfacing at the site entrance. A condition is also necessary to prevent any livery or other commercial use. Subject to these conditions, the proposal would not significantly affect highway safety.

### Impact on local amenities

Policy EMP7 states that equine developments should be sited at an adequate distance from neighbouring residential properties. The minimum distance between the proposed stables/outdoor arena and the nearest residential property would be 224m which is adequate to protect levels of privacy, outlook and general amenity.

### Other issues

There are no nature conservation designations or features of ecological importance relating to the site and no expected significant impacts on wildlife or any protected species. The planting of suitable trees would encourage nesting birds and has the potential to enhance the biodiversity of the site. One of the objections that have been received refers to an important honey bee hive on an adjoining field. The proposal would not however directly affect this.

The site is in a low flood risk area. The proposal may increase surface water run-off which can be adequately dealt with through soakaways in the surrounding fields.

### Conclusion

The use of land to provide modest private stable and horse related development is in principle an acceptable use in the rural area. Steps have been made in this case to reduce the visual impacts of the development and subject to conditions to ensure its satisfactory implementation, the proposal is acceptable and would not significantly affect the openness or character of the landscape, highway safety, the site's ecology, risks of flooding or residential amenities.

### **Recommendation: Approve with conditions**

#### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2092\_01RevA and 2092\_04RevC, received on 21 May 2018; and, 2092\_03RevC and 2092\_05RevC, received on 24 May 2018.
3. The stables and outdoor horse arena hereby approved shall be used for private purposes only and shall not at any time be used for livery, riding school purposes, events, gymkhanas or any commercial purpose.



4. There shall not at any time be any floodlighting or illumination of the outdoor arena or any part of the application site.
5. The external materials of construction to be used on the walls and roof of the development shall be as described on the approved plans only and shall not be varied unless otherwise approved in writing by the Local Planning Authority.
6. The development shall be constructed to comply with the levels and finished floor levels as indicated on the approved plans only and shall not be varied unless otherwise previously submitted to and agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and details of new tree/shrub planting (as illustrated on the approved plans) shall be submitted to and approved in writing by the Local Planning Authority.
8. All planting or seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of any part of the approved development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
9. Prior to the approved stable barn being first brought into use, wheel washing facilities to be used for the cleaning of the wheels of vehicles before departing the site shall be placed in situ and made available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The approved wheel washing facilities shall thereafter be retained in perpetuity.
10. Prior to any part of the approved development being first brought into use, that part of the vehicular access between the highway boundary and the gated access shall be hard surfaced in tarmac, concrete or similar hard surfacing material.
11. Run-off from the approved development shall be directed to soakaways, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development or any part of it being first brought into use, whichever is the sooner, unless an alternative scheme is otherwise previously agreed in writing by the Local Planning Authority.

## **Reasons**

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

2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the satisfactory implementation of the proposal which is only suitable for private purposes, in accordance with Policies GP2 and CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
4. To avoid any adverse effects from illumination in the countryside in order to protect the rural and tranquil character of the site, in accordance with Policies GP2 and CF7 of the Burnley Local Plan, Second Review (2006) and Policies EMP7 and NE5 of Burnley's Local Plan, Submission Document (July 2017).
5. To ensure a satisfactory appearance to the development, in accordance with Policies GP2 and CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure the satisfactory implementation of the proposal, having regard to the visual impacts of the development, in accordance with Policies CF7 and E27 of the Burnley Local Plan, Second Review (2006) and Policies EMP7 and NE3 of Burnley's Local Plan, Submission Document (July 2017).
7. In order to assist the development in integrating into an area of open and prominent countryside, in accordance with Policies CF7 and E27 of the Burnley Local Plan, Second Review (2006) and Policies EM7 and NE3 of Burnley's Local Plan, Submission Document (July 2017). The scheme is required prior to the commencement of development in order to ensure that any site preparation or protection measures can be undertaken at the appropriate stages.
8. In order to ensure that the required planting scheme achieves its objective in respect of assisting the development in integrating into an area of open and prominent countryside, in accordance with Policies CF7 and E27 of the Burnley Local Plan, Second Review (2006) and Policies EM7 and NE3 of Burnley's Local Plan, Submission Document (July 2017).
9. To prevent loose material being dragged onto the public highway, in the interests of highway safety, in accordance with Policy CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
10. To prevent loose material being dragged onto the public highway, in the interests of highway safety, in accordance with Policy CF7 of the Burnley Local Plan, Second Review (2006) and Policy EMP7 of Burnley's Local Plan, Submission Document (July 2017).
11. To minimise surface water run-off onto the adjoining highway, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006) and Policy CC4 of Burnley's Local Plan, Submission Document (July 2017).



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Housing & Development  
19 Parker Lane

Ref.

## APP/2018/0224

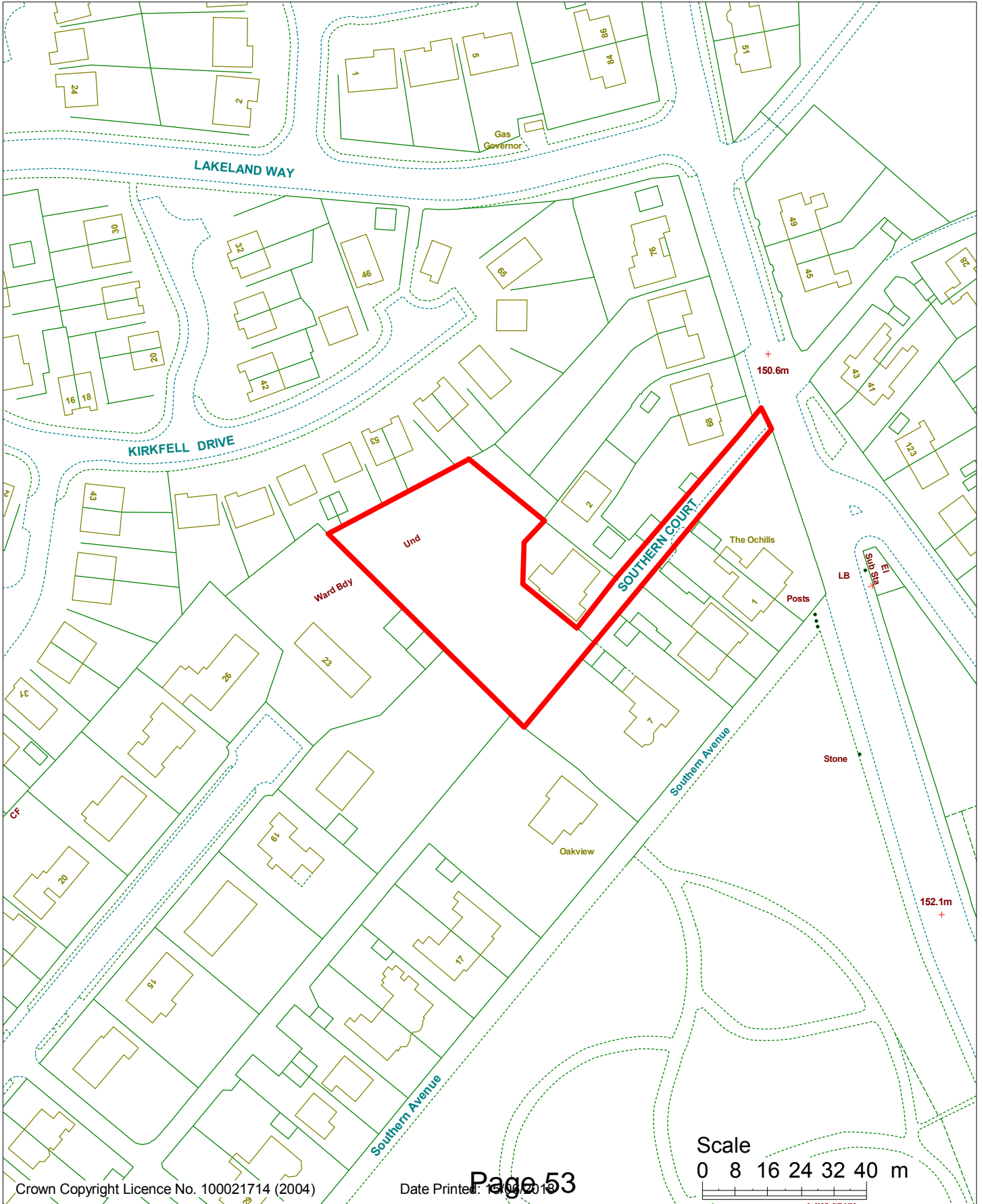
Paul Gatrell Head of Housing and Development

Location:



## Land Rear Southern Avenue, Burnley

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Outline Planning Application  
Erection of 5 detached dwellings including details of access (all other matters reserved) (renewal of APP/2015/0233)  
LAND REAR SOUTHERN AVENUE BURNLEY

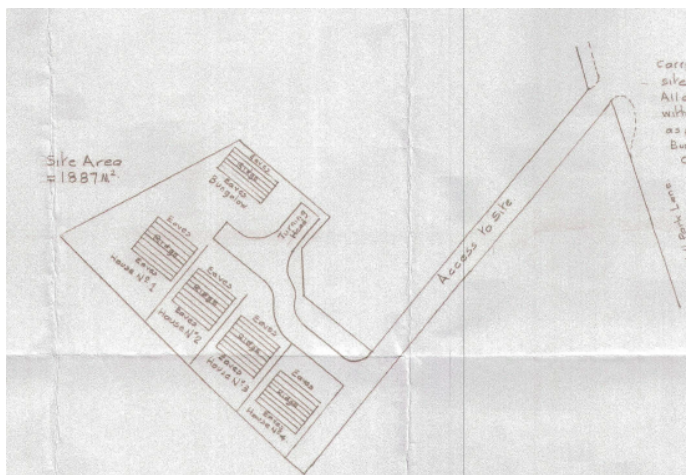
**Background:**



View of the site

Outline planning permission was granted for the erection of 5 dwellings including details of access, on appeal to the Secretary of State in June 2009 and subsequent renewal applications were granted in 2012 and 2015. This application seeks to further renew the permission for housing on the site.

The proposal is for the erection of 5 detached dwellings with details of the means of access. All other details will be considered at the reserved matters stage. The indicative layout showing four houses and a bungalow are included for illustrative purposes only.



Illustrative Site Layout

The site is approximately 0.2 hectares and is undeveloped land surrounded by existing residential properties, with access via Southern Court, off Ightenhill Park Lane.

An objection has been received.

### **Relevant Policies:**

#### National Planning Policy Framework (NPPF)

#### Burnley Local Plan Second Review

E5 – Species Protection

E6 – Trees Hedgerows and Woodlands

E8 - Development and flood risk

E9 - Groundwater resources

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP6 - Landscaping and Incidental Open Space

GP7 - New Development and the Control of Pollution

H1 - Land for new housing development

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

H7 – Open Space in New Development

TM15 - Car parking standards

#### Burnley Local Plan Submission Document July 2017

SP1 – Achieving Sustainable Development

SP2 – Housing Requirement 2012-2032

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS4 – Housing Development

NE1 – Biodiversity and Ecological Networks

IC3 – Car parking Standards

### **Site History:**

APP/2008/0092 – Outline application for 5 detached dwellings - withdrawn in April 08.

APP/2008/0553 – Outline planning permission was granted on appeal to the Secretary of State in November 2008 for the erection of 5 detached dwellings including access and reserving all other matters.

APP/2012/0230 – Outline planning permission was granted, in June 2012, for the erection of 5 detached dwellings including details of access via Southern Court to Ightenhill Park Lane.

APP/2015/0233 – Outline planning permissions for the erection of 5no. detached dwellings including details of access (all other matters reserved for future approval)-granted



## Consultation Responses:

1. Lancashire County Council (Highways) - The proposal is a renewal of a permission previously granted on appeal. Subject to Condition 7 of Planning Permission 12/2012/0230, requiring a scheme detailing improvements to the junction of Southern Court with Ightenhill Park Lane, no objections are raised on highway grounds.
2. Environmental Protection – No objections are raised subject to consideration being given to conditions restricting the hours of construction, requiring control over the burning of waste, and noise and dust emanating from the site and details of external lighting, in order to protect the amenities of nearby residents .
3. Ightenhill Parish Council makes the following comments:

*“The development is outside the boundary of the parish and we do not wish to comment on the actual site. However there is great concern about the limited access/exit to the site as this will have an effect upon our parishioners driving into the parish from Padiham Road.*

*Vehicles exiting from Southern Court onto Ightenhill Park Lane have no line of sight to their right, ie. for traffic coming from the Padiham Road direction. In order to overcome this the applicant proposes to build a "visibility splay" (a restriction on the west side of Park Lane to allow exiting drivers to see both ways around garden fences).*

*Although this sounds like an acceptable solution it would result in a further narrowing of Park Lane at a point where it already narrows considerably at the end of the parks. This is exactly at the junction with Ighten Road and at the junction with the top of Lakeland way. It could not be in a worse place. The busiest section of the whole of the lane. A bus route - Lakeland Way-Ightenhill Park Lane-Ighten Road. A point where pedestrians cross from the park to Ighten Road. An area of parking for residents and no footpath on the west side necessitating crossing over the road.*

*I note that L.C.C. Highways have only commented on traffic issues that may occur during the construction period and there is no consideration of the lasting effect of reducing road width at this point. It appears that they have merely looked at the map but not bothered to inspect the site. Indeed, looking at the application there is scant regard to the effect for traffic on Ightenhill Park Lane. The plan shows only a dotted line where the visibility Splay will be, with no detail as to its dimensions or the width of the remaining road. The other side of the road is not even shown.*

*As this is a controversial point it should have been fully detailed by the applicant and not glossed over with a dotted line on a map.*

*Residents of Ighten Road have not been consulted about this detail of the application but will face a nightmare trying to turn onto Park lane”*

It is recommended that the same condition is imposed as on previous consents, requiring a detailed scheme for the highway improvements to be approved. The Highway Authority will be advised on the highway aspects of the scheme when it is received.

4. One letter from a resident has been received making the following objection:

*“The plot is a small one and from experience I know that the area appears to amplify sound. The noise from a property already overlooking this area can be excessive and the same level of noise from another 5 houses would be intolerable.*

*The sightline from the exit is extremely poor and dangerous and I fail to see how the proposed highway changes would render it sufficiently safe”*

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

The application is in outline only and contains only details of the means of access. Full details of the layout, scale, appearance and landscaping of the dwellings will be the subject of a further application.

The principle of the development of the site was established by the previous appeal decision in 2008 when it was concluded that the site was appropriate for housing development. The decision of the Secretary of State is a significant material consideration. Subsequent applications renewed the permission in 2012 and 2015.

The main issue for consideration in the current application is whether circumstances in relation to housing land matters or highway issues have changed since the previous approvals, to indicate that a different decision on the principle of housing on the site or the means of access should be reached.

#### Housing Land issues

There is no significant change in the housing position since the appeal decision and subsequent renewal applications. The Council can demonstrate a five year supply of housing as set out in the latest Housing Land Position Statement July 2017.

The current site, having previously received planning permission, is already counted in the Council's housing land supply figures and will therefore contribute to the Borough's housing needs. Its use for housing would not therefore have an adverse impact on housing provision in the Borough.

The National Planning Policy Framework 2012 (NPPF) sets out that housing developments should be considered in the context of the presumption in favour of sustainable development. The Secretary of State, in the previous appeal, determined that, although the site is previously undeveloped land, it is within the urban boundary, in a sustainable location with an adequate range of services and a regular bus service nearby.

Having regard to these circumstances, the principle of housing on the site remains acceptable.

## Highway Issues



Junction of Ightenhill Park Lane and Southern Court

Access to the site would be from Southern Court, off Ightenhill Park Lane.

The Secretary of State considered that sight lines to the north of the junction of Southern Court and Ightenhill Park Lane were adequate but were impaired in a south / south easterly direction. Vehicles leaving Southern Court would have to encroach onto the highway at the junction to see traffic approaching and this would create a potential hazard to highway safety. However, it was considered that these concerns could be adequately dealt with by a condition requiring a scheme to be submitted for improvements to the junction and the appeal application and subsequent renewal was granted on this basis.

The appeal decision is a significant consideration and circumstances have not changed at the junction. If Committee is minded to approve the application, it is recommended that the same condition, requiring the approval of a detailed scheme of highway improvement, is imposed on any approval.

### Other matters

All other details relating to layout, scale, appearance and landscaping will be considered when the approval of reserved matters application is submitted.

### Public Open space

Policy H7 of the Local Plan requires all new housing proposals to provide or contribute to public open space provision. Proposals of 10 dwellings or less will be expected to provide the payment of a commuted sum, for the benefit of public open space nearby, in lieu of provision.

This has been superseded by the Planning Practice Guidance which supports the NPPF and sets out that such contributions should not be sought on housing developments of less than 10 houses.

The latest government guidance would take precedence and it would not be appropriate to seek a contribution towards public open space.

