

DEVELOPMENT CONTROL COMMITTEE

Thursday, 20th September, 2018
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 20th September, 2018 at 6.30
pm

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

Notice in writing of the subject matter must be given to the Monitoring Officer by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at:

<http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 10

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

To consider reports on planning applications for development permission:

- a) **APP/2018/0080 - Land at Barracks Road, Burnley** 13 - 32
Demolish church buildings and public house and erect petrol filling station with shop and separate café with drive through and improved access from Barracks Road.
- b) **APP/2018/0376 - Phase 4 Station Road Development, Station Road** 33 - 44
Discharge of Condition 6 (materials); 7 (landscaping); 8 (tree protection); 10 (surface water drainage); 11 (contamination); 12 (affordable housing); 13 (public open space); and variation of Condition 14 (approved plans) on Planning Permission APP/2014/0151 as amended by APP/2018/0273
- c) **APP/2018/0304 - Carlton Road, Burnley** 45 - 52
Proposed conversion of dwelling into 3no. apartments
- d) **APP/2018/0392 - Market Hall, Curzon Street, Burnley** 53 - 58
Proposed 3no. extract flues to Market Hall roof
7. **Decisions taken under the Scheme of Delegation** 59 - 70
To receive for information a list of delegated decisions taken since the last meeting.
8. **Appeals and Other Decisions** 71 - 78

MEMBERSHIP OF COMMITTEE

Councillor Arif Khan (Chair)	Councillor Alan Hosker
Councillor Frank Cant (Vice-Chair)	Councillor Mohammed Ishtiaq
Councillor Afrasiab Anwar	Councillor Marcus Johnstone
Councillor Gordon Birtwistle	Councillor Neil Mottershead
Councillor Margaret Brindle	Councillor Mark Payne
Councillor Saeed Chaudhary	Councillor Asif Raja
Councillor Sue Graham	Councillor Jeff Sumner
Councillor John Harbour	Councillor Cosima Towneley

PUBLISHED

Wednesday, 12 September 2018

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 26th July, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, G Birtwistle, M Brindle, S Graham, J Harbour, A Hosker, M Ishtiaq, M Johnstone, N Mottershead, A Raja, J Sumner and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Janet Filbin	– Senior Planner
Alan Rogan	– Senior Planner
David Talbot	– Senior Solicitor
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer

25. Apologies

Apologies for absence were received from Cllr Chaudhary.

26. Minutes

The Minutes of the last meeting held on 28th June 2018 were approved as a correct record and signed by the Chair.

27. 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:

Charlotte Green – APP/2018/0259 – 39 Schoolhouse Fold

RESOLVED

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

28. a APP/2018/0187 303 Queensgate Dental Practice, Colne Road, Burnley

Full Planning Application

Two-storey and single-storey extensions at rear

303 QUEENSGATE DENTAL PRACTICE 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: QDP 20 L 01 (Site Location and Block Plan); QDP 20 E 02 (Existing Plans and Elevations, received 18 April 2018; QDP 20 E 03 Revision A (Proposed Plans); QDP 20 P 03 (Proposed Elevations), received 25 June 2018.
3. Waste/recycling bins shall not be kept on the highway at any time.
4. The external materials of construction (including stone and slate) shall match those of the existing building in colour and texture.
5. The development shall not begin until:
 - a. An intrusive site investigation shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site, assess ground conditions and the potential risks posed to the development by past shallow coal mining activities,
 - b. The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval; and
 - c. The implementation of those remedial works.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. 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.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of highway safety and visual amenity.

4. In the interests of visual amenity, in particular because of the prominent position of the proposed extension.
5. In order to fully assess the coal mining legacy potential of the site, as requested by The Coal Authority.

29. b APP/2018/0258 - 8 Hope St, Worsthorne, Burnley

Full Planning Application

**Demolition and rebuilding of front elevation, alteration to rear elevation, two storey side extension and new stone rear boundary wall
8 HOPE STREET WORSTHORNE 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: 18-05-01, received on 1 June 2018; and, 18-05-11C and 18-05-10C, received on 20 July 2018.
3. The external walls and roof of the development shall utilise the existing natural stone and natural stone slate where applicable and stone and natural stone slate which matches the existing dwelling in terms of its type, size, shape, texture and colour.
4. The proposed car parking shall be constructed, surfaced and available for use prior to the approved extension being first brought into use.
5. The proposed gates fronting Hope Street shall open inwards into the site only and shall not at any time be permitted to cross the adjoining footway.
6. The development shall, prior to the first occupation of the approved extension, provide for the retention or reinstatement of the gable chimney as indicated on the approved plans. The chimney shall thereafter be retained at all times.

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 its impact on the Worsthorne Conservation Area, in accordance with Policies H13, GP3 and

H12 of the Burnley Local Plan, Second Review (2006) and Policies SP5, HS5 and HE2 of Burnley's Local Plan, Submission Document (July, 2017).

4. To ensure adequate parking to cater for the needs of the development, in accordance with Policies H13 and TM15 of the Burnley Local Plan, Second Review (2006) and Policies HS5 and IC3 of Burnley's Local Plan, Submission Document (July, 2017).
5. To prevent an obstruction on the public highway, in the interests of pedestrian and highway safety, in accordance with Policy H13 of the Burnley Local Plan, Second Review (2006) and Policy HS5 of Burnley's Local Plan, Submission Document (July, 2017).
6. To ensure the retention of a feature of the terrace that contributes to the distinctive and special character of the Worsthorne Conservation Area, in accordance with Policy H12 of the Burnley Local Plan, Second Review (2006) and Policy HE2 of Burnley's Local Plan, Submission Document (July, 2017).

30. c APP/2018/0279 - 23 Laburnum Close, Burnley

Full Planning Application

Proposed dormer extensions to front and rear elevations

23 LABURNUM CLOSE 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: PI/02Dwg01, PI/02dwg05 and PI/02Dwg03, received on 13 June 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.

31. d APP/2018/0183 - 44 Groveside Park, Burnley

Full Planning Application

Proposed side extension (to extend the existing garage and create a 1st floor above)

44 GROVESIDE PARK, 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: Location plan received 13 April 18, drawing No: 2018/0052/0001 REV D received 18 June 18.
3. The additional hardstanding area (for off-street parking) shall be completed prior to the occupation of the extension and shall be surfaced with a bound and porous material.

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 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.

32. e APP/2018/0259 - 39 School House Fold, Hapton, Burnley

**Full Planning Application
Single storey extension to rear and side
39 SCHOOL HOUSE FOLD, HAPTON**

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

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos.225/SV02, and 225/SV01 and 225/PL22A received 1 June 18, 225/PL21B received 3 July 18 and 225/PL20B received 5 July 18.

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.

33. f APP/2018/0262 - Bradget Hey Farm, Burnley Road, Cliviger, Burnley

Full Planning Application

**Extension to dwelling to form ancillary living accommodation
BRADGET HEY FARM BURNLEY ROAD CLIVIGER**

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

Conditions:

1. The development shall be completed in accordance with the following approved plans: Proposed elevations and sections (Rev D); Existing Elevations and Layout Plans (Rev E); Roof Plan 1:100 received 6 June 2018.
2. The extension hereby approved shall be used only as ancillary living accommodation for the dwelling.

Reasons:

1. To ensure compliance with the Local Plan and to avoid ambiguity.
2. For the avoidance of doubt to ensure that the extension is not used in connection with a separate trade or business.

34. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 11/06/18 to 08/07/18

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

20th September 2018

Housing and Development

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Housing & Development
19 Parker Lane

Ref.

APP/2018/0080

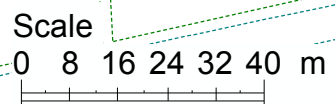
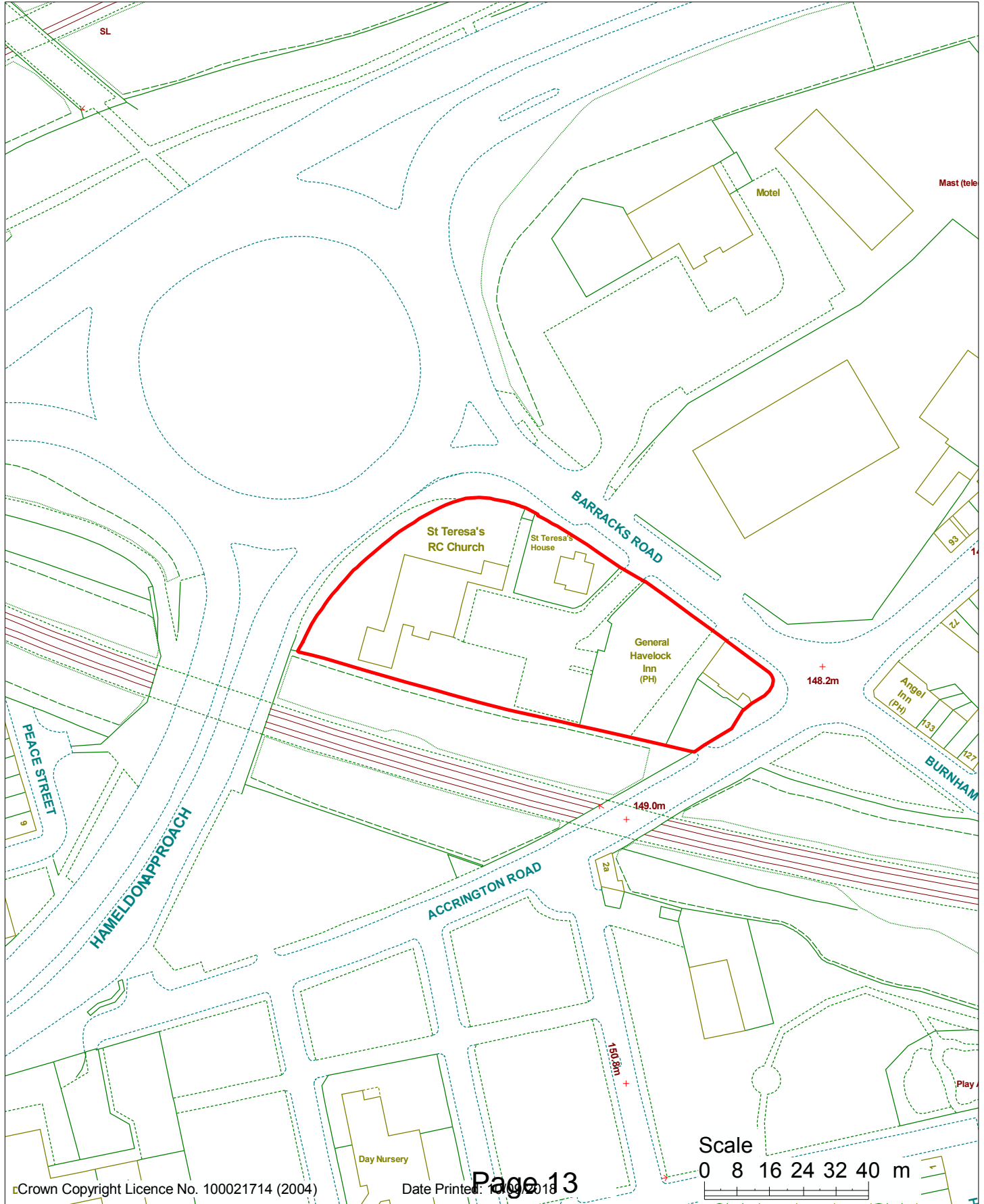
Paul Gattrell Head of Housing and Development

Location:



Land at Barracks Road, Burnley

1:1250



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Application Recommended for Approval

APP/2018/0080

Trinity Ward

Full Planning Application

Demolish church buildings and public house and erect petrol filling station with shop and separate cafe with drive through and improved access from Barracks Road

LAND AT BARRACKS ROAD BURNLEY

Background:

The proposal is to re-develop two adjoining sites amounting to a total of approximately 0.4ha of land; partly occupied by a vacant church and presbytery and partly occupied by the General Havelock, also vacant. The proposal seeks to develop the land as a single site to provide a petrol filling station (sui generis) with shop (Class A1) and a drive-through coffee shop (Class A3). The site fronts Barracks Road between Accrington Road on its east side and the roundabout approach to Cavalry Way and Junction 10 of the M65 on its west side. The south side of the site bounds a railway line and to the north of the site is the Gym and Travelodge hotel.

Church buildings (St Teresa's) seen from the roundabout , Cavalry Way



View of church from within car park



The General Havelock

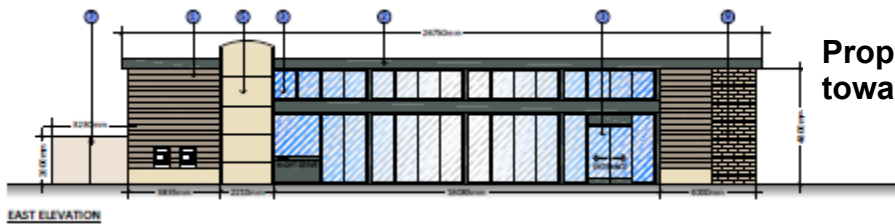


The proposed layout involves improving an existing entrance on Barracks Road and closing other access points, with a pedestrian only access from Accrington Road.

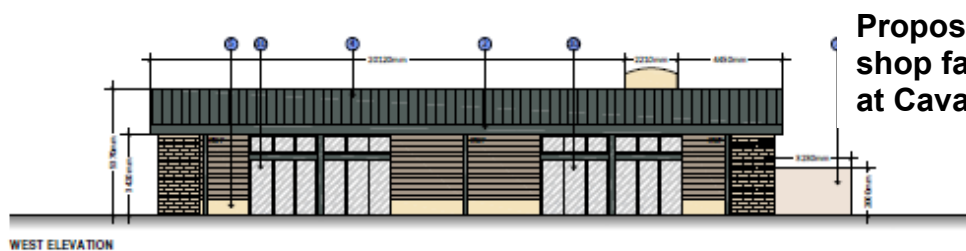
Proposed Site Layout



A petrol filling station (PFS) with a curved canopy over four pumps (to cater for up to eight cars) would be central within the site and would be accompanied by a shop (300sqm) on its west side and a drive-through coffee shop to its east side. The proposed shop would be ancillary to the PFS and be a single storey building with

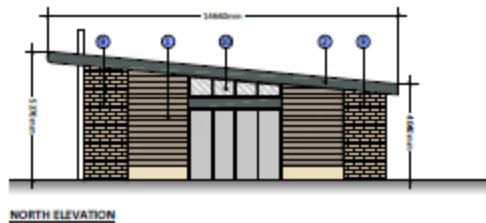


Proposed shop facing towards PFS pumps



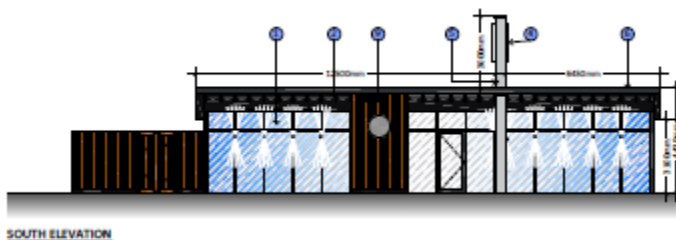
Proposed rear elevation of shop facing the roundabout at Cavalry way

sloping roof, facing principally into the site. The elevations are faced with cladding and glazing to the front; the rear elevation has been improved by the introduction of coated glass screens and stone to the corners. The side elevation facing Barracks Road has also been improved by the addition of full height glazing.

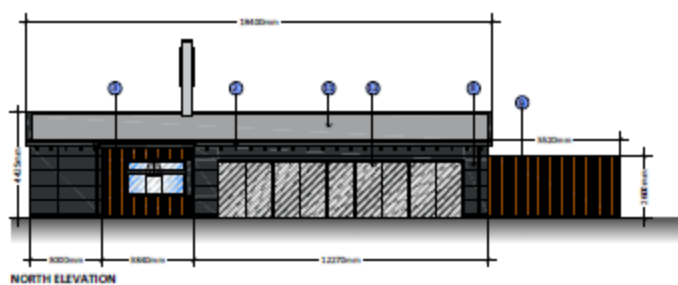


Proposed shop side elevation facing Barracks Road

The proposed shop would have forecourt parking for up to 12 cars and also provide an additional two bays with electric charging points. Cycle parking would also be provided to the side of the proposed shop. A curved canopy over a rectangular base (30m x 9m) would occupy the central part of the site and the proposed drive-through coffee shop with 14 parking spaces and one waiting bay would be sited at the eastern side. The front elevation of the proposed coffee shop would face into the site's car park and a drive-through lane and rear elevation would face towards Barracks Road.



Proposed coffee shop – front elevation facing southwards into car park



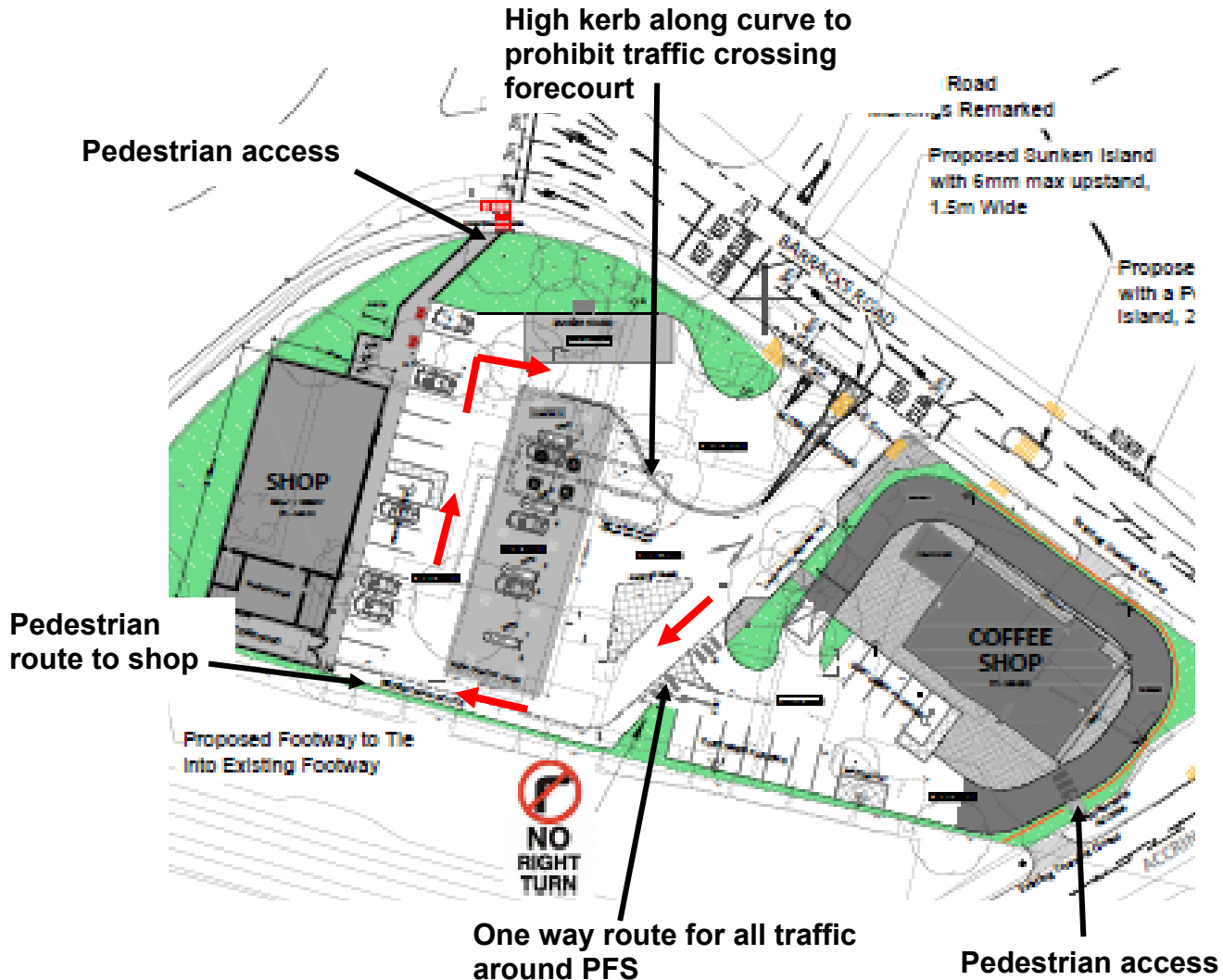
Proposed coffee shop – drive-through elevation facing Barracks Road

The drive-through elevation has been improved by the addition of ceramic coated glazing in lieu of cladding panels to create more visual interest on the roadside elevation. The main materials on the building are dark grey cladding panels, vertical wooden boarding and a light grey laminated membrane to the proposed mon-pitch roof. A solid vertical column would project from the roof to a height of approximately 7.4m which would be used for future signage (this would be subject to a separate application for advertisement consent).

Vehicular access into and out of the site would be from an improved access on Barracks Road. A pedestrian access would also be formed at the northern edge of the site close to the junction of Barracks Road and Cavalry Way and at Accrington Road. A one way route would take all traffic, including traffic from the proposed coffee

shop) around the PFS forecourt; a raised kerb across the forecourt would prohibit traffic from cutting across the forecourt to the exit.

Proposed access and road layout



Minor widening of the carriageway would be required on Barracks Road to facilitate a dedicated left hand only lane at the signalised junction at the roundabout with Cavalry Way. Other off-site works would be required at the site junction, on Barracks Road and Accrington Road. A Safety Audit has been carried out at the request of the local highway authority which refers to various off-site works that are necessary to deal with vehicular and pedestrian safety; this will be referred to later in the report.

The site currently has various individual trees and a group of leylandii trees which have a moderate amenity value. The leylandii and other small groups and individual trees (including five Category B trees) would need to be removed to accommodate the development.

Opening hours for the proposed coffee shop are 6am to 10pm each day; whilst, the hours for the PFS and shop are proposed as 24 hours.

Relevant Policies:

Burnley's Local Plan (adopted 31st July 2018)

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

TC1 – Retail hierarchy

HE1 – Identifying and protecting Burnley's historic environment

HE3 – Non-designated heritage assets

NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC4 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – car parking standards

IC4 – Infrastructure and planning contributions

IC5 – Protection and provision of social and community infrastructure

The National Planning Policy Framework (2018)

Site History:

12/77/0277 – Outline application for erection of church and presbytery with ancillary car parking facilities. Approved July 1977.

12/78/0452 – Reserved Matters: Erection of church and presbytery and ancillary car parking facilities. Approved September 1978.

12/82/0442 – Erection of detached garage and store. Approved September 1982.

APP/2015/0371 - Proposed change of use of car park to form car sale pitch, siting of porta cabin for sales office and erection of boundary fencing. Refused October 2015.

APP/2015/0545 - Change of use of car park to car sale pitch, siting of porta cabin for sales office and erection of boundary fencing (re-submission APP/2015/0371). Approved January 2016.

Consultation Responses:LCC Highways

There have been discussions between the applicant (and their highway consultant) and LCC Highways throughout the application process. Earlier comments received are copied below :-

“The proposal is to erect a petrol filling station with associated convenience shop and a coffee shop with associated drive through. In my initial comments I raised issues relating to the impact of the development on the local network and the internal arrangements of the site. Following a meeting with the applicant's transport consultant further information was submitted in support of the application.

The site is located off Barracks Road (B6239) and is in close proximity to the Barracks Roundabout which forms a dumbbell style junction with all access movements onto the M65 (junction 10 . The Barracks roundabout has 4 arms from

the Barracks Road entry in a clockwise direction these are Hameldon Approach (A679) Cavalry Way (A671) and Westway (A671) . To the north west of the Barracks Roundabout is Gannow Top roundabout. Both Barracks and Gannow Top roundabouts have recently been signalised.

Following recent redevelopment of the mill complexes on nearby Trafalgar Street and the introduction of a traffic calming scheme, Barracks road and the lead in road (Burnham Gate) have assumed a more strategic role in respect of traffic movement in and out of Burnley. As discussed above the proposed development is located at the junction of 3 major roads in / out of Burnley and is in close proximity to the M65 and under such circumstance there is a likelihood that the proposed development will attract an element of diverted traffic from these routes. The application suggests that there will be a large percentage of pass by trips with limited diverted trips. Due to its location I would agree that a large percentage of the trips will be pass by but I would dispute that the pass by trips would be as high as 89% as stated by the applicant which suggests that between 7 – 9% of the trips will be new to the network.

The relevant pass by trips for this development would be those already on Barracks Road and these will have no effect on the current distribution on the network, a visit merely delaying its progress through the network. The pass by trips arriving from the other 3 arms of the roundabout would likely to be diverted trips ie those on the network whose route is altered due to the presence of the facilities being provided. Whilst already on the network the additional turning movements associated with the diversion of the primary trip purpose route will add extra turning manoeuvres and add to existing queues on the network. The consequences of these additional movements have not been taken into account.

The applicant has undertaken an analysis of the site access onto Barracks Road under a range of scenarios from a straight forward, unprotected right turn into the site which has the potential to obstruct westbound through traffic on Barracks Road to a combination of ghost island configurations which will maintain through traffic. The latter scenario would be the preferred option but would need further design to ensure that it is achievable. There may be a requirement to widen the carriageway at this location to ensure compliance with the appropriate design standards. From observations on site there may be a requirement for the inclusion of a pedestrian refuge to cater for pedestrian movements to the convenience store and to remove the likelihood of the current practice of vehicles crossing the centreline to get to the offside (right turn lane) at the Barracks Roundabout signals.

Notwithstanding the design of the junction access and egress to/from the site is reliant on the effectiveness of the keep clear markings and whether or not drivers will be compliant but it is clear from site observations that queueing across the site entrance is already a regular occurrence which may promote the appropriate driver behaviour.

The possibility of diverted trips from Westgate must be considered and the route these would take is Accrington Road entering at the Mitre junction and exiting with a right turn onto Barracks Road. The sight lines at this junction are poor and there have been three recorded injury accidents two of which involved motorcycles entering the roundabout from this arm. To counter this and to remove this element of potential diversion through a predominantly residential area, the option to close this arm of the

junction or review its operation by means of one way working will need further consideration.

Overall , whilst it is possible to achieve a safe access into the site there are no mitigation measures being put forward that will counter the increased queue lengths that will result both from the traffic generated by the site and the diverted trips from the adjacent road network.

Site specific issues, include the width of the site access, loading and unloading and the vehicular exit from the coffee shop (summarised).

At this stage I am confident that a suitable access and egress strategy to the development can be achieved through the use of a number of off-site measures of highway improvement such as the formation of a right turn ghost island [within the site] and associated widening and pedestrian refuge and the remodelling of the Barracks Road / Accrington Road and Burnham Gate mini roundabout junction.”

At this earlier stage, LCC Highways recommended refusal until the above issues could be satisfactorily resolved. At a meeting with the applicant, LCC Highways requested that the applicant commission an independent safety audit to assess the proposed site junction and the internal arrangement. This has since been carried out and the findings of the report make various recommendations concerning off-site works and the internal layout. The applicant has confirmed that they accept all the recommendations set out in the independent audit.