### *Drainage*

There have previously been issues of water run off down Southern Avenue following heavy rainfall and a condition is recommended to require a scheme of surface water drainage to be approved and implemented, to deal with discharge of additional surface water.

### *Ecology / Trees*

When the previous applications were considered the site was overgrown and contained vegetation and shrubbery. A condition requiring an ecology survey was imposed.

However, the site has recently been cleared of all vegetation and is very unlikely to have any ecological value. It would not now be appropriate to include a condition requiring a survey to be carried out.

### **Recommendation:**

The proposal satisfies local and national policies and is in line with the previous appeal decision and subsequent renewals.

It is recommended that outline planning permission is granted subject to the following conditions:

### **Conditions**

1. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (the reserved matters) shall be obtained from the local planning authority in writing before any development starts.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
5. Construction works shall not take place in connection with the development, outside the hours of 0800 hours to 1800 hours Mondays to Fridays and 0800

hours to 1300 hours on Saturdays and no works shall take place on Sundays or Bank Holidays.

6. No development hereby approved shall start until a scheme for the disposal of surface waters, based on sustainable principles, has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
7. No development shall start until a scheme detailing the improvements to the junction of Southern Court with Ightenhill Park Lane and the resurfacing of Southern Court has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not start until the scheme has been implemented in accordance with the approved details.

### **Reasons**

- 1-4 Imposed pursuant to Section 92 of the Town and Country Planning Act 1990. The application is in outline only and does not contain complete details of the proposed development.
5. To protect the amenities of nearby residents, in accordance with Policy GP7 of the Burnley Local Plan, Second Review.
6. To prevent the increased risk of flooding and to prevent pollution of controlled waters in accordance with policies E8 and E9 of the Burnley Local Plan, Second Review.
7. In the interests of highway safety having regard to Policy GP1 and H3 of the Burnley Local Plan Second Review.

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# Part One Plan

# Agenda Item 6d

Housing & Development  
19 Parker Lane

Ref.

APP/2018/0113

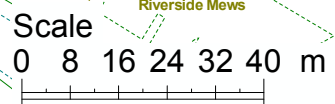
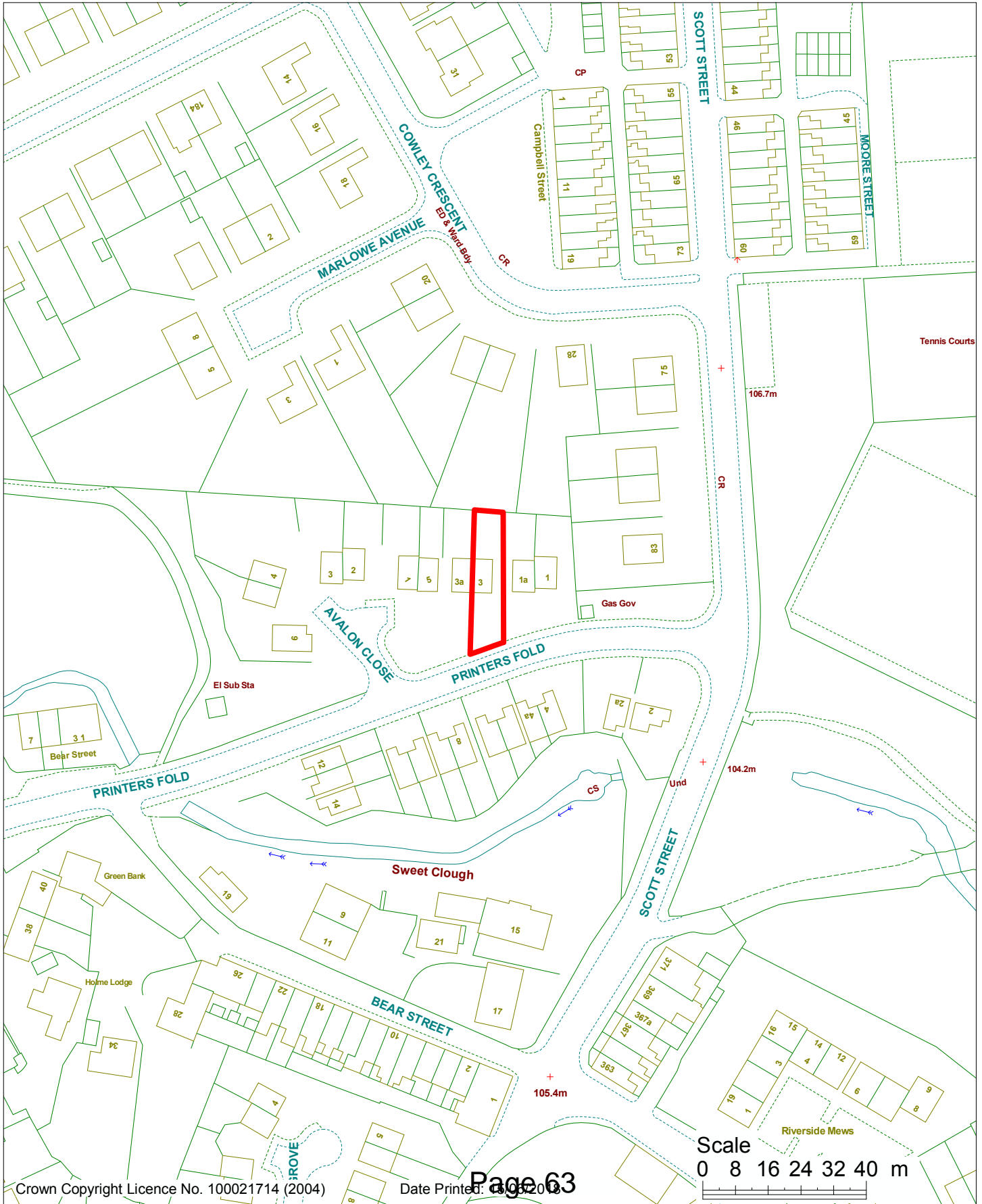
Paul Gatrell Head of Housing and Development

Location:



## 3 Printers Fold, Burnley

1:1250



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**Application Recommended for APPROVAL**

**APP/2018/0113**

Gawthorpe Ward

Full Planning Application

Proposed two storey extension to side and rear, and single storey to rear of dwelling  
3 PRINTERS FOLD, LOWERHOUSE, BURNLEY

**Background:**

The proposal seeks planning permission for a 2 storey side extension and a single storey rear extension to this semi-detached property, include an additional off-road parking space in the front garden area.



An objection has been received.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

H13 – Extensions and Conversions of Existing Single Dwellings

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

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS5 – House Extensions and Alterations

*(The document has been submitted to the Secretary of State, no objections were received on respect of Policy HS5, which is now considered to carry significant weight)*

**Site History:**

No relevant history

**Consultation Responses:**

LCC Highways: I refer to my previous email in which I raise concerns about the proposal for the additional 3<sup>rd</sup> parking space put forward by the applicant and our subsequent telephone conversation. When taking all the factors into consideration and the nature of the local road network, I am prepared to accept the development with the 2 existing off-street parking spaces.

Objection received from residents at 1a Printers Fold, concerning the real element of the proposal:

- Significant overshadowing
- Visual intrusion
- Excessive & Overbearing

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

*The main issues for consideration in the determination of this application include:*

- *The principle of development*
- *Design & Impact*
- *Impact upon neighbouring amenity*

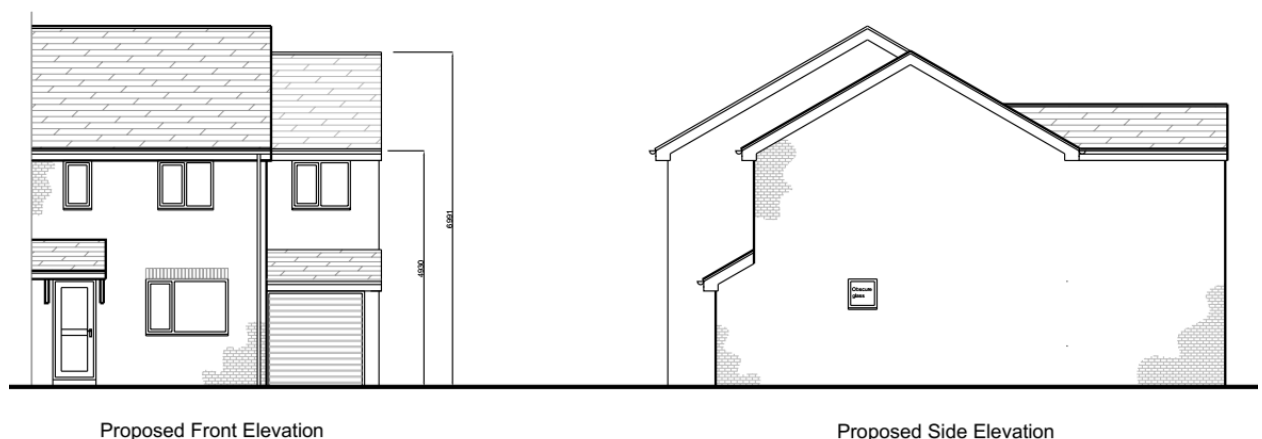
### **Principle of development**

An extension within the curtilage of an existing dwelling is acceptable in principle