Following the findings of the audit, LCC Highways affirm that their findings are accepted in respect of the site access, off-site highway works and the internal circulation. The audit did not however look at the potential use of the old section of Accrington Road, both from a traffic and also, air quality perspective. Measures should be put in place to restrict movement on this section of road and have either a one way working order at the mini-roundabout junction (movement in a north easterly direction only, or alternatively, the closure of the existing one way section at the Mitre junction (except for cycles). Conditions are also recommended to secure the closure of existing access points, the design and construction of the site access and off-site works, the cleaning of wheels, the provision of a minimum of two spaces for electric car charging, a Construction Method Statement, and the provision of cycle facilities.

Highways England

No objection.

United Utilities

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions are recommended to ensure the use of separate systems and to require a surface water drainage scheme and its management/maintenance.

Environmental Health

It is recommended that conditions are necessary in respect of the construction period (restrict hours of work), a Dust Management Plan, provision for cycle parking, and electric charging points. An Air Quality Assessment was also requested which has since been submitted and considered. The findings of the assessment which are that the development would not increase levels of NO₂ (nitrogen dioxide) above national maximum target levels, are accepted and there is therefore no objection in principle to

the proposal on air quality grounds. An advisory note from the Council's Environmental Health Officer does however suggest that if traffic levels were higher than expected then this would affect the findings:-

"Whereas I have no objection in principle to the development I would like to draw your attention to the NO₂ findings reference R1 in the report Table 13: Dispersion Modelling Results and Significance of Development for the Opening Year (2018) Scenario at Existing Receptor Locations. The projected levels indicate that the annual mean NO₂ level would be 32.78(µg/m³) with development and using supplied traffic data and modelling. Whilst this would indicate that this is under the maximum annual mean target of 40.00 (µg/m³) I would suggest that traffic volume would not need to increase to such an extent to potentially have an effect on the air quality within the area of the R1 location site. As indicated in the consultant's report the development is projected to capture its clientele from 89% of passing/existing traffic. If we were to project a conservative increase of additional traffic of 6% and were this to come from new traffic and from the direction of the R1 location site then this would indeed have the potential to increase the levels of NO₂ to exceed national maximum target levels of 40.00 (µg/m³)."

Greater Manchester Ecology Unit

Requested a full bat survey which has subsequently been carried out.

The survey found no evidence of bat using the buildings as a roost site and consequently there should be no issues with demolishing the buildings. A condition is recommended to protect nesting birds during site clearance.

Burnley Wildlife Conservation Forum

There are currently a significant number of semi-mature trees which have acted as an effective screening of the empty church buildings. The semi-mature trees are comprised of a diverse range of species, namely, ash, silver birch, cherry, whitebeam, elm, Norway maple, goat willow, scot's pine, apple and leylandii which act as a valuable wildlife habitat resource which compliments and links up to the habitats of the embankments of the adjacent railway line wildlife corridor. The majority of the trees will have to be felled which adds up to 20 specimens. Given that this constitutes a significant loss of valuable semi-mature trees and habitat, the applicant should provide specific mitigation measures on a landscaping plan incorporating compensatory tree planting of at least 20 native species. Also advise that an up to date bat survey is carried out, as well as immediately prior to demolition.

Burnley Civic Trust

Note that a number of trees are to be felled to enable this development to proceed and have concerns that this will not be replaced with adequate landscaping. It is requested that before permission is granted, a comprehensive landscaping scheme is agreed.

Network Rail

The proposal has a boundary adjacent to the existing operational railway. Advise on the requirements for boundary fencing, drainage, construction management, safety considerations and scaffolding.

Designing out Crime Officer

Petrol filling stations are often affected by crime, such as burglary, criminal damage and drive-off offences. Pay at pump fuel machines can deter the latter.

Recommendations are made to ensure that security measures are adequately addressed, including the application of the Secured by Design security scheme, fencing, CCTV, alarm systems, lighting and building specifications.

Publicity

A letter has also been received from Councillor Fewings which makes the following points:-

- There is insufficient information within the Air Quality Assessment (AQA) which does not cover Accrington Road [the AQA has subsequently been revised to include the affected part of Accrington Road in its assessment]
- The number of electric charging points should match the number of fuel pumps (the provision of one is inadequate)
- Should be a temporary permission only, given that petrol stations will be phased out in the next 30 years
- There is a significant amount of tree felling as part of the proposed development. A condition should be imposed to provide full mitigation of any tree and habitat loss
- The development should provide at least 1% of capital expenditure for public art
- Conflicts with sustainable travel
- The drive-through café is likely to cause extra litter in the immediate and surrounding area and should be dealt with by conditions
- There is no crime impact statement with the application
- A Phase 1 Desk Top study should have been undertaken
- A full landscaping scheme should accompany the application
- The submitted lighting scheme is not accompanied by any statement
- A Marketing Statement must be undertaken when there is a loss of a community asset – there are no specific details of this.

A letter has been received from Councillor Monk which states that the residents of the surrounding area are concerned about the implementation of the access road and exit at a busy junction and on a route which is a nursery and school run. Congestion occurs, making it difficult for residents. Concerned that drive-through will cause waiting traffic to back up on Accrington Road. Also concerned about pedestrian safety as the site is on a walking route to schools/nursery.

Two letters have also been received from neighbouring properties making the following points:-

- The entrance and exit on Barracks Road will cause chaos, especially at peak times
- Have problems turning right from Accrington Road at the mini-roundabout towards the proposed site due to the short duration of the green light and the traffic coming up from Burnham Gate
- Suggest having an access point on the other side (Accrington Road)
- Concerned about the flow of traffic from Westgate using Accrington Road as a quick through way to the petrol station, causing more fumes and heavier traffic to the area.

Planning and Environmental Considerations:

Principle of proposal

The site is within the development boundary as identified in the Policies Map of Burnley's Local Plan, adopted on 31st July 2018. It sits at a strategic location bounding the south east side of the Barracks Roundabout at Junction 10 of the M65 and within the urban area to the west side of Burnley town centre. The site is without an allocation in the new local plan. Policy IC5 is relevant in respect of the protection of existing social and community infrastructure. The vacant church and presbytery are no longer required by the Salford Diocese and following marketing, no other community uses have come forward. It is accepted therefore that the church buildings are no longer required to provide for the social and community needs of the local area. Similarly, the General Havelock public house has been marketed since May 2014 without any success in finding a new owner to maintain its use as a public house. Notably, there is another public house (Angel Inn) on the opposite side of the mini-roundabout on Burnham Gate which provides a similar social function in the local area. The proposal is unlikely therefore to have a significant impact on the social and community infrastructure of the local area.

The site is at a convenient location close to Junction 10 of the M65 which would not, in principle, be unsuitable for a Petrol Filling Station (PFS). The proposal also includes a shop and coffee shop which are main town centre uses and should be subject to a sequential assessment, as set out in the National Planning Policy Framework. In respect of the proposed shop, it is accepted that its primary purpose is to provide kiosk services associated with a PFS. Its size (approximately 300sqm) is similar to other service station shops and is likely to generate only a low level of convenience goods sales, primarily by PFS customers. In these circumstances, the proposed PFS shop would not have a significant deviation from or impact on the retail hierarchy set out in Policy TC1 and would satisfy the tests on sequential assessment. The town centre is the primary location for coffee shops; the proposal in this instance is for a drive-through coffee shop which is a model and type of facility that is not suitable in most town centre situations. Taking the development as a whole, inclusive of a PFS, and having regard to the site's location and its surrounding commercial uses, there would be some benefits in co-locating a coffee shop at this location. It would provide an additional facility for passing traffic and users of the PFS. Whilst therefore, there would be other available sites for coffee shops in town centre premises, these would not provide the drive-through function and service function that is provided at this site. On this basis, there is no objection to the principle to either the proposed PFS with associated shop or drive-through coffee shop at this location.

The main considerations relate to the impact of the proposal on highway conditions and safety, the appearance of the site and the impact from the loss of trees. Other considerations which may affect the sustainability of the proposal should also be considered.

Impact on highway conditions and safety

The National Planning Policy Framework (2018) states that proposals should provide appropriate opportunities to promote sustainable transport modes, provide safe and suitable access to the site and mitigate against any significant impacts in a cost effective manner. It also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy IC1 requires, amongst other things, for development to promote sustainable travel by locating in areas well served by walking, public transport and cycling; to provide safe pedestrian, cycle and vehicular access; to secure adequate delivery, servicing and drop-off facilities; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute towards the provision or improvement of on or off-site infrastructure [as necessary for highway safety/efficiency purposes].

A Transport Statement submitted with the application, based on TRICS data base sources, indicates that the development as a whole would generate up to a maximum of 100 trips to and from the site within the peak hour periods (08.00-09.00 and 17.00-18.00) which equates to up to two vehicles arriving or departing per minute. The actual new trip generation using the highway network would however be much lower, with an estimated 89% of pass-by trips to the site. The actual increase is therefore estimated at between 9 and 10 vehicle movements in the AM and PM peaks respectively. LCC Highways consider that there is likely to be a greater number of diverted trips than expected as a result of the proposal, although the overall traffic implications on traffic are accepted.

Following discussions between the applicant and LCC Highways, a Road Safety Audit has been carried out on an independent basis to examine the adequacy of the proposed site access and the internal arrangements. The report makes various recommendations, particularly for off-site works on Barracks Road and Accrington Road, including the provision of pedestrian crossing facilities. In addition to these, LCC Highways request provision to be made to facilitate Traffic Regulation Orders (TROs) to prohibit two way movement along Lower Accrington Road, in order to prevent drivers using this route as a rat-run when traffic is busy on Westgate. This would improve safety, where visibility is restricted at the junction of Accrington Road and Burnham Gate/Barracks Road, reduce congestion on a residential road, and control rates of air pollution. The latter is important given that the advisory note from the Council's Environmental Health Officer states that only a small increase in traffic usage on Lower Accrington Road could lead to NO2 levels being exceeded (beyond National target figures).

Subject to the implementation of the Safety Audit recommendations and provision for a TRO, LCC Highways accept that the development would be acceptable. Conditions are also recommended to ensure the provision of electric charging points and cycle parking, to ensure the development achieves some sustainable features.

Impact on air quality

Policy NE5 states, amongst other things, that the Council will seek to ensure that proposals for new development will not have an unacceptable negative impact on air quality. An Air Quality Assessment (AQA) was requested by the Council's Environmental Health Officer (EHO) during the course of the application in order to take account of any increased pollution on air quality in this area. A further assessment was requested to include impacts on Lower Accrington Road. The findings of the submitted AQA concludes that the national maximum targets would not be exceeded. The Council's EHO accepts these findings but indicates that if the proposal led to any higher levels of traffic on Lower Accrington Road that the target levels may become exceeded, stating that "As indicated in the consultant's report the development is projected to capture its clientele from 89% of passing/existing traffic. If we were to project a conservative increase of additional traffic of 6% and were this to

come from new traffic and from the direction of the R1 location site then this would indeed have the potential to increase the levels of NO₂ to exceed national maximum target levels of 40.00 (µg/m³).” Notably, LCC Highways has recommended that the applicant be required to facilitate a Traffic Regulation Order to prohibit two way traffic on Lower Accrington Road which would reduce the use of this road as a rat-run and reduce traffic and levels of pollution overall. With this provision, the risk to air quality from the proposal on Lower Accrington Road would be satisfactorily mitigated. The proposal would not in these circumstances conflict with Policy NE5.

Impact on visual amenities

Policy SP5 seeks high standards of design in development. Policy HE3 refers to non-designated heritage assets which it seeks to protect. The General Havelock is an example of an early 20th Century public house which due to its corner position is a landmark building that contributes to the character of the local area. The public house is not identified on the Council’s local list of non-statutory listed buildings but should be given a similar level of consideration. In this case, the building stands in a relatively isolated position surrounded by the 1970’s church buildings and despite its elegant frontage, appears from other views to be in poor condition. The applicant affirms that the building is not suitable for their business model, in which case, the development would not succeed without its demolition. In these circumstances, the significance of the building would not warrant the refusal of the application.

The applicant has been requested however to make improvements to the elevations of the proposed new buildings to avoid blank walls facing the public realm and ensure that an acceptable level of quality is achieved in the new buildings. Ceramic glazing has been introduced to the elevation of the coffee shop building facing Barracks Road and to the rear of the PFS shop building facing the Barracks roundabout. Further details of this and the specification of materials should be conditioned. With this provision, the proposed development would have an acceptable appearance.

Impact on trees and ecology

Policy NE4 states that development should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value. The Arboricultural Survey submitted with the application identifies 20no. trees to be felled, five of which are Category B (good) trees. The majority of the trees (15no.) are identified as Class C1 or C2 (low quality value). These losses are necessary to accommodate the development. This will present a moderate loss of amenity value to the site as a whole which can be only partly mitigated by a new landscaping scheme. It is noted, however, that the landscaping scheme that has been submitted fails to indicate all the trees that are indicated to be retained on the submitted Tree Protection Plan. A condition is therefore recommended to require the protection of the retained trees and a further landscaping scheme. These provisions would help to minimise the impact from the loss of trees which are in this instance necessary for the benefit of the re-development of the site.

In respect of the potential for bat roosts within the existing buildings and trees, the submitted bat survey has found no evidence of these. The demolition of the buildings and the felling of the identified trees can therefore proceed without any identified harm to bats. A condition is necessary however to prohibit any site clearance during the bird nesting season.