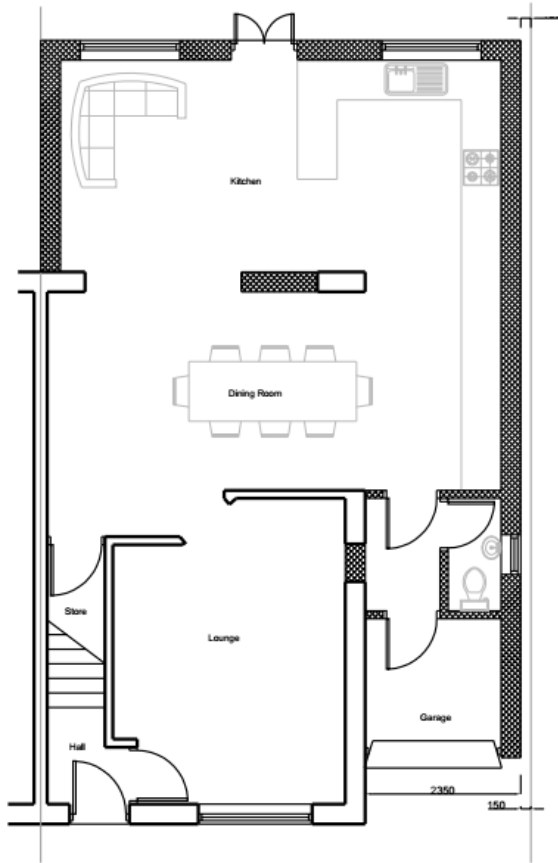
The proposal is considered to be proportionate to the main dwelling and for the reasons outlined below it is considered that on balance the proposal should be accepted

### **Design and Impact**

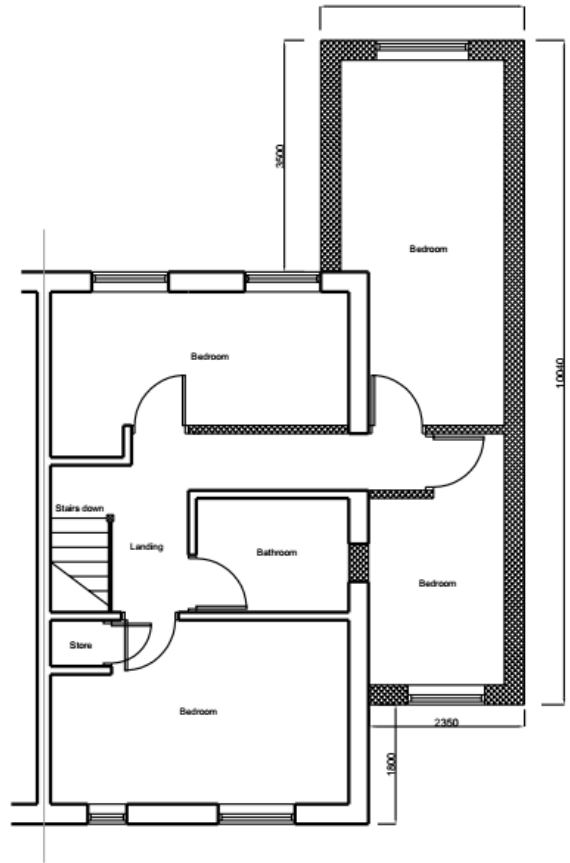
The design of the original submission was not considered to be acceptable as it was excessive in scale to the front elevation and represented an incongruous addition to the host property. Following the revised plans and assessing the proposal against the relevant criteria the two storey side extension is now seen to be subservient to the main dwelling house.



The proposed side extension would have the eaves height of the main dwelling and ridge height set lower. It would be set back from the front elevation by 1.8m and would be set in from the boundary 150mm. Due to lower height of the roof and the set-back; the extension would appear subordinate to the host property. The design of the roof is therefore considered acceptable. As such the development does not significantly interrupt the regular built rhythm of the road and thereby does not appear incongruous, when seen in relation to properties across the road in particular.



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Rear Elevation

The extension would wrap around towards the rear and the single storey element would project 3.3m from the main rear elevation. The single storey would replace the  
**Page 67**

existing conservatory and it has been noted that it could be constructed under the Prior Approval for Larger Homes Extension.

Materials utilised would be used to match the existing property, which is acceptable.

### **Impact upon neighbouring amenity**

The rear element would maintain an appropriate distance of 4.2m between the neighbours (No.1a) conservatory which is typically expected with extensions to the rear. The 45 degree rule test has been applied from the ground/first floor windows of No.1a and the extension remains within the limits from having any unacceptable impact. The residents of this neighbouring property will notice the additional height and depth of the proposal however, the distance between habitable room windows and the proposed two storey extension and the lower roof height reduces the harmful impact on this property. The proposal is therefore not considered to impact on this neighbouring property in terms of loss of light, being overbearing and visually dominant and is in accordance with policy.



The single storey is acceptable and therefore not considered to impact either neighbouring property in terms of loss of privacy, visual dominance or overbearing effects.

### **Impact on highway**

The proposal would increase the number of bedrooms from 3 to 4 at the dwelling and after subsequent discussions with the Highway Authority, the 3rd parking spaces is not required based on the road network to this section of Printers Fold. Based on this, the existing vehicular access from the highway will be used. Therefore there are no highway safety concerns raised for the proposal.

### **Conclusion**

On the basis of the assessment set out above, it is considered that the works proposed are suitably designed and would not have an unacceptable impact on residential amenity and highway safety. As such it is in accordance with the provisions of the NPPF and Local Plan Policies and planning permission should be granted.

### **Recommendation:**

That planning permission be granted subject to the following conditions

### **Conditions:**

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:  
***Drawing Number PF 01, received 17 May 2018***  
***Drawing Number PF 02, received 17 May 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.

*A Ahmed*  
*June 2018*

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# Part One Plan

Housing & Development  
19 Parker Lane

# Agenda Item 6e

Ref.

**APP/2018/0171**

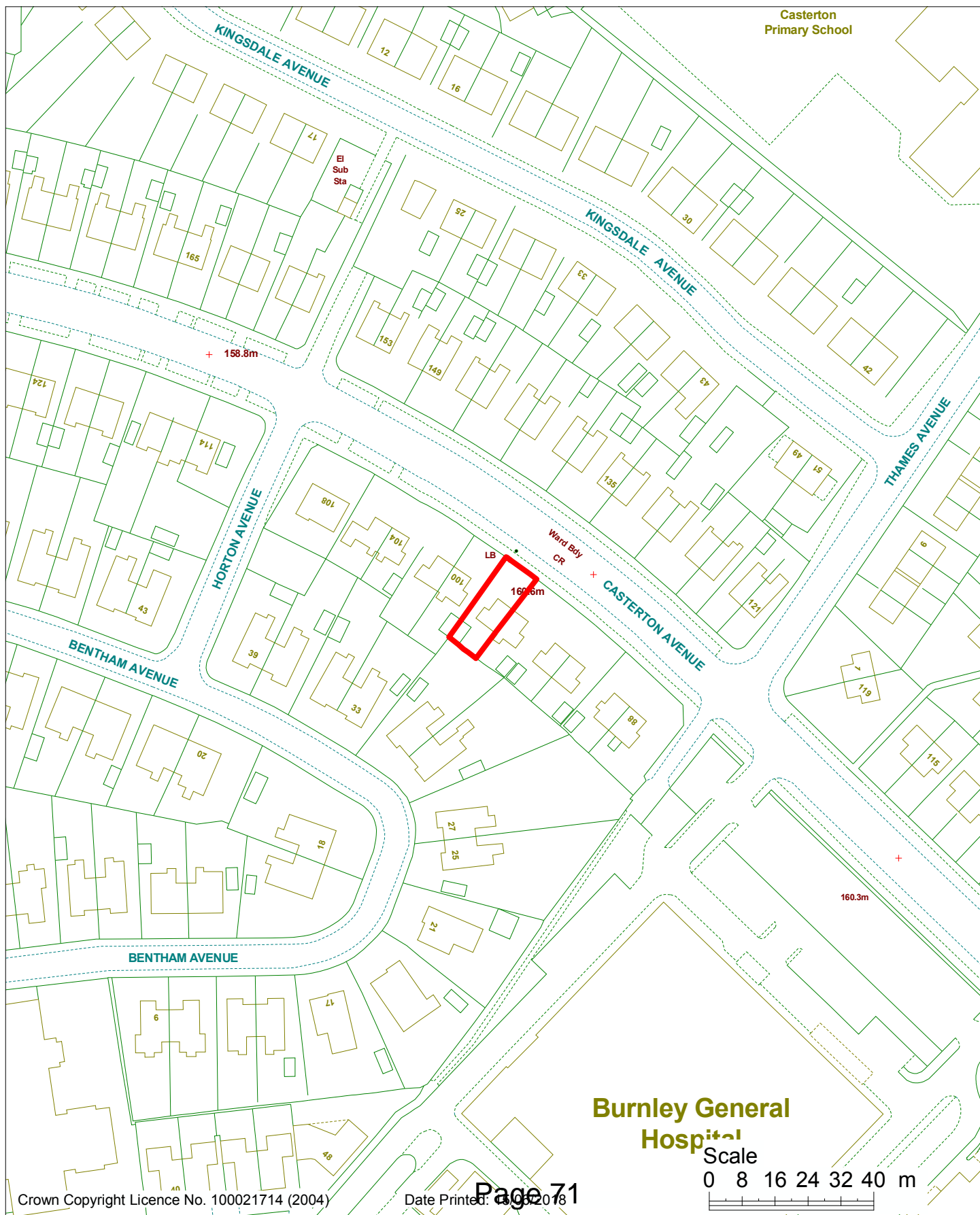
Paul Gatrell Head of Housing and Development

Location:



**98 Casterton Avenue, Burnley**

**1:1250**



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**Application Recommended for APPROVAL**

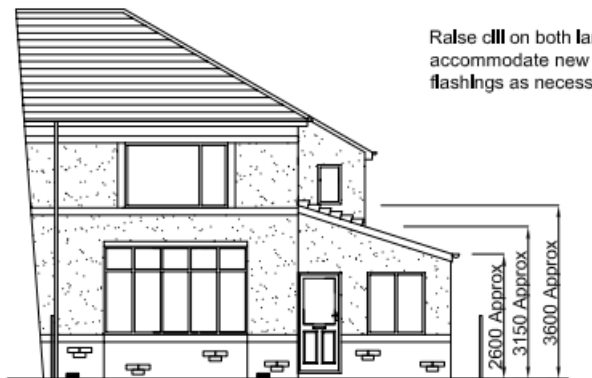
**APP/2018/0171**

Queensgate Ward

Full Planning Application  
Proposed single storey extension  
98 CASTERTON AVENUE, BURNLEY

**Background:**

The proposal seeks planning permission for a single storey side/rear extension to this semi-detached property. The existing garage located towards the rear of the driveway is intended to be demolished.



**PROPOSED FRONT  
ELEVATION**

Objections have been received.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

H13 – Extensions and Conversions of Existing Single Dwellings

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

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

## HS5 – House Extensions and Alterations

*(The document has been submitted to the Secretary of State. No objections were received in respect of Policy HS5, which is now considered to carry significant weight)*

### **Site History:**

No relevant history

### **Consultation Responses:**

#### LCC Highways Burnley:

*Whilst the application makes no reference to the parking provision, following a site visit there is considered to be room for the parking of 2 vehicles, as required under the parking standards. Should any parking alteration to the off street parking arrangements be made the ability to enter and leave in a forward gear be considered.*

#### Objection received from 96 Casterton Avenue:

- Overlooking
- Drainage/fumes/smell issues
- Changed appearance to property

#### Objection received from 31 Bentham Avenue:

- Overlooking into garden area
- Infringement on privacy

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

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

*The main issues for consideration in the determination of this application include:*

- *The principle of development*
- *Design and impact*
- *Impact upon neighbouring amenity*

### **Principle of Development**

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

### **Design and Visual Impact**

The single storey side extension to the property is considered to introduce a large addition to the property, which will provide a study room and en-suite bedroom. This will increase the existing floor space and allow for spacious accommodation. The sloping roof design would not harm the visual appearance and considering the size of the extension it would not have a detrimental impact in terms of the creation of an over dominant addition.

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

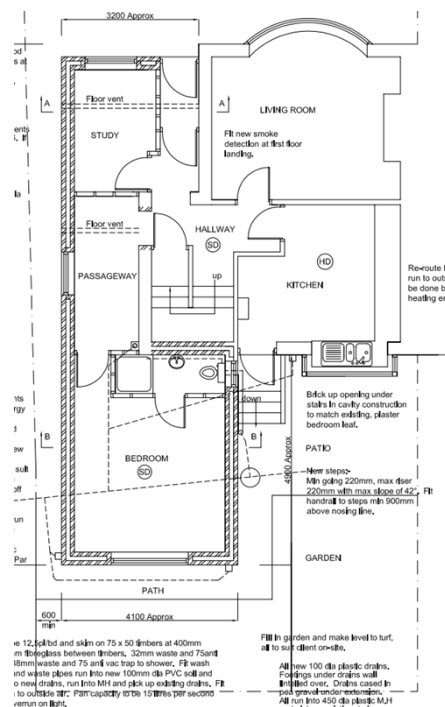
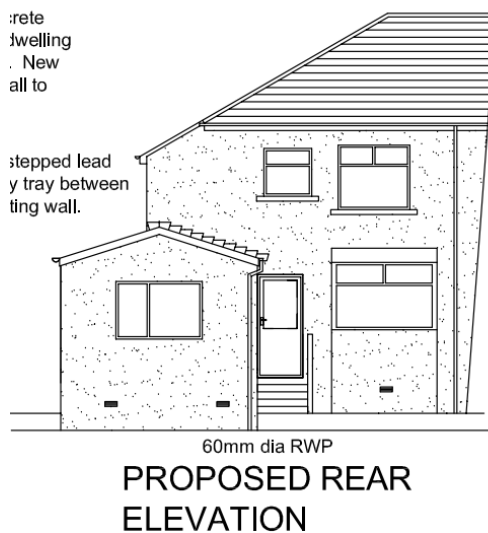
Materials utilised would be used to match the existing property, which is acceptable.

## Amenity impact

The proposed extension would be set in 600mm from the boundary wall and adequate distance would remain between the adjacent dwelling. The proposals size and mass does not have a detrimental impact on the residential amenity for occupiers of the dwelling to this side.

A passageway window is proposed to the side elevation which causes no concerns and in this regard to the existing circumstances along this elevation would not alter significantly. The window to the rear of the bedroom does not have a direct view of any habitable rooms and therefore would not have a detrimental impact from overlooking into the adjacent dwelling.

The rear element of the extension would be built parallel to the adjacent garage and set away from the adjoining boundary by 4.2m. The adjoining dwellings kitchen is located to the rear and since this is not regarded as a habitable room, the impact would be negligible. The property to the rear is located at a distance more than 15m and therefore the proposal is not considered harmful to this neighbouring property as the distance maintained is adequately acceptable.



The proposed single storey extension is therefore not considered to impact either neighbouring property in terms of loss of privacy, visual dominance and overbearing effects.

### **Parking and highway safety**

There is adequate off-street parking provision on the drive to serve the dwelling. An additional bedroom space is being created and there would be adequate off street parking retained at the site.

### **Conclusion**

Having had regard to the above it was considered that development in the manner proposed would not adversely affect the appearance of the host dwelling nor would it have a major detrimental impact on the amenities of neighbouring properties.

### **Recommendation:**

That planning permission is granted subject to the following conditions.

### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

***Drawing C.A98/5, received 05 April 2018***

***Drawing C.A98/1B, received 29 May 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.

*A Ahmed  
June 2018*

Housing & Development  
19 Parker Lane

Ref.