Impacts on residential amenities

Policy SP5 requires development to ensure there is no unacceptable impact on the amenity of neighbouring occupants or adjacent land users. The nearest residents to the site are at Lower Accrington Road, approximately 30m from the site's boundary where the proposed drive-through coffee shop is located. Given that the overall increase in traffic is not expected to be high (between 9 and 10 additional vehicles per peak hour), the impact from traffic noise is unlikely to be significant. Notably, there is concern that diverted trips may lead to a greater use of Lower Accrington Road that could lead to increased traffic noise and a reduction in air quality. This however can be dealt with by a TRO to prohibit two way movements, as recommended by LCC Highways. The principal source of potential noise and disturbance would be from late night operating hours. In the case of the proposed coffee shop, the proposed opening hours are 6am to 10pm which would limit noise at unsociable hours. No restriction on hours for the proposed PFS has been put forward in the application but should be considered to minimise the potential harm to residents. Limiting opening to between 6am and midnight would be reasonable in this instance.

Other issues

The site is located within an area of low flood risk and the development would not pose a risk to flooding subject to conditions recommended by United Utilities to require a drainage scheme.

Network Rail has set out some precautions for building on the boundary with the railway embankment and these are contained as conditions/informatives.

Conclusion

The proposal would be beneficial in bringing a redundant and prominent site into active use and would introduce suitable uses at this strategic location. The impacts of the proposal on highway conditions and safety have been highlighted through the application process and it has been shown that these can be satisfactorily dealt with by detailed design. Other impacts arising from the development have been identified and can be satisfactorily mitigated by use of conditions.

Recommendation: Approve with conditions

Conditions (draft version to be confirmed following consultation with applicant)

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: 171161-PL-01(A), 171161-PL-07, 171161-PL-077 (proposed shop floor plan), 171161-PL-08, 171161-PL-09 received on 13 February 2018; and, CS095757-CAP-TPL-MAN-DR-TP-011RevP01, 171161-PL-02(G), 171161-PL-03(E) and 171161-PL-04(D), received on 4 September 2018.
3. Notwithstanding any indication on the approved plans, no development shall be commenced unless and until a scheme for the construction of the site access, internal layout of the site and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include all the recommendations contained within the Stage 1 Road Safety Audit Report (carried out by Capita, dated 28th August 2018) and provide for the means to facilitate a Traffic Regulation Order to prohibit two way traffic movements on Lower Accrington Road.

4. Neither the approved Petrol Filling Station/Shop or the approved Coffee Shop shall be first open for use until the approved scheme under condition 3 above has been constructed and completed in accordance with the scheme details.
5. The retail shop hereby approved shall operate as a shop in association with and ancillary to the approved Petrol Filling Station only and shall not at any time function as an independent unit.
6. No development shall be commenced, including any site clearance, until a revised landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which shall take into account of trees to be retained on the site.
7. The tree protection measures as indicated on drawing number 171211TPP (Tree Protection Plan) and contained within the Arboricultural Survey (carried out by Georgina Tearne, dated 11th December 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.
8. 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 use of any of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
9. The approved Petrol Filling Station shall not be first open for use until a minimum of two electric car charging points have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the Petrol Filling Station opening hours.
10. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
11. No part of the development hereby approved shall be first open for business until details of a management and maintenance plan for the sustainable drainage system required by condition 10 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.
12. The development shall be drained on separate surface water and foul water systems.

13. The approved Petrol Filling Station and ancillary retail shop shall not be open for business apart from between 06:00 and 23:00 hours on any day.
14. The approved coffee shop shall not be open for business apart from between 06:00 and 22:00 hours on any day.
15. No development shall be commenced, including site clearance or demolition works between the period of 1st March and the following 31st July in any year unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation has been submitted to the Local Planning Authority to demonstrate that there are no active bird nests that are present and this has been agreed in writing by the Local Planning Authority.
16. Prior to the commencement of development, details of boundary treatment and works to ensure the safety of the railway embankment shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment and safety measures shall be carried out and completed during the course of the development. The approved boundary treatment shall be retained at all times.
17. Prior to the commencement of the construction of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.
18. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) details of working hour; and,
 - viii) contact details for the site manager.
19. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
20. No later than three months prior to any part of the development being first open for business, details of the frequency and hours of deliveries and servicing, including details of how these will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing to the site shall thereafter only take place in accordance with the agreed hours and details of management.

21. No part of the development shall be first open for business until cycle parking has been constructed and is available for use in accordance with details indicated on the approved plans.
22. The existing redundant vehicle access points into the site 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.

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 an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.
4. To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018).
5. To ensure the satisfactory implementation of the proposal, having regard to the sequential test for locating retail development outside of town centres and the limitations of the site in respect of car parking, in accordance with Policies TC1, IC2 and IC3 of Burnley's Local Plan and the National Planning Policy Framework.
6. The submitted landscaping scheme fails to take account of a number of trees that are indicated to be retained in the Arboricultural Survey (dated 11th December 2017) submitted with the application. The proposal would lead to a significant loss of trees across the site and it is essential for the purposes of amenity and biodiversity that those trees that can be retained form part of a new landscaping scheme, in accordance with Policies SP5, NE4 and Ne1 of Burnley's Local Plan (July 2018).
7. To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies NE1, NE4 and SP5 of Burnley's Local Plan (July 2018).
8. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

9. To allow for the charging of electric cars, in the interests of sustainable travel, in accordance with the National Planning Policy Framework.
10. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). 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.
11. 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 CC4 of Burnley's Local Plan (July 2018).
12. To ensure adequate drainage and reduce the risk of flooding and contamination of groundwaters, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
13. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
14. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
15. To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
16. To ensure an appropriate edge to the boundaries of the site and to take into account the risks associated with the railway embankment, in accordance with SP5 of Burnley's Local Plan (July 2018).
17. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
18. To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
19. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
20. To ensure that deliveries and servicing has adequate regard to traffic, site safety and residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

21. To encourage the use of cycles as a sustainable means of travel, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
22. To limit the number of access points to, and to maintain the proper construction of the highway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

JF

Housing & Development
19 Parker Lane

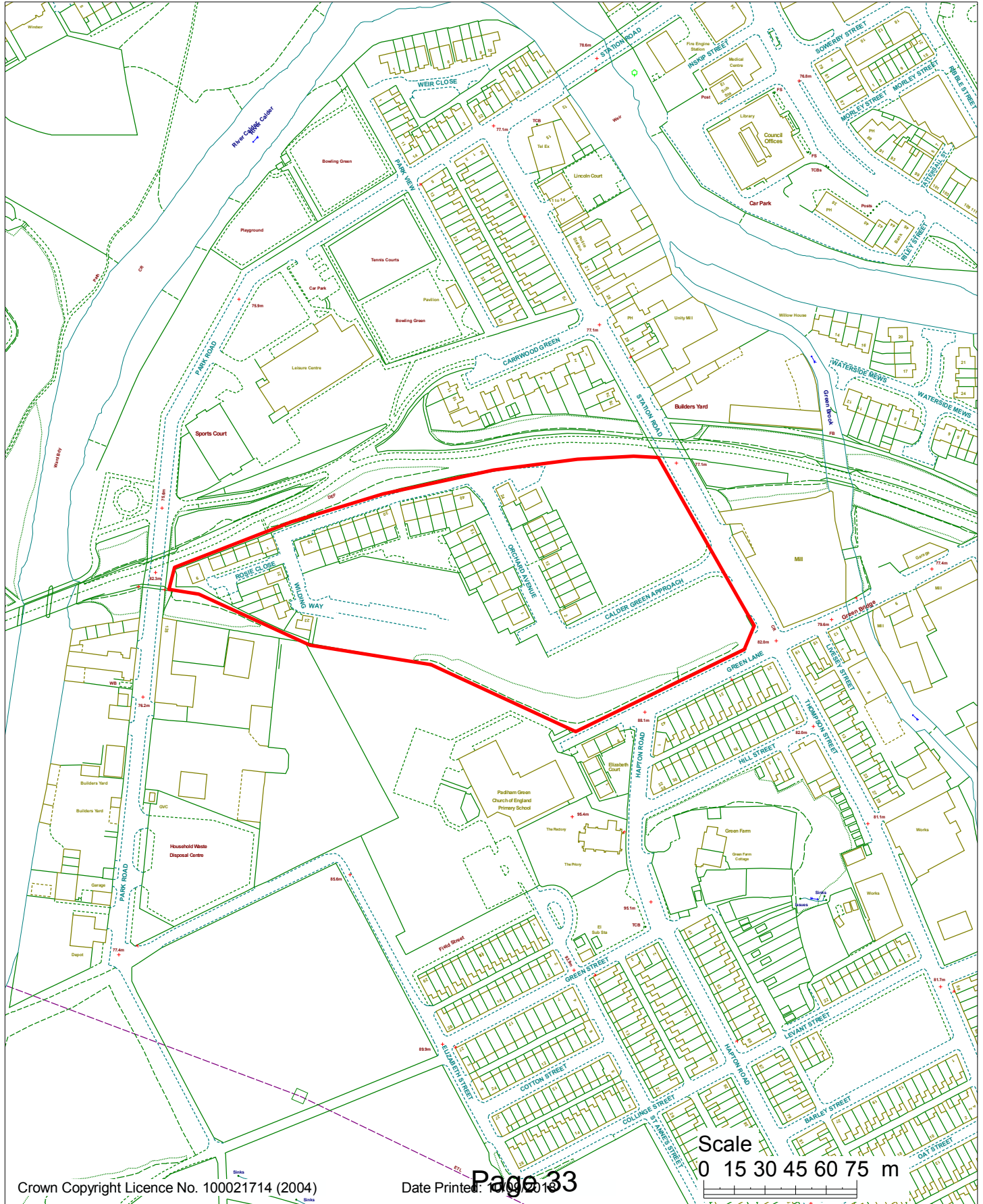
Paul Gatrell Head of Housing and Development

Location:



Phase 4 Station Road Development, Padiham

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Minor Material Amendedment : Variation of Condition 6 (materials); 7 (landscaping); 8 (tree protection); 10 (surface water drainage); 11 (contamination); 12 (affordable housing); 13 (public open space); and variation of Condition 14 (approved plans) on Planning Permission APP/2014/0151 as amended by APP/2018/0273

PHASE 4 STATION ROAD DEVELOPMENT STATION ROAD PADIHAM

Background:

Planning permission was granted for the residential development of land off Station Road, Padiham under planning permission APP/2014/0151, as amended by APP/2018/0273. Application APP/2014/0151 granted full planning permission for the erection of 39 dwellings in Phase 4 of the development and granted outline planning permission for the remaining Phases 5 and 6.

APP/2018/0273 amended APP/2014/0151 by including a new condition 14 which listed the approved drawing numbers. No other changes were made and the relevant planning permission for the development remains as APP/2014/0151 as amended by APP/2018/0273.

Following the grant of the permission for Phase 4 under APP/2014/0151, the permission was implemented by the partial construction of the access road; therefore Phase 4 of the development remains extant and can be implemented at any time subject to compliance with the conditions. The outline application for Phases 5 and 6 required the submission of reserved matters before July 2017 and this part of the permission has now expired.

The current proposal seeks the variation of conditions in respect of Phase 4 of planning permission APP/2014/0151, relating to materials, landscaping, tree protection, surface water drainage, contamination, affordable housing and public open space. It is proposed that the conditions are reworded to take into account that some of the details required by the conditions in respect of Phase 4 are provided in this application, as discussed later in this report. It also seeks to make minor changes to the approved layout and house types under the new Condition 14, as discussed later in this report.

The part of the approved layout for Phase 4 to be amended by this application is indicated on the layout below, marked as 'A'. The area marked 'B' is within Phase 4 but is not to be amended at this stage.



This application proposes the replacement of the 25 approved dwellings within Area 'A' with 22 dwellings, resulting in a reduction of 3 units within Phase 4. The reduction in numbers is brought about by the replacement of one of the approved apartment blocks with a landscaped area.

The proposed 22 dwellings would comprise 11 three bedroom dwellings, 10 two bedroom dwellings and 1 three bedroom bungalow. The dwellings would be sited in a linear formation facing inwards towards the access road. The houses would be two storey apart from the bungalow, and they would be constructed in a buff brick with grey roof tiles.

It is initially proposed that they would be for open market sale, with the exception of the bungalow which will be offered up as a specialist housing offer to those in need. If the demand for the units as for sale on the open market is low, the following tenure hierarchy will then be adopted - homes offered as rent to buy, followed by shared ownership and then affordable rent.

An objection to the proposal has been received from a neighbouring resident.

Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley Local Plan

CC5 Surface Water Management and Sustainable Drainage Systems
HS2 Affordable Housing Provision
HS3 Housing Density and Mix
HS4 Housing Development
IC3 Car Parking Standards
NE3 Landscape Character
NE4 Trees, Hedgerows and Woodland
NE5 Environmental Protection
SP1 Achieving Sustainable Development
SP4 Development Strategy
SP5 Development Quality and Sustainability

Site History:

APP/2010/0713 - Mixed use development incorporating up to 2,195 sq. m. of employment units (Class B1 (b) and (c), and including Class D1 to a maximum of 242 sq.m), up to 100 no. residential units, a Category 2 elderly persons sheltered housing scheme, including details of access (all other matters reserved for future approval) – outline permission granted for the wider site

APP/2014/0151 – Hybrid planning application seeking full planning permission for the erection of 39 dwellings (Phase 4) and outline planning permission including details of access (all other matters reserved for future approval) for the erection of up to 38 further dwellings) – part outline and part full planning permission granted.