**APP/2018/0214**

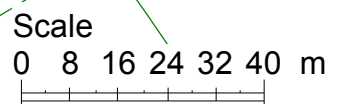
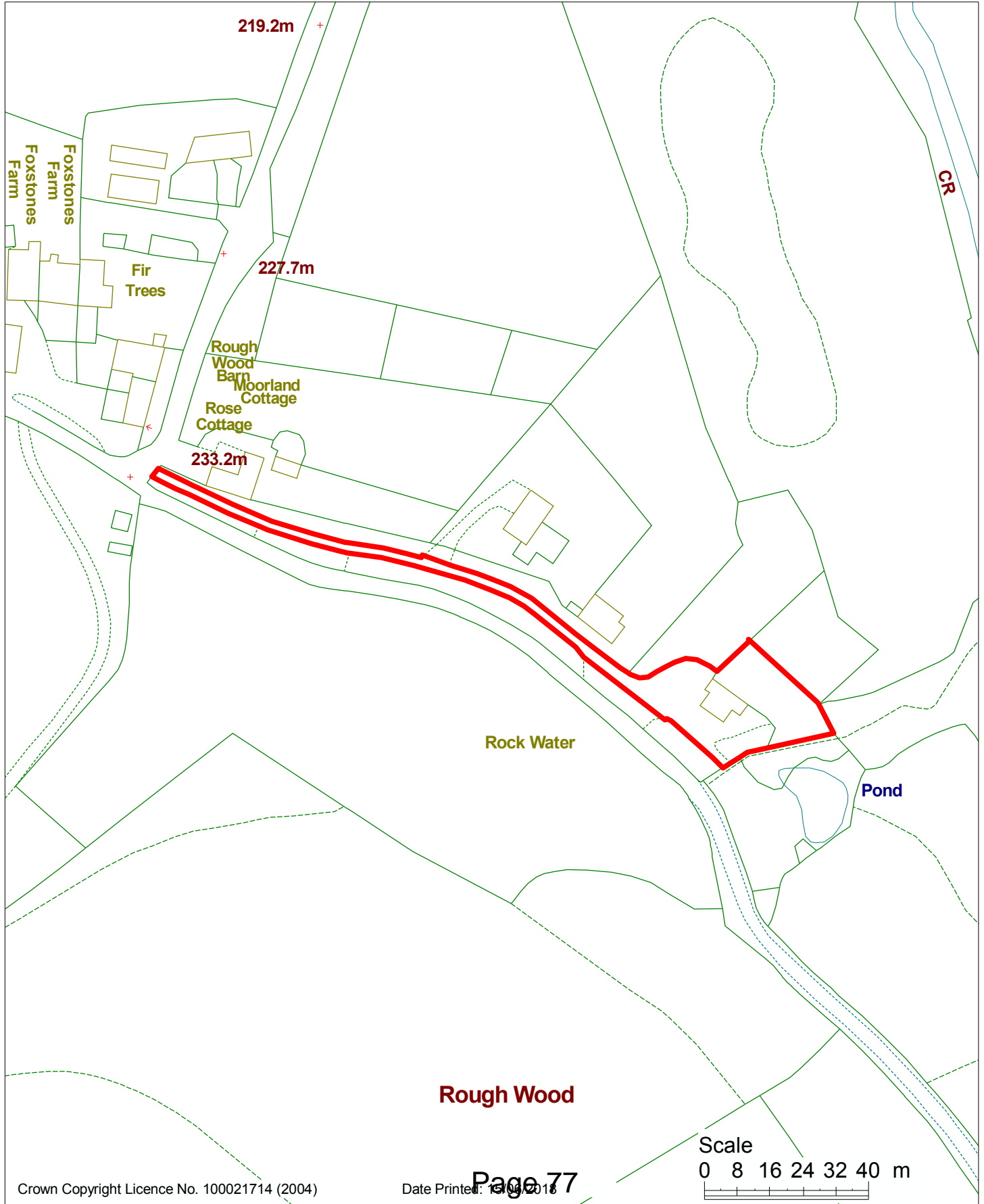
Paul Gatrell Head of Housing and Development

Location:



## Rockwater, Foxstones Lane, Burnley

1:1250



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## Application Recommended for Delegation

APP/2018/0214

Cliviger with Worsthorne Ward

Reserved Matters Application

Details of layout, scale, appearance and landscaping following outline planning permission APP/2014/0434

ROCKWATER FOXSTONES LANE BURNLEY

### Background:

The proposal is referred to Committee as one of the applicants is a member of Burnley Borough Council staff.

Outline Planning Permission was granted for a two storey, four bedroomed dwelling, including means of access, in May 2015, following consideration by Development Control Committee in December 2014. The current application is for the approval of the matters reserved under the outline permission and includes details of the layout, scale, appearance and landscaping of the site.

The site is within the former Rockwater Bird Park which closed to the public several years ago. The original permission for the Bird Park included the provision of a mobile home for use in connection with the Bird Park. A condition was imposed restricting occupancy of the mobile home to workers or former workers of the Bird Centre or those working in agriculture in the locality or widows or widowers and any resident dependants.

When an application for a bungalow to replace the mobile home was granted in 2002, with the same restriction on occupancy, the mobile home was required to be removed within three months of the first occupation of the bungalow.

The bungalow permission was implemented but the building is not yet complete. The mobile home is still occupied by the original owners of the Bird Centre.



Existing mobile home showing car parking area and landscaped areas.

Following the closure of the Bird Park to the public, the conditions restricting occupancy of the bungalow were removed. This was because the permanent occupation of the mobile home had become a lawful residential use, as it was outside the 10 year period for enforcement action to be taken for its removal resulting in the site benefitting from a permanent residential use without restriction.

In 2014, an outline application for one additional dwelling was granted by Development Control Committee. It was granted on the basis that the four holiday lets which were approved on the site in 2010 would not go ahead and the new property would be on the site of the existing mobile home. Members felt that there would be less impact on the highway and on the landscape in these circumstances.

The outline permission granted included means of access and the current reserved matters application subject of this application seeks approval for the layout, scale, appearance and landscaping. The access will remain as existing via Foxstones Lane.

An objection from the Parish Council has been received.

**Relevant Policies:**

National Planning Policy Framework (March 2012) (NPPF)

Burnley Local Plan Second Review

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt  
E3 – Wildlife Links and Corridors  
E5 – Species Protection  
GP1 – Development in the Urban Boundary  
GP2 - Development in the Rural Areas  
GP3 – Design and Quality  
H3 – Quality and Design in new housing developments  
TM15 – Car parking standards

Burnley Local Plan Submission Document July 2017

SP1 – Achieving Sustainable Development  
SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
HS4 – Housing Developments  
NE1 – Biodiversity and Ecological Networks  
NE3 – Landscape character  
NE4 – Trees, hedgerows and Woodland  
IC3 – Car parking standards.

**Site History:**

<u>12/88/0955</u>	Use of land for bird and ornamental fowl park incorporating children's farm and aviaries and erection of a mobile home: Granted
<u>12/91/0842</u>	Retention of existing layout of buildings including use of mobile home as classroom education centre/ ta room in connection with bird park - granted.



<u>12/91/0843</u>	Outline application for the erection of one dwelling for use in connection with the bird park including details of siting and means of access: Granted
<u>12/94/0531</u>	Erection of dwelling: Granted
<u>APP/2002/0133</u>	Erection of bungalow including details of siting and means of access: Granted
<u>APP/2003/0532</u>	Erection of bungalow (Reserved Matters): Granted
<u>APP/2006/0863</u>	Variation / removal of conditions relating to the removal of the temporary dwelling and restriction on the occupancy – permission refused
<u>APP/2007/0265</u>	Amendment of Condition: Granted.
<u>APP/2010/0346</u>	Proposed erection of four holiday lets – permission granted.
<u>APP/2014/0434</u>	Erection of two storey 4 bed dwelling including means of access and including removal of existing mobile home – outline planning permission granted.

### **Consultation Responses:**

- 1 Cliviger Parish Council – object to the proposal on grounds of over development.

*The principle of the development has already been established by the grant of outline planning permission.*

- 2 The Coal Authority – The development site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application, specifically historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth. As there are no recorded coal mining features present at the surface which could influence the spatial arrangement of the development the Coal Authority raises no objection to the current reserved matters proposal, but wishes to review the proposal when an investigation and scheme for remediation of the coal mining legacy has been submitted to the local planning authority.

*A condition is included on the outline permission requiring a scheme detailing appropriate intrusive site investigation works and any necessary remediation measures to be submitted and approved. Any measures identified should be implemented before the building is occupied.*

## **Planning and Environmental Considerations:**

The principle of the development is already established by the outline planning permission granted in May 2015. The current application seeks approval for the details of the development, including the layout, scale, appearance and landscaping of the site.

### Layout of the site



Existing site layout



Proposed site layout

The site is proposed to be laid out in a similar way to the existing layout with the building on the footprint of the existing mobile home, which will be removed. The building would be orientated to take advantage of the sunlight, the views across the valley and to provide an element of privacy from the adjacent highway.

The car parking area will be to the front of the building and there would be adequate amenity space around the dwelling.

No other residents would be affected in terms of privacy or outlook.

The layout of the site is acceptable and reflects the outline permission.

### Scale

The outline permission was granted for a two storey four bed roomed house and the scale of the development reflects this.

The new dwelling would be larger in scale than the existing two-bedroomed mobile home but having regard to other buildings and dwellings along Foxstones Lane, the scale would not be out of keeping.

### Appearance

The dwelling would be constructed in traditional materials of stone and slate. It would be designed in simple style with a pitched roof and vertical emphasis to the windows and elevations.



## Elevations of Proposed Dwelling

The proposed is acceptable in terms of appearance and it would have elements of traditional building in the locality.

### Landscaping

The site is already very well landscaped and screened from the surrounding area. It is proposed to retain the existing landscaping and only minor works of pruning to some of the trees will be carried out. There is no need to require additional planting on the site.

It would be appropriate to require the protection of the existing trees within the site during the construction phase to maintain the landscape cover.

### Other matters

#### *Ecology*

An ecological appraisal has been submitted with the application which included a full botanical survey of the site, surveys to establish whether or not bats, amphibians, nesting birds and badgers were present on the site or would be affected by the proposals.

This sets out that:

- The plant species recorded at the site are all common to the local area and considered to be of low ecological value.
- No evidence of the use of the site by roosting bats was recorded during the survey and there is scope within the site to provide new roosting provision when the dwelling has been constructed.
- A pond within the site was considered to have poor suitability as a habitat for great crested newts although precautionary mitigation will be undertaken during the course of the development.
- A check for nesting birds will be undertaken before demolition or vegetation clearance takes place between March and September.

The response of the Council's ecology adviser will be reported to the meeting.

## **Summary**

The reserved matters application is acceptable in terms of layout, scale, appearance and landscaping and in line with the policies of the local plan.

The layout is acceptable for the site and provides adequate car parking provision and private amenity space. The scale and appearance of the proposals reflects other properties in the locality and is of appropriate materials and design. The landscaping of the site is already well established and there is no need for further landscaping provision apart from the protection of trees within the application site.

The ecology appraisal does not identify any ecology features which would be adversely affected. The ecological response of the Council's advisers will be reported to the meeting.

## **Recommendation:**

That the Committee be minded to approve the application subject to the comments of the Council's Ecology Adviser and delegate the Head of Housing and Development Control to grant planning permission subject to the following conditions and any additional conditions recommended by the Ecology Adviser.

1. The development must be begun within two years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 5587-E00A (Location Plan); 5587-E01A (Site Plan); and 5587-P01A (Site Plan, floor plans and elevations).
3. The development shall be carried out in full accordance with the recommendations of the submitted Ecological Appraisal (Envirotech report reference 4591, version 2, dated April 18).
4. No development shall start until any trees and shrubs within the site edged red are adequately protected from injury or damage prior to or during the development works to the satisfaction of the local planning authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and no excavations, site works, trenches or channels should be cut or services laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or shrubs.

## **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 any ecological impacts of the development are adequately mitigated in line with Policy E5 of the Burnley Local Plan Second Review.
  4. To ensure trees and shrubs are not damaged during construction works having regard to Policy E6 of the Burnley Local Plan Second Review.
- *A note drawing attention to the need to comply with the condition on the outline application relating to a coal mining investigation will be included on the decision notice.*

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Housing & Development  
19 Parker Lane

Ref.

## APP/2018/0255

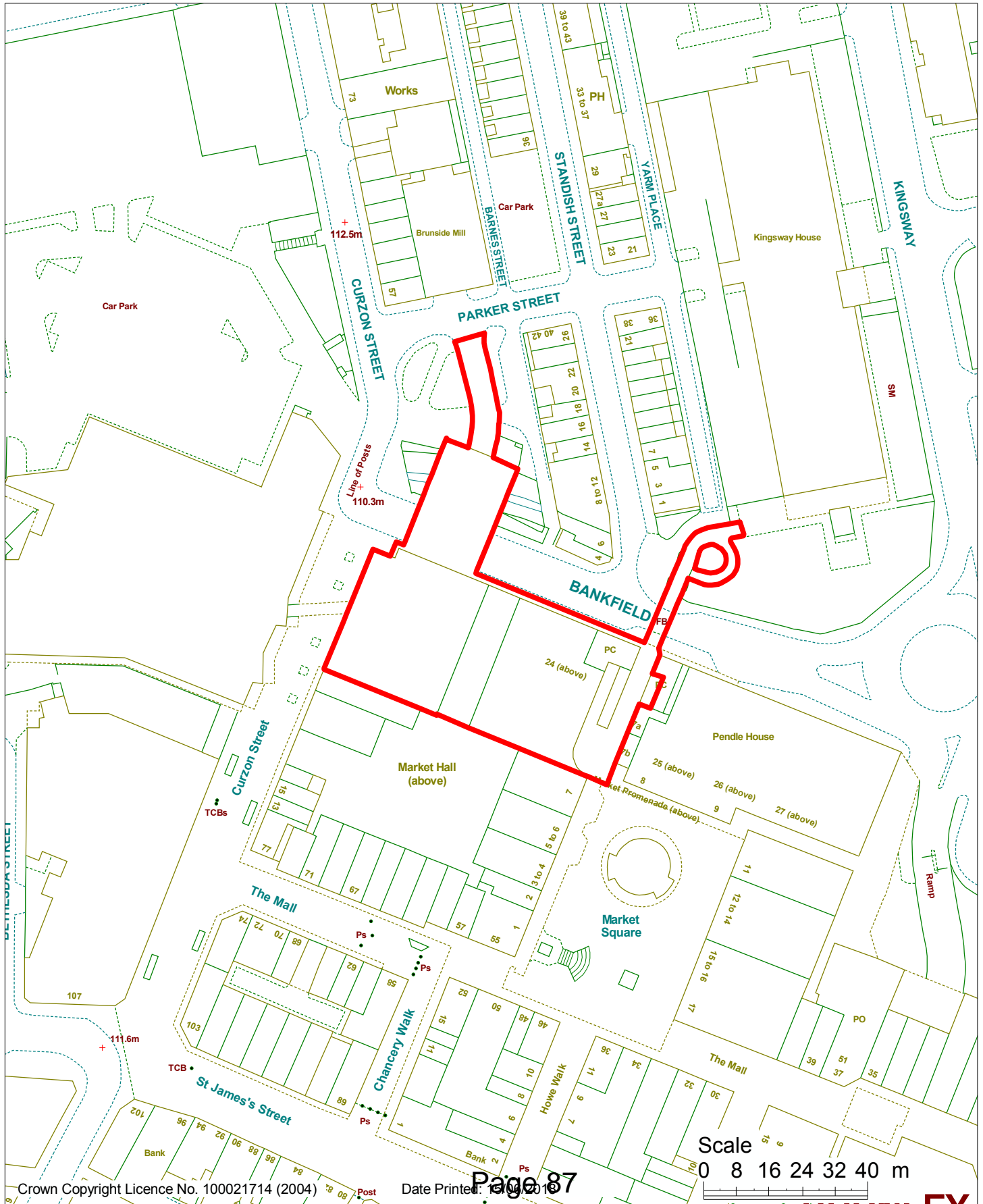
Paul Gatrell Head of Housing and Development

Location:



## Former Open Market & Cinema, Curzon Street, Burnley

1:1250



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Full Planning Application

Reinstatement works including new cladding, new roof system, new staircase and landscaping

FORMER OPEN MARKET & CINEMA CURZON STREET BURNLEY

**Background:**



Bankfield elevation -before



Bankfield elevation - after



Curzon St / Bankfield corner – before



Curzon St / Bankfield corner – after

The application is referred to Committee because the applicant is Burnley Borough Council.

The proposal relates to the reinstatement works following demolition of the former open market, cinema, access ramp and pedestrian footbridge in the town centre.

Prior Approval has already been granted for the demolition works in 2017 and a current revised application is under consideration at the present time.

The reinstatement works are relatively minor and include:

- the cladding of the existing concrete parapet beam edge and exposed areas following demolition, including the continuation of the cladding onto the Curzon Street elevation.
- New roof and glazed panelling to the end and side of the existing pedestrian ramp providing access to the upper floor of Market Square
- A new fire escape staircase.

## **Relevant Policies:**

National Planning Policy Framework (NPPF)

Burnley Local Plan Second Review

BTC1 -Main shopping area of Burnley Town Centre

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

Burnley Local Plan Submission Document July 2017

SP1 – Achieving Sustainable Development

SP5 – Development Quality and Sustainability

TC2 – Development within Burnley and Padiham Town Centres

## **Site History:**

NOT/2017/0592 – Demolition of former open market and cinema – prior approval granted

NOT/2018/0254 – Demolition of former open market and cinema – current application

## **Consultation Responses:**

The consultation period expires on 3 July 2018. No responses have been received to date.