APP/2018/0273 – Non material amendment to planning permission APP/2014/0151 to include a planning condition which lists the plans as approved - granted

Consultation Responses:

1. Environment Agency - 'We have reviewed the letter report dated 20th July 2018 by e3p Ref No 11-417-L4. We are satisfied that Condition 11 (contamination) can be discharged. Please note that it would be prudent to obtain a Verification report once remediation has been achieved as described in the letter report above.'
2. Lancashire County Council (Highway Authority) – raises no objections on highway grounds.
3. One letter from a neighbouring resident – raises concerns regarding:
 - Loss of sunlight to his property
 - Loss of privacy
 - Increase in traffic
 - Parking problems
 - Disturbance during construction

There would not be an unacceptable loss of sunlight to the neighbouring property and there are no windows directly facing the habitable rooms. The traffic is unlikely to be over and above that already approved and the highway authority have raised no objections.

All developments are likely to experience some disturbance whilst construction works are carried out but providing this is restricted to normal working hours, the disturbance should be minimised.

Planning and Environmental Considerations:

The principle of housing on this site is established by the previous permissions. The site has been taken over by Calico who wish to progress the development following the previous developer leaving the site unfinished. Calico wish to make some changes to the development including a slight change in layout and a change of house types. It is also proposed to deal with as many of the conditions imposed on the previous approvals as possible relating to Phase 4, so that an early start can be made on the development once permission has been granted.

The application relates to the variation of conditions as follows:

Condition 6- Materials

Condition 6 of planning permission APP/2014/0151 currently reads:

Notwithstanding any description of materials in the application, unless it is confirmed in writing that the materials will be the same as Phase 2 of the existing development, no development shall start until a scheme showing precise details of all materials, including facing and roofing materials, have been submitted to and approved in writing by the Local Planning Authority. The materials used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.

The materials for Phase 4 are proposed to differ from those used on Phase 2 so the condition requires the submission of a scheme showing the materials to be used.

The applicant has submitted a materials schedule which sets out that the facing materials would be Marshalls Cromwell walling, pitched face, weathered, with art stone detailing to match the facing materials; an Ibstock brick plinth in Atlas Smooth Blue; and a Marley Modern tile and ridge with matching end cap and dry verge. The windows would be grey upvc casement style.

The proposed materials are acceptable and they would harmonise with the previous phases of the development and traditional building in the borough.

It would be appropriate to amend Condition 6 accordingly, as set out in the recommended Conditions later in the report.

Condition 7- Hard and Soft Landscaping

Condition 7 of planning permission currently reads:

No work shall be started on the construction of the houses, until full details of both hard and soft landscape works in respect of Phase 4, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.

A satisfactory landscaping scheme has been submitted in respect of Phase 4, which provides for turfed rear gardens, low shrub planting to the fronts of the houses, paved pedestrian areas around the properties, with a tarmac access road, turning areas and driveways. There would be a 1.8 metre high close boarded timber fence around the boundaries of the development, with 1.5 metre high fences between the plots.

Condition 7 may be amended accordingly, as set out in the recommended Conditions later in the report.

Condition 8 – Tree Protection Plan

Condition 8 of planning permission currently reads:

No development shall start until the details of the means of protecting trees and hedges, including root structures from injury or damage prior to or during the development works, have been submitted and approved in writing by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore 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 hedges.

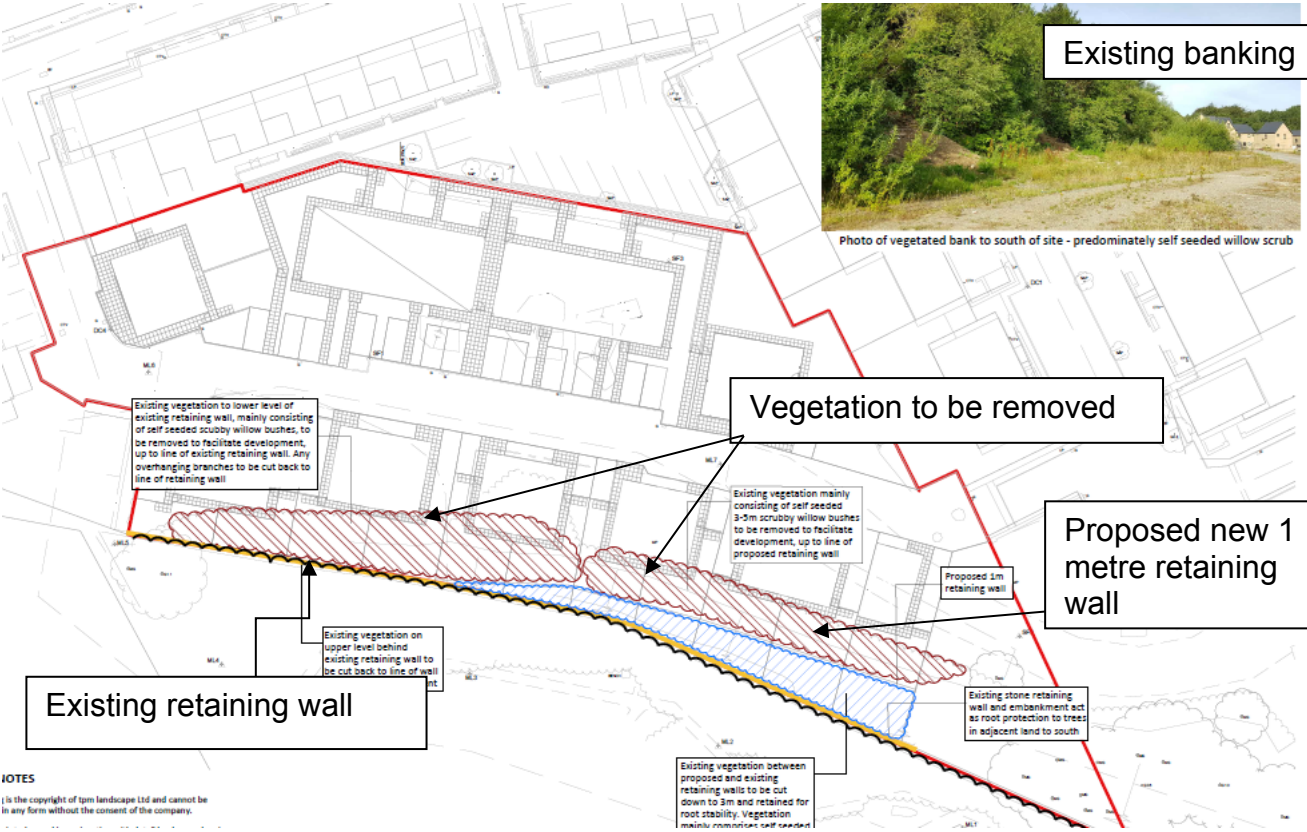
A Tree Protection Plan has been submitted which sets out the proposed measures to be taken to protect the existing vegetation of the site in respect of Phase 4.

It sets out that the existing vegetation to the lower level of the existing retaining wall, consisting mainly of self-seeded willow, will be removed to facilitate the development, up to

the line of the existing retaining wall. Any overhanging branches would be cut back to the line of the wall.

Existing vegetation on the upper level behind the existing retaining wall will be cut back to the line of the wall. Existing vegetation will be removed to the line of a proposed new metre high retaining wall, which will act as a root protection barrier to trees in the adjacent land to the south.

Existing vegetation between the proposed and existing retaining walls will be cut down to 3 metres for root stability.



Tree Retention, Protection and Removals Plan

The proposed measures are acceptable for this part of the site. The condition may be varied accordingly, as set out in the recommended Conditions later in the report.

Condition 10 – Surface Water Drainage

The condition requires the submission of a drainage scheme prior to the construction of the houses. It is worded as follows:

The approved surface water drainage scheme (drawing no. SPB-AJP-XX-00-DR-C-100 P1) is implemented prior to the occupation of Phase 4. No work shall then commence on Phase 5 until a surface water drainage scheme for this phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of this phase. The

scheme shall also include details of how the scheme shall be maintained and managed after completion.

A drainage plan has been submitted but further information has been requested from the applicant to demonstrate how the scheme specifically satisfies the condition. An update should be available before committee.

Condition 11 – Verification Plan in respect of Contamination.

The condition is worded as follows:

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority: A verification plan providing details of the data that will be collected in order to demonstrate that the works identified are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved before any of the houses are occupied.

The consulting engineer has commented that following the completion of the remediation works a report will be compiled detailing all the enabling works undertaken, waste consignment notes, and all site investigations, laboratory test certificates and validation testing undertaken. A certificate of completion of earthworks will then be included within the report.

Further information has been requested from the applicant before the Environmental Protection Officer can comment on the proposed variation of the condition and an update should be available before committee.

Condition 12 – Affordable Housing Scheme

Condition 12 states:

No houses hereby approved shall be occupied until a scheme demonstrating how it is proposed to satisfy Policy H5 of the Burnley Local Plan Second Review (provision of affordable housing) is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a programme approved in writing by the Local Planning Authority.

The applicant has requested that the condition is removed. However a justification for this will be required to ensure that the housing needs aspect of the development are satisfied. It is most likely that the applicant will be able to demonstrate appropriate provision will be made, possibly on the future phases of the development or by demonstrating that the houses for sale will be set at an affordable price. The applicant's further comments will be reported to the meeting.

Condition 13 – Public Open Space Contribution.

The condition required the provision of appropriate public open space for the development and was set out as follows:

No houses hereby approved shall be occupied until a scheme for the provision of Public Open Space in connection with the development, whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within one year of the start of the development or as otherwise approved in writing by the Local Planning Authority.

The applicant has asked that this condition is removed as the payment will be made under the original permission where a unilateral undertaking was submitted by the original developer of the wider site which required a sum of £50,000 to be paid upon completion of 50 houses on the development. It appears that 50 houses have not yet been constructed by the first phases (Phases 1, 2 and 3) and therefore the sum has not yet been paid. The applicant is fully prepared to make the payment following the completion of fifty houses and is confirming the current position in respect of the number of houses already completed in order to determine the best approach for the Council to achieve the payment.

In the meantime however, it be necessary to retain the condition or vary it to include the need to satisfy the unilateral obligation already in place on the original permission for the estate. An update will be made to the meeting.

Condition 14 – Variation of the approved plans (Layout and House Types).

The approved planning permission for the part of Phase 4 subject to this application provided for 25 houses and it is currently proposed to provide 22 houses in a similar layout to that approved. The house types will change to provide a more traditional style.



Typical house type and street elevations

The proposed 22 dwellings would comprise 11 x 3-bed semi-detached dwellings; 10 x 2-bed dwelling including a pair of semis and two terraces of four properties each; and 1 x 3-bed bungalow to provide specialist accommodation. All of the proposed houses are 2 storey instead of the previous mix of two and three storey properties.

The overall mix of housing proposed is not materially different to that approved under the previous permission. The main difference being the bungalow and the loss of 4 bedroom

properties and increase of 2 and 3 bedroom properties. An apartment block would also be removed from the scheme, replaced by a landscaped area.

The properties all have adequate garden space, parking and refuse storage provision.

The impact on the existing properties on Wilding Way and Orchard Avenue would not be materially different to that previously approved. Whilst the privacy and outlook standards are not fully satisfied they are not significantly different to that already approved and are not compromised to an unacceptable degree.

The changes to the layout and the house types are acceptable.

Recommendation:

That the Head of Housing and development Control be delegated to grant planning permission for the development subject to the conditions below, updated as necessary, when the outstanding issues are satisfactorily clarified in respect of surface water drainage, contamination, affordable housing and public open space.

Draft Conditions (to be finalised once the outstanding issues are clarified)

1. The development hereby permitted shall be carried out in accordance with the following approved plans (to be updated following receipt of further information as set out above): Planning site boundaries, drg.no. 1771-02 rev3; Phasing plan, drg.no. 1771-101 rev3; and Illustrative Masterplan, drg.no. 1771-103 rev3; Materials Schedule; Tree Retention, Protection and Removals Plan; Drainage Layout Plan; Verification Letter received 25 Jul 18.
Street Elevations drg.no. 1771-104 rev3; Site Plan drg.no. 1771-105 rev5; Ground floor Site Layout, drg.no. 1771-106 rev 5; First floor site layout, drg.no.1771-107 rev5; Roof site plan drg.no. 1771-108 rev5; Landscape Plan, drg. no. 1771- 109 rev 5; House types drg nos 115, 116, 120, 121, 125 and 126 received 29 Aug 18.
2. Unless otherwise approved in writing by the local planning authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays; between 0800 hours and 1300 hours on Saturdays; and at no time on Sundays, Bank Holidays or Public Holidays.
3. The materials to be used in the development of Phase 4 shall be in strict accordance with the approved Materials Schedule (Ainsley Gommon Architects June 18) received 25 July 2018 unless otherwise approved in writing by the Local Planning Authority.
4. The landscaping details shall be carried out in full accordance with Drg.No. 1771-109 rev 5 received 29 August 2018, prior to the occupation of the development, to the satisfaction of the local planning authority.
5. The approved tree protection measures as set out on the Tree Retention, Protection and Removals Plan (drg.3116 101 received 25 Jul 18) shall be adhered to during the construction of the development.
6. The approved Drainage Plan (drawing no. SPX-AJP-XX-00-DR-C-100 P1) received 25 July 18 shall be implemented prior to the occupation of Phase 4. *(This condition may be updated upon received of the additional information requested)*

7. Contamination (to be updated)
8. Affordable Housing (to be updated)
9. Public Open Space (to be updated)

Reasons

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
 2. To safeguard the amenities of the neighbouring residents having regard to Policy NE% of Burnley's Local Plan adopted July 18.
 3. To ensure a satisfactory development which harmonises with its surroundings, in the interests of visual amenity.
 4. To ensure that the landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings.
 5. In order to protect ensure that the vegetation on the site is adequately protected in the interests of visual amenity
 6. To ensure that appropriate drainage is provided to the development.
 7. To ensure that all risks posed the contamination of the site have been adequately assessed and dealt with.
- 8/9. To ensure that appropriate provision is made.

CMR
11/09/2018

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Part One Plan

Housing & Development
19 Parker Lane

Paul Gatrell Head of Housing and Development

Agenda Item 6c

Ref.

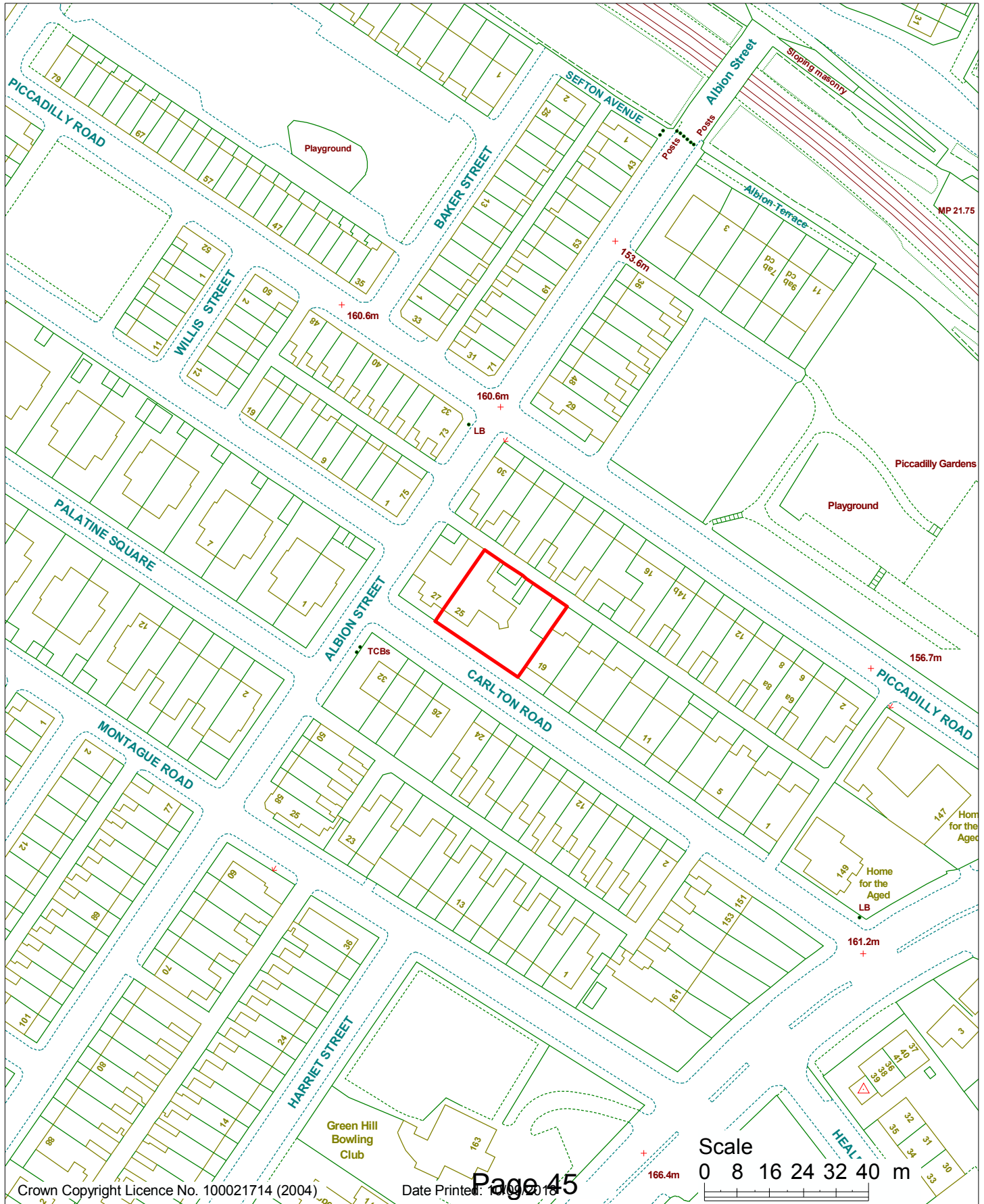
APP/2018/0304

Location:



25 Carlton Road, Burnley

1:1250



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Application Recommended for Approval

APP/2018/0304

Trinity Ward

Full Planning Application

Proposed conversion of dwelling into 3no. apartments

25 CARLTON ROAD BURNLEY

Background:

The proposal relates to a large semi-detached house within the Palatine Conservation Area. Planning permission was recently granted for the conversion of the property to two flats; the current proposal is for a conversion to a total of three flats - a two bedroom flat on the ground floor and 2no. one bedroom flats on the first floor.

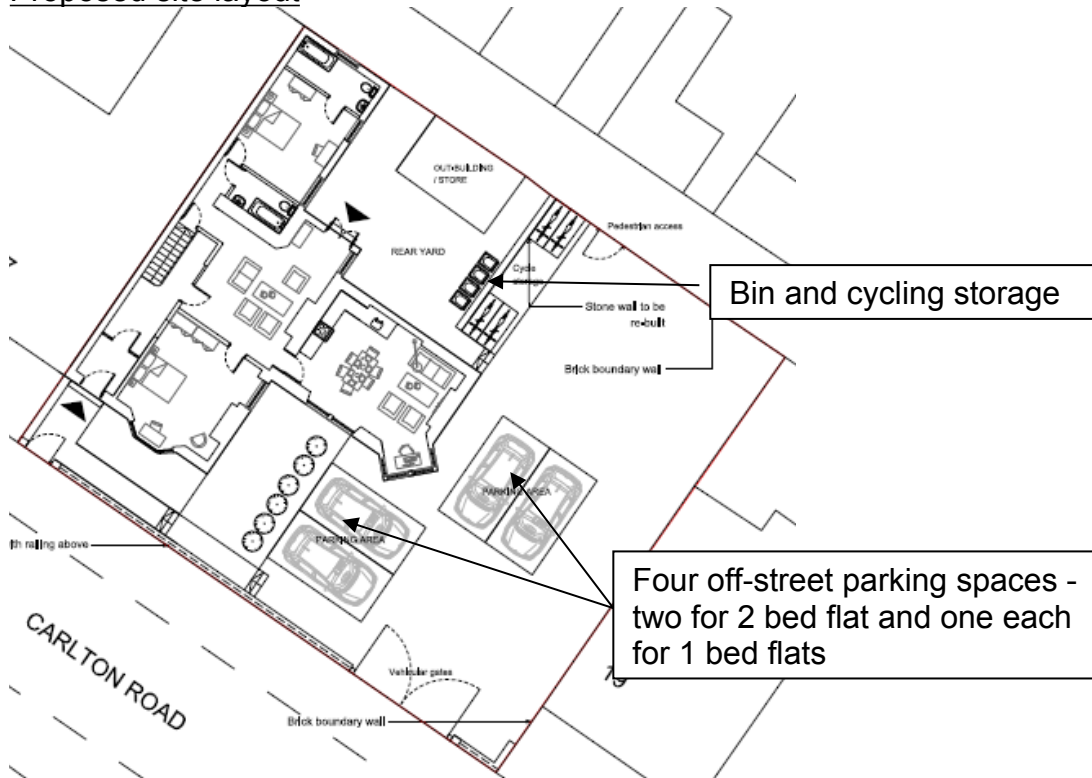
Minimum alterations are proposed to the external elevations. An existing rear window would be replaced by glazed double doors, uPVC windows would be replaced by timber window and the existing boundary wall, railings and gate, would be retained. A single detached garage would be demolished.

Application property



A total of four in-curtilage parking spaces would be created to side/front of the property, similar to the previously approved scheme.

Proposed site layout



Relevant Policies:

Burnley's Local Plan

This Plan was adopted on 31st July 2018.

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

HE2 – Designated heritage assets

IC3 – Car parking standards

The National Planning Policy Framework (2018)

Site History:

12/87/0789 – Rebuilding of front wall with existing stone and replacing existing wooden fence with iron railings. Approved January 1988.

APP/2018/0176 - Conversion of dwelling to 2no. apartments. Approved June 2018.

Consultation Responses:

LCC Highways

No objections; whilst the plan shows parking positions it is expected that the residents will park in such a manner as not to inconvenience each other. Recommend conditions to require the highway frontage to be maintained at a height no higher than 1m and for the proposed cycling provision to be provided.

Environmental Health

No objections. Conditions are recommended relating to hours of construction, soundproofing against internal noise and electric car charging points. It is also

advised that there should be no combustion of materials [this can be included as a note on the decision notice].

Publicity

Nine letters of objection have been received from neighbouring properties; a summary of their comments is provided below:-

- No extra parking is provided for an increase from two to three flats
- Difficulties with parking outside residents' own properties and impact on occupiers who need to do this due to mobility problems
- Increased noise and disturbance at night
- Proposed number of apartments could increase further and cause more problems

Planning and Environmental Considerations:

Principle of proposal

Policy SP4 of the local plan identifies Burnley as a principal town. The proposed site is within a predominantly residential area within an urban setting of traditional gridiron patterned streets of mostly terraced properties and some semi-detached properties. Planning permission has been granted for a change of use from this dwelling to two apartments; this proposal would be similar but would increase the number to three flats. Given that the proposal would retain the property in residential use, there would be no objection in principle to the proposal. The main considerations relate to the impact of an intensified use, particularly in respect of the conservation area, car parking and amenity.

Impact on the Palatine Conservation Area

Policy HE2 of the local plan seeks to protect the special character of conservation areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal would make minimal physical changes to the property itself; there would be no further external alterations to those minor alterations previously approved (APP/2018/0176). The plans indicate that the existing uPVC windows would be replaced with painted timber windows and the roof replaced using the slate materials, as existing. The existing single detached timber garage has an untidy appearance and its removal would not adversely affect the significance of the Conservation Area.

Existing garage



Street view

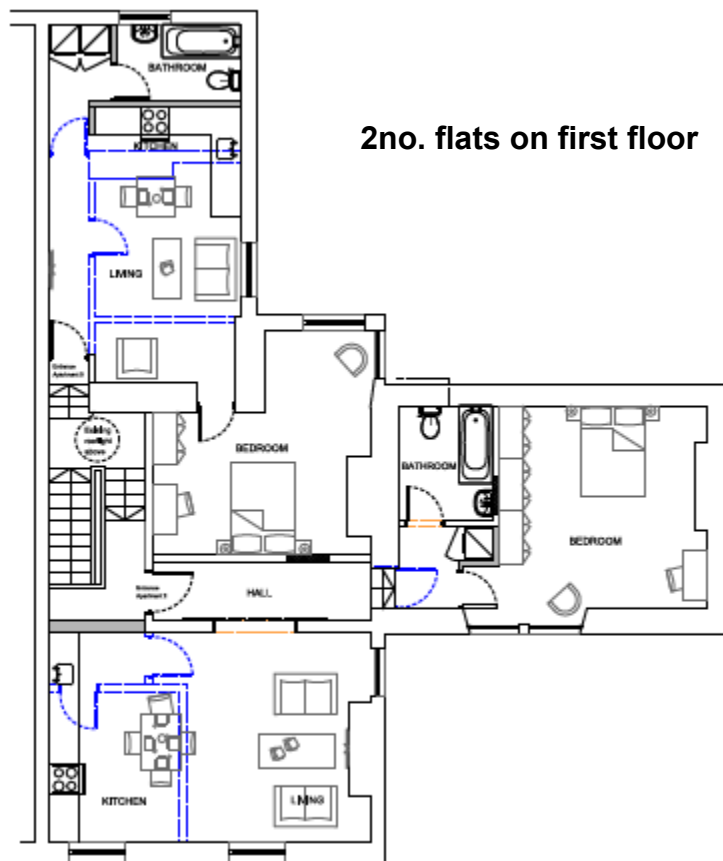


The use of forecourt parking within the curtilage would reduce opportunities for landscaping but the parking would be largely concealed behind a frontage wall, railings and gate and is not changed from that of the previously approved scheme (APP/2018/0176). As such, the proposal would not significantly impact on the character of the residential area or Conservation Area. The impacts of the development on the Conservation Area are therefore acceptable.

Impact on residential amenities

Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, as well as ensuring acceptable conditions for future users and occupiers of the development.

The proposal involves making no new window openings (only replacing one rear ground floor window with glazed doors) and would not lead to any significant change in overlooking of neighbouring houses on Piccadilly Road to the rear or to its neighbours on Carlton Road. The ground floor apartment would be a spacious two bedroom flat as previously approved (APP/2018/0176) and the first floor would create 2no. one bedroom flats in lieu of the previously approved large three bedroom flat.



The increased number of units is likely to generate more activity but this would be proportionate with the size of the site and property. The proposed floor plans show that there would be no first floor living rooms on the party wall with the adjoining semi-detached house in which case it is unlikely that the proposal would significantly affect levels of noise or affect the amenities of the adjoining property. The Council's Environmental Health Officer recommends that a condition is imposed to require noise

insulation against internally generated noise which would protect the amenities of the future occupiers of each apartment. As such, the proposal would have an acceptable impact on residential amenities.

Impact on car parking

Policy IC3 requires adequate car parking to cater for new developments, as well as adequate provision for cycle parking. Appendix 9 of the local plan sets out the standards which will be applied, requiring two car parking spaces for a two bedroom unit and one space for a one bedroom unit. The total requirement from this development would therefore be four car parking spaces which is the level of provision that is proposed. Cycle parking is also indicated within the curtilage. Objections have been received from some occupiers on Carlton Road, particularly in respect of issues with on-street parking. The property is situated within a street which mostly relies upon on-street parking and has a long unrestricted street frontage (25m) which would not be affected by the proposal. The proposal would comply with the parking standards and is unlikely therefore to adversely affect conditions for on-street parking; LCC Highways has no objections to the proposal. The proposal provides safe and convenient access (utilising the existing access) and as such, there would be no significant adverse impacts from the development on highway safety or the availability of parking.