## **Planning and Environmental Considerations:**

The principle of demolition has already been approved. The current application seeks to treat and reinstate the exposed areas following demolition and improve the external appearance of the building from Bankfield and Curzon Street.

The proposed cladding to Bankfield and Curzon Street will be raised slightly above the existing beam to screen remaining plant /equipment and provide an anti-fall edge to the remaining roof following demolition. There would be a rainscreen cover to the plant/equipment behind the parapet which will not be visible from Bankfield and only slightly visible from Curzon Street.

The new fire escape will be at first floor level and partially visible from Bankfield.

Following demolition, the pedestrian ramp access leading up to the first floor will be open and it is likely that it will be enclosed in some way, e.g. by a new roof and / or glazed panelling.

Until the buildings are demolished and the structural requirements are fully understood it is not possible to finalise all of the details and there may be some alterations to the proposal following the demolition.

It is proposed to use cladding which reflects the existing character and appearance of the more recent developments within Charter Walk. It would be appropriate to impose a condition which required precise details of the cladding to be approved before its use in development.

Policy GP3 of the adopted Local Plan sets out that development will be permitted which would make a contribution to Burnley's distinctive character and be of good design and quality. The rear of the Charter Walk shopping area is unattractive at present and the reinstatement works following demolition will enhance the building and make a positive contribution to the wider area, in line with the aims of the policy.

**Recommendation:**

That members be minded to approve the development and that the Head of Housing and Development Control be authorised to grant planning permission at the end of the consultation period (3 July 18), subject to the following conditions:

**Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Scale 1:1000; Site Plan, Scale 1:1000; Drawing No. E12150/1 and E12150/2 received 30 May 2018.
3. Precise details of the external cladding and all external materials to be used in the development shall be submitted to and approved in writing by the local planning authority before they are used in the development.

**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 a satisfactory appearance having regard to Policy GP3 of the Burnley Local Plan Second Review.

CMR  
15/06/2018

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

28<sup>th</sup> June 2018

Housing and Development

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## **Delegated Decisions from 14/05/18 to 10/06/18**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Express Consent to Display an Advertisement</b>		
<b>Advert Consent Granted</b>		
APP/2018/0134	BUS SHELTER OPP HAYDOCK STREET BRIERCLIFFE ROAD BURNLEY	Display of digital advertising panel
APP/2018/0135	BUS SHELTER OUTSIDE 318 COLNE ROAD BURNLEY BB10 1ED	Display of digital advertising panel
APP/2018/0136	BUS SHELTER JUNCTION HALLWELL STREET COLNE ROAD BURNLEY	Application to replace existing panel photo sign to single sided digital advertising panel internally illuminated
APP/2018/0137	BUS SHELTER 151 COLNE ROAD BURNLEY	Display of single sided digital, internally illuminated advertising panel on the bus shelter
APP/2018/0142	BUS SHELTER OUTSIDE 46 MANCHESTER ROAD BURNLEY	Display of digital advertisement panel
APP/2018/0143	BUS SHELTER 216-218 COLNE ROAD BURNLEY	Display of digital advertisement panel
APP/2018/0155	13 CHANCERY WALK BURNLEY BB11 1PZ	Display of 1no. externally mounted fascia sign and 1no. externally mounted projecting sign (both internally illuminated)

### **Full Planning Permission Granted**

APP/2018/0157	105-107 COAL CLOUGH LANE BURNLEY BB11 4NW	Retention of the display of an automated teller machines, associated, illuminated signage
APP/2018/0168	290 290A COLNE ROAD BURNLEY BB10 1DZ	Display of internally illuminated fascia sign

### **Compliance with conditions**

#### **Conditions discharged**

APP/2018/0242	FORMER GRAMMAR SCHOOL BANK PARADE BURNLEY BB11 1UF	Compliance with conditions 3,4 and 5 on planning permission APP/2018/0034 relating to window details, highway access and air conditioning units.
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### **Full Planning Application**

#### **Full Planning Permission Granted**



## Delegated Decisions from 14/05/18 to 10/06/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0453	133 ST JAMESS STREET BURNLEY BB11 1PP	Change of use of former Garden Bar to form 6no. retail units at ground floor level and conversion of first floor to provide 3no. self-contained apartments (Minor material amendment to scheme approved under APP/2015/0094 in order to amend the size of units and incorporate alterations to shop fronts).
APP/2018/0014	BARN HURSTWOOD LANE WORSTHORNE-WITH-HURSTWOOD	Conversion of barn into holiday accommodation
APP/2018/0131	129 DUKE OF YORK COLNE ROAD BURNLEY BB10 1DU	Minor material amendment to alter roof and add rooflights (in reference to planning permission APP/2017/0140)
APP/2018/0138	23 ST LEONARDS STREET PADIHAM BB12 8HS	Proposed rear single storey extension
APP/2018/0149	41 ROSSENDALE AVENUE BURNLEY BB11 5HF	Single storey extension to side and rear
APP/2018/0150	7 TOWN HILL BANK PADIHAM BB12 8DH	Single storey/2 storey extension to rear
APP/2018/0152	122 COAL CLOUGH LANE BURNLEY BB11 4NJ	Installation of stair lift with raised landing, new pedestrian access and railings.
APP/2018/0154	12 MERECLOUGH THE LONG CAUSEWAY CLIVIGER BB10 4RL	Proposed demolition and reconstruction of garage with store
APP/2018/0156	105-107 COAL CLOUGH LANE BURNLEY BB11 4NW	Retention of an automated teller machine
APP/2018/0158	15 DRAMMEN AVENUE BURNLEY BB11 5EA	Proposed rear first floor extension above the existing single storey extension
APP/2018/0161	BANKS BARN SPARRABLE ROW BRIERCLIFFE BB10 3QW	Proposed garage extension
APP/2018/0162	39 CARDIGAN AVENUE BURNLEY BB12 6AU	Proposed two storey extension to side and rear to provide two additional bedrooms on first floor; sitting room and study on ground floor.
APP/2018/0163	5 THIRLMERE ROAD WORSTHORNE-WITH-HURSTWOOD BB10 4HT	Retention of boundary fence
APP/2018/0164	27 HILL CREST AVENUE CLIVIGER BB10 4JA	Proposed front, side and rear extension

## **Delegated Decisions from 14/05/18 to 10/06/18**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0165	48 ORMEROD STREET WORSTHORNE-WITH-HURSTW OD BB10 3NU	Proposed 2 storey extension
APP/2018/0167	290 290A COLNE ROAD BURNLEY BB10 1DZ	Proposed new shop front
APP/2018/0170	524 RED LEES ROAD CLIVIGER BB10 4TD	Erection of front porch
APP/2018/0172	2 BROOKFORD CLOSE BURNLEY BB12 0XH	Proposed single storey extension
APP/2018/0178	CLOW BARN MANCHESTER ROAD DUNNOCKSHAW BB11 5PF	Change of use of agricultural land to form sand paddock for private equestrian use
APP/2018/0182	5 MITTON GROVE BURNLEY BB10 4NY	Proposed single storey extension to rear and rear side of dwelling
APP/2018/0201	35 CLIFTON STREET BURNLEY BB12 0QZ	Proposed change of use from dwelling house to 2no two bedroom flats

### **Withdrawn**

APP/2018/0146	EURO CARS TAXIS 6 PLUMBE STREET BURNLEY BB11 3AA	Variation of Conditions 1 & 2 of APP/2003/0040 to increase number of taxis from 8 to 14 and provide additional off-site parking
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### **Full Planning application**

### **Full Planning Permission Granted**

APP/2017/0541	FORMER EAST LANCASHIRE NEWSPAPERS LTD BULL STREET BURNLEY BB11 1DP	Proposed change of use from offices and carry out alterations, rooftop extension and balustrade to form 13no. apartments and 4no. ground floor retail and commercial units (Classes A1, A2 and nail bar/beauty salon)
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### **Listed Building Application**

### **Conditions discharged**

APP/2018/0243	FORMER GRAMMAR SCHOOL BANK PARADE BURNLEY BB11 1UF	Compliance with conditions 3,4 and 5 on planning permission APP/2018/0035 relating to window details, highway access and air conditioning units
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### **Listed Building Consent Granted**

## **Delegated Decisions from 14/05/18 to 10/06/18**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0132	129 DUKE OF YORK COLNE ROAD BURNLEY BB10 1DU	Minor material amendment to alter roof and add rooflights (in reference to Listed Building Consent APP/2017/0141)

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