Conclusion

The proposal would be beneficial in bringing a vacant dwelling back into use and would lead to only minor changes that would not significantly affect the character of the Palatine Conservation Area and would have no significant impact on the residential amenities of neighbouring occupiers or on the availability of on-street parking. The proposal therefore complies with the development plan and there are no material findings which would outweigh this finding.

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: 01 (1:1250 location plan), 05B, 06, 07B and 08, received on 27 June 2018.
3. No apartment shall be first occupied until its associated off-street parking provision of a minimum of two parking spaces for Apartment 1 (ground floor) and a minimum of one car parking space for each of Apartments 2 and 3 (first floor) 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. No 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. No 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. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday and from 8am to 1pm on Saturday and shall not take place at all on Sundays and Bank Holidays.

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 Policy IC3 of Burnley's Local Plan (July 2018).
4. To ensure adequate refuse and recycling storage away from public views, in the interests of visual amenity, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
5. To provide adequate levels of amenity for the adjoining property and future occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
6. To protect the amenities of nearby residents, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

JF
10/9/2018

Housing & Development
19 Parker Lane

Ref.

APP/2018/0392

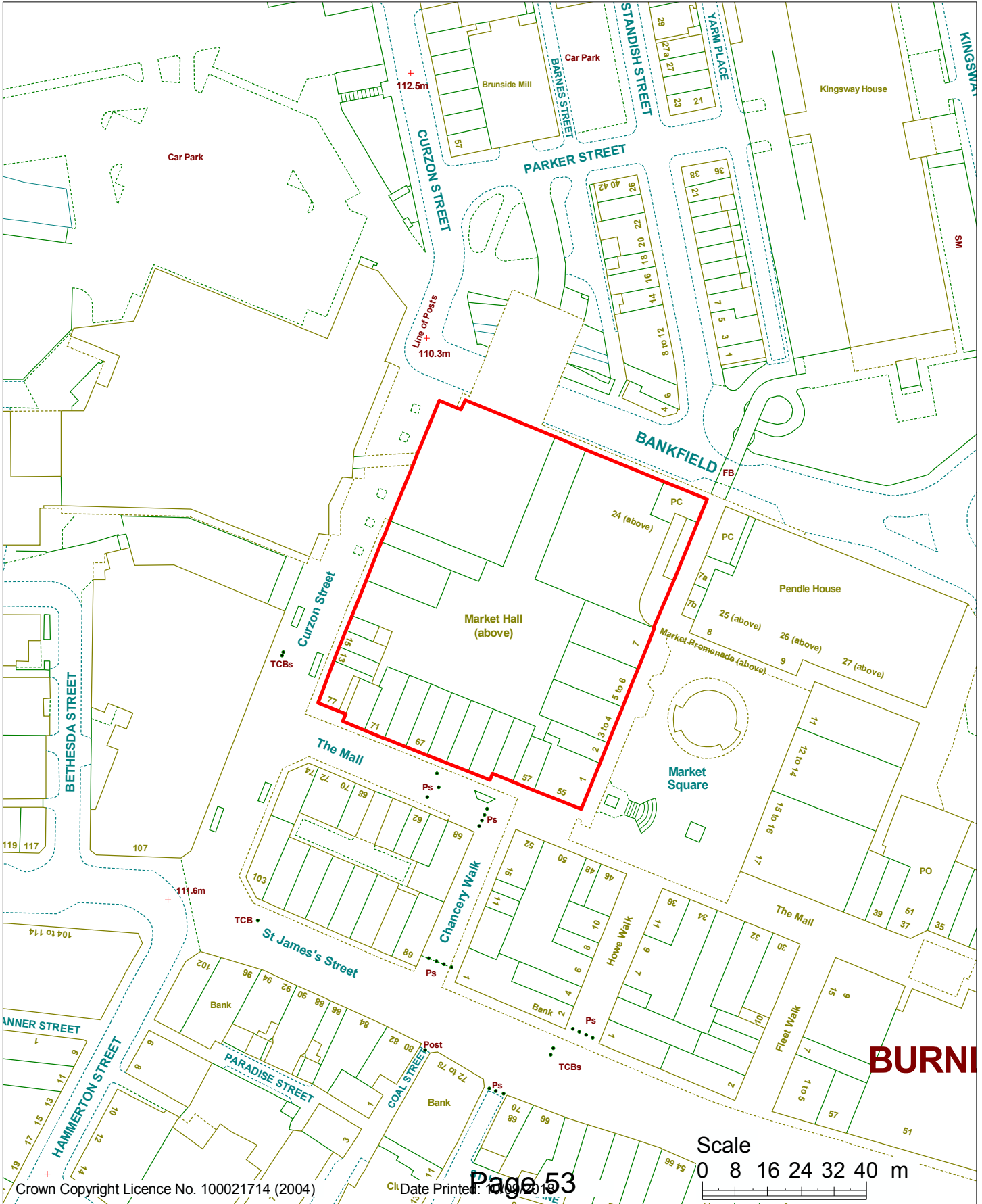
Paul Gatrell Head of Housing and Development

Location:



Market Hall, Curzon Street, Burnley

1:1250



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Regulation 3 Application
Proposed 3no. extract flues to Market Hall roof
MARKET HALL CURZON STREET BURNLEY



Background:

The proposal is for the installation of three, galvanised steel, extraction flues onto the Market Hall roof. They will be for the extraction of food preparation odour / ventilation.

The flues will measure 2.28m in height and will be positioned to the south facing elevation of the roof.

No objections have been received.

The application has been brought to Committee as the applicant is Burnley Borough Council.

Relevant Policies:

Burnley's Local Plan – adopted July 2018

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

TC2 – Development within Burnley and Padiham town centres.

Site History:

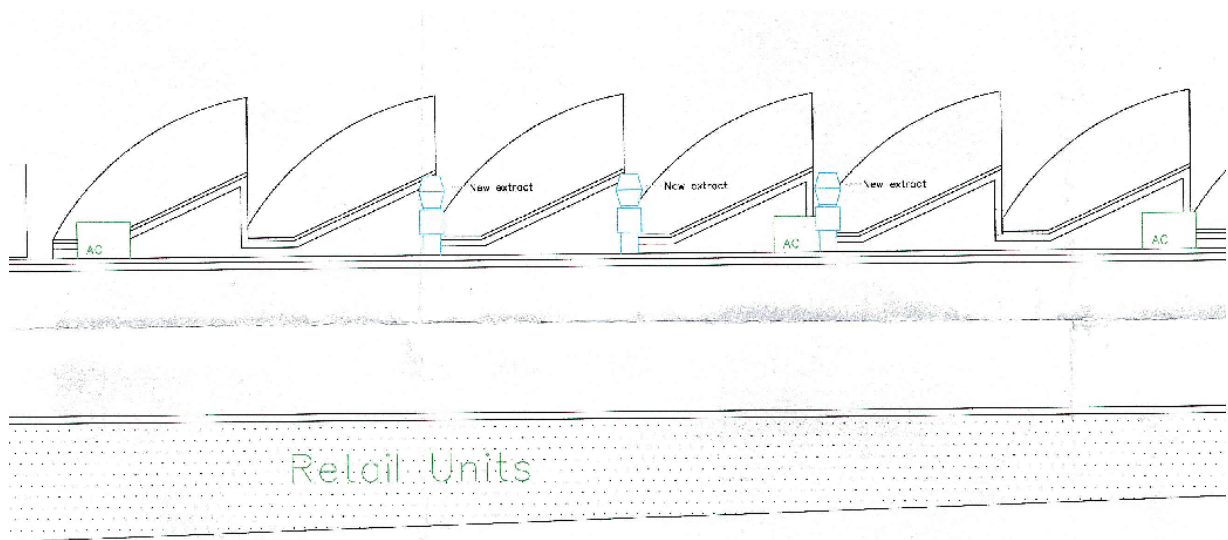
No relevant history.

Consultation Responses:

BBC (Environmental Health) – No objections.

Planning and Environmental Considerations:

The scheme is relatively minor in the context of the site. The proposed galvanised steel, extraction flues will be set back approximately 0.5m back from the edge of the Market Hall roof. The flues will measure 2.28m in height so will be partially visible from some viewpoints, however they will be seen against the back drop of the existing roof.



Proposed South Elevation 1: 100

Proposed Elevation

No objections have been received and the design and the materials proposed would not have a significant detrimental impact on the character or appearance of the centre. The proposal will be a welcome addition to the Market Hall offer, and the benefits of this must be considered as part of this application.

Bearing in mind the above, the proposal is considered acceptable and its approval would comply with the relevant provisions of the local plan. There are no material considerations which outweigh this finding, and the proposal is recommended accordingly.

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 plans: 1:1250 Location plan, 1:500 Site plan, BMH 01/01 and BMH 01/02 received 14th August 2018.
3. The approved extract ventilation system and odour control equipment indicated on the above drawings shall be maintained in good working order at all times. The extract ducting shall be removed as soon as possible when no longer required.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To protect the surrounding environment, including occupiers of nearby premises, from nuisance from cooking odours.

GDT
07/09/2018

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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

20th September 2018

Housing and Development

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Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Lawful Development Certificate (S192)		
Lawful Development Certificate Granted		
APP/2018/0349	STONEBROOK BURNLEY ROAD CLIVIGER BB10 4SN	Proposed use as childrens home - max. 6 occupants
Full Planning Permission Granted		
APP/2018/0198	HILLSIDE FARM ACCRINGTON ROAD HAPTON BURNLEY BB11 5PE	Lawful Development Certificate for use of Hillside Farm house as a home for up to 4 children or young people with up to two full-time resident carers 'sleeping overnight and living together as a single household'
Express Consent to Display an Advertisement		
Advert Consent Granted		
APP/2018/0239	5 BULL STREET BURNLEY BB11 1DW	Display of 1no. fascia sign (internally, illuminated and static)
APP/2018/0307	UNIT D EVOLVE AT VISION PARK BELL WAY BURNLEY BB12 0BS	Display of non-illuminated fascia sign
Compliance with conditions		
Conditions discharged		
APP/2017/0156	CLOCK TOWER MILL SANDYGATE BURNLEY	Application for approval of details reserved by conditions 3 (material samples), 5 (site investigation), 7 (surface water drainage), 8 (sustainable drainage) and 9 (management and maintenance plan for sustainable drainage system. of planning permission app/2016/0289.
APP/2018/0275	REAR OF 261 ROSSENDALE ROAD BURNLEY BB11 5BZ	Application for approval of details reserved by Condition 8 (Coal mining remediation scheme and programme) on planning permission APP/2017/0426
APP/2018/0294	THE MITRE MITRE STREET BURNLEY BB11 4AH	Approval of details reserved by condtions 12 and 15 of planning permission APP/2016/0229
APP/2018/0324	EAST LANCASHIRE NEWSPAPERS LTD BULL STREET BURNLEY BB11 1DP	Approval of details reserved by conditions 3, 5, 8, 9 and 10 of planning permission APP/2017/0541
APP/2018/0331	EAST LANCASHIRE NEWSPAPERS LTD BULL STREET BURNLEY BB11 1DP	Approval of details reserved by condition 4 of planning permisison APP/2017/0541

Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Conditions partially discharged		
APP/2018/0179	LAND ADJACENT 17 MOSELEY ROAD BURNLEY	Application for approval of details reserved by conditions 1-13 of planning permission APP/2016/0420
APP/2018/0215	MCDONALDS RESTAURANTS LTD PRINCESS WAY BURNLEY BB12 0EQ	Application for approval of details reserved by condition 16 of planning permission APP/2017/0226 - CCTV
APP/2018/0222	NEW AMBULANCE STATION BURNLEY GENERAL HOSPITAL CASTERTON AVENUE BURNLEY	Application for approval of details reserved by condition 8 of planning permission APP/2017/0519
APP/2018/0225	LAND OFF BANCROFT ROAD BURNLEY	Application for approval of details reserved by condition 4 of planning permission APP/2017/0602
APP/2018/0245	LAND OFF BANCROFT ROAD BURNLEY	Discharge of condition 9 of planning permission APP/2017/0602, relating to external lighting

Full Planning Application

Full Planning Permission Granted

APP/2017/0380	SYSTEMS HOUSE ACCRINGTON ROAD BURNLEY BB11 5QD	Erection of garages/stores to rear car park yard
APP/2017/0552	460 COLNE ROAD BURNLEY BB10 1TW	Proposed two storey side and rear extension
APP/2018/0033	51 53 YORKSHIRE STREET BURNLEY BB11 3BW	Refurbishment of an existing building and change of use from retail to licensed cafe bar (A3)
APP/2018/0109	35 OXFORD ROAD BURNLEY BB11 3BB	Proposed change of use from A1 retail (ground floor) to A5 takeaway
APP/2018/0110	37 KIRKSIDE VIEW HAPTON BB11 5RJ	Retention of single storey rear extension and decking
APP/2018/0140	BURNLEY FOOTBALL CLUB TURF MOOR HARRY POTTS WAY BRUNSHAW ROAD BURNLEY	Demolition of existing stadium control box building and erection of 2 new corner stands (use class D2) to provide additional disability seating with ancillary facilities and lighting
APP/2018/0159	322 RED LEES ROAD CLIVIGER BURNLEY BB10 4RQ	Proposed re-model of existing bungalow including new 1st floor level with roof dormers and increased roof height, plus single storey rear extension and summer room.
APP/2018/0174	7 RAVENOK LANE WORSTHORNE BURNLEY BB10 3NZ	Proposed single storey extension

Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0186	8 EBOR STREET BURNLEY BB10 1ER	Proposed 1st floor side extension with undercroft car parking
APP/2018/0194	ROYAL MAIL SORTING OFFICE BANK PARADE BURNLEY BB11 1DY	Replacement of existing timber windows with PVCu, replacement of existing metal railings
APP/2018/0200	298 PADIHAM ROAD BURNLEY BB12 6ST	Proposed new shop front to include new roller shutter.
APP/2018/0203	5 CROWTHER COURT EXTWISTLE ROAD WORSTHORNE-WITH-HURSTWO	Proposed single storey side extension
APP/2018/0204	3 ALNWICK CLOSE BURNLEY BB12 0TW	Proposed conversion of existing garage to habitable space and 1st floor extension above garage (re-submission of APP/2018/0030)
APP/2018/0207	LAND AT MARCH STREET BURNLEY	Erection of eco-community facilities building
APP/2018/0210	53 REYNOLDS STREET BURNLEY BB11 2NL	Proposed single storey rear extension with lower ground floor level and decking
APP/2018/0212	246 BARDEN LANE BURNLEY BB10 1HY	Single storey rear extension
APP/2018/0219	194 BROWNSIDE ROAD WORSTHORNE-WITH-HURSTWO OD BB10 3JW	Proposed single storey side extension
APP/2018/0220	PLOT 3A GARAGE SITE KAY STREET PADIHAM	Proposed timber framed garage erected on a concrete base
APP/2018/0226	BULLIONS CLOSE FARM IGHTEHILL PARK LANE BURNLEY BB12 0RP	Conversion of dwelling and attached games room/garage into to 2 dwellings and conversion and extension of stables/hay store into garage
APP/2018/0227	36 WESTBOURNE AVENUE BURNLEY BB11 4DG	Demolish existing detached garage and kitchen extension. Erection of 2 storey side extension and kitchen extension to rear
APP/2018/0228	27 SANDIWAY DRIVE BRIERCLIFFE BB10 2JS	Demolition of detached garage and erection of single storey extension to side and rear
APP/2018/0231	133 ST JAMESS STREET BURNLEY BB11 1PP	Change of use from restaurant to tattoo/art studio and gallery
APP/2018/0232	16 THANET LEE CLOSE CLIVIGER BURNLEY BB10 4UE	Proposed two storey extension to side/rear

Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0233	HIGHER COCKDEN BYRE TODMORDEN ROAD BRIERCLIFFE BURNLEY BB10 3QQ	Removal of Condition 2 on Planning Permisssion APP/2009/0734 restricting the building to be ancillary to the residential use of the adjacent dwelling
APP/2018/0236	ACEWELL INSTALLATIONS LTD SIMPSON STREET WORKS SIMPSON STREET HAPTON BB12	Demolish derelict timber building, form new car park, extend existing offices within the existing building
APP/2018/0237	15 HARGHER STREET BURNLEY BB11 4AP	Erection of wrought iron fence with gate
APP/2018/0238	37 HIGH CLOSE BURNLEY BB12 6PS	2 storey extension (re-submission of APP/2017/0435)
APP/2018/0240	11 CROFT STREET BURNLEY BB11 2ED	Removal of condition 2 and variation of conditions 3 and 5 of planning permission APP/2012/0473
APP/2018/0244	18 BRUNEL STREET BURNLEY BB12 8AE	Demolition of existing porch and bay window and erection of a single storey extension
APP/2018/0246	HABERGHAM LODGE PADIHAM ROAD BURNLEY BB12 6TG	Proposed detached garage and driveway
APP/2018/0247	21 ARBORY DRIVE PADIHAM BB12 8JS	Proposed 2 storey extension to side and rear
APP/2018/0248	UNIT D EVOLVE AT VISION PARK BELL WAY BURNLEY BB12 0BS	Proposed installation of one small wall mounted condenser unit
APP/2018/0250	48 ST JAMESS STREET BURNLEY BB11 1NH	Proposed new shop front and replacement 1st and 2nd floor windows to front elevation
APP/2018/0251	ST JOHNS CHURCH CHURCH SQUARE WORSTHORNE-WITH-HURSTWO	Removal of stepping stone path to rear graveyard and formation of new 1m wide path using consolidated hardcore base and 40mm blue slate chips
APP/2018/0256	71 CASTLERIGG DRIVE BURNLEY BB12 8AT	Proposed single storey extension to side and rear
APP/2018/0261	LAND ADJCENT 1 CARTER AVENUE HAPTON BURNLEY	Proposed detached dwelling
APP/2018/0262	BRADGET HEY FARM BURNLEY ROAD CLIVIGER BB10 4TA	Extension to dwelling to form ancillary living accommodation
APP/2018/0264	182A BRUNSHAW ROAD BURNLEY BB10 4DG	Proposed single storey rear and side extensions and formation of new vehicular access

Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0266	1 STARKIE ARMS CHURCH STREET PADIHAM BB12 8HF	Retention of development comprising erection of boundary treatment to forecourt beer garden
APP/2018/0267	FORMER NEW JERUSALEM CHURCH BRIERCLIFFE ROAD BURNLEY BB10 1XA	Proposed single storey extension to create an entrance porch to the front of the property facing Briercliffe Road
APP/2018/0268	29 MOSEDALE DRIVE BURNLEY BB12 8UJ	Proposed bedroom extension over existing garage
APP/2018/0269	1 INGLE NOOK CLIVIGER BB10 4JG	Single storey side extension and replacement of flat roof with hipped roof on rear extension. Demolition of existing extension in part and removal of garage.
APP/2018/0270	40 WHALLEY STREET BURNLEY BB10 1BX	Proposed kitchen extension in rear yard
APP/2018/0274	4 DURHAM AVENUE BURNLEY BB12 6BZ	Proposed removal of existing conservatory and erection of a single storey extension to rear elevation
APP/2018/0280	3 5 RIDGE ROAD BURNLEY BB11 3DD	Retention of rear extension
APP/2018/0284	149 ST JAMESS STREET BURNLEY BB11 1PD	Proposed replacement shop fronts
APP/2018/0290	7 THE SPINNEY BURNLEY BB12 0PB	Proposed two storey side extension
APP/2018/0292	27 LOUGHRIGG CLOSE BURNLEY BB12 8AS	Proposed conservatory to front of dwelling
APP/2018/0293	42 BRIERCLIFFE ROAD BURNLEY BB10 1XB	Retention of rear store
APP/2018/0295	40 42 ST JAMESS STREET BURNLEY BB11 1NQ	External alterations including removal of atm
APP/2018/0300	HIGHER TIMBER HILL FARM NEW ROAD GLEN VIEW ROAD BURNLEY BB11 3QR	Proposed two storey extension to side of dwelling
APP/2018/0317	124 VICTORIA ROAD PADIHAM BURNLEY BB12 8TA	Proposed single storey rear extension
APP/2018/0322	50 ORMEROD STREET WORSTHORNE-WITH-HURSTWOD BB10 3NU	Proposed single storey extension with balcony over and new dormers to bedroom and shower room

Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Full Planning Permission Refused		
APP/2018/0123	A&B AND PRINCES TAXIS 143 ST JAMESS STREET BURNLEY BB11 1PG	Variation of Condition 1 on planning approval APP/2013/0369 to allow relocation of 3no. car parking spaces in connection with existing taxi office
APP/2018/0177	CLOW BARN MANCHESTER ROAD DUNNOCKSHAW BB11 5PF	Removal of Condition 3 (timber windows and doors) and Condition 14 (external lighting) on planning permission APP/2017/0123
APP/2018/0180	LAND SOUTH WEST OF LOWER WATER STREET BURNLEY	Proposed erection of 2no. 2 bed bungalows (re-submission of APP/2017/0070)
APP/2018/0196	33 35 GREEN STREET BURNLEY BB10 1UZ	Proposed change of use from retail shop to teaching and training centre
APP/2018/0263	30 DOVEDALE DRIVE BURNLEY BB12 8XD	Proposed single storey side extension to provide extended garage and garden store
Withdrawn		
APP/2018/0089	WRIGHTS UPHOLSTERY CLAREMONT STREET BURNLEY BB12 0HG	Proposed change of use to child care facility
APP/2018/0209	79 GAINSBOROUGH AVENUE BURNLEY BB11 2PD	Proposed single storey rear extension
APP/2018/0213	23 FOREST STREET BURNLEY BB11 2SA	Front and rear dormer extensions
APP/2018/0216	33 MILTON STREET PADIHAM BB12 8SR	Roof over yard to provide additional storage
Full Planning application		
Full Planning Permission Granted		
APP/2018/0018	2 HEALEY WOOD ROAD BURNLEY BB11 2HJ	Conversion of existing building into 20no. self-contained apartments
APP/2018/0151	79-115 BRUNSHAW AVENUE BURNLEY BB10 4NP	Change of use of 10 mixed use units to 10 apartments
APP/2018/0185	AMS TECHNOLOGY PARK BILLINGTON ROAD BURNLEY	New general industrial unit (use class B2), formation of new site access, associated car parking and service yard

Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0235	1 CALDER STREET BURNLEY BB11 1PQ	Demolition of 3 storey warehouse and erection of apartment block comprising 11 residential units

Full Planning Permission Refused

APP/2018/0061	18 24 NICHOLAS STREET BURNLEY BB11 2AP	Change of use to 31no. apartments with internal and external alterations (re-submission of APP/2017/0217 & APP/2017/0218)
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Listed Building Application

Full Planning Permission Granted

APP/2017/0515	59 63 THE FRANCISCAN CONVENT YORKSHIRE STREET BURNLEY BB11 3BS	Replacement of timber casement windows and dormer windows and repair of timber sliding sash windows
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Listed Building Consent Granted

APP/2017/0561	TOWN HALL MANCHESTER ROAD BURNLEY BB11 1JA	Proposed roof repairs to rear of building including replacement flue, repairs and reduction in height of two chimney stacks, repair to roof lights/cladding of clock tower mechanism and lift shaft and motor room/guttering/lead weatherings, replacement window in the staircase tower and redecoration of windows in light well
APP/2018/0019	2 HEALEY WOOD ROAD BURNLEY BB11 2HJ	Internal and external alterations to convert existing building into 20no. self-contained apartments

Listed Building Consent Refused

APP/2018/0062	18 24 NICHOLAS STREET BURNLEY BB11 2AP	Change of use to 31no. apartments with internal and external alterations (re-submission of APP/2017/0217 & APP/2017/0218)
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Discharge of s106

Full Planning Permission Granted

APP/2018/0297	FORMER CLOCK TOWER MILL SITE SANDYGATE BURNLEY	Application for the discharge of planning obligations in relation to Section 106 Agreement of former Clock Tower Mill Site
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Work to trees covered by Tree Preservation Order

Work to TPO trees granted

Delegated Decisions from 11/06/18 to 02/09/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0252	182 BRUNSHAW ROAD BURNLEY BB10 4DG	Application to prune lower branches on (T10) trees covered by the Burnley (Brunshaw Road No 1) Tree Preservation Order 1981
APP/2018/0329	3 OTTERBURN PALACE GARDENS BURNLEY BB12 6TD	Application to fell 1 Silver Birch tree (T47) covered by the Burnley 'Westwood' 464 Padiham Road TPO 1985

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

20th September 2018

Housing and Development

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BURNLEY BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Date: 20 September 2018

PART 3

Town and Country Planning Act 1990

Planning Appeal by Mr Oathie Sykes

APP/2016/0427 Appeal against the refusal of planning permission for the development of the land as a traveller site, the siting of 5 static caravan pitches and the erection of one new dwelling

Land at Spa Wood Farm Billington Road Burnley

Background

The appeal was made to the Secretary of State against the Council's refusal of planning permission for the use of the land as a traveller site, the siting of 5 static caravan pitches and the erection of a dwelling following the removal of the existing mobile home.

The application was refused by the Council on 27 January 2017 for the following reason:

'The site is in an isolated location within the rural area with poor access. The development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development, and is also considered to be inappropriate development contrary to Burnley Local Plan Policies GP1, GP2 and H2. Approval of this application would lead to inappropriate and unsuitable development in the rural area without sufficient justification that would be to the detriment of the locality.'

Appeal Decision – The appeal was allowed and planning permission was granted subject to conditions as set out at the end of this report.

Approximate cost of appeal: £7,100.00

The appeal was dealt with by way of a Hearing held at the Town Hall Burnley on 18 May 2018.

Inspector's Considerations

The Inspector considered the main issues in relation to the traveller site to be:

- whether or not the site is reasonably located in relation to services and facilities;
- whether the proposal is acceptable in highway safety terms and
- any other matters in support of the proposal including, the general need for, and provision of, gypsy and traveller sites in the area.

The main issues in relation to the new dwelling were considered to be:

- whether the development is acceptable, having regard to national and development plan policies in relation to new dwellings in the open countryside
- whether or not the new dwelling is acceptable having regard to highway safety considerations.

Inspector's considerations in respect of the gypsy and traveller site

The site is currently in a lawful use as a traveller site for 6 mobile homes. It is occupied by the Appellant, his wife and his extended family, as well as his adult children and their dependents. The appeal site comprises a rectangular area of land located to the south-west of Burnley town centre, just outside the smaller settlement of Hapton.

Local Plan policy H16 confirms that where there is an identified need for sites. Three proposals for gypsy and traveller sites will be permitted where a number of criteria are satisfied. The Council accepts that it has an identified need for sites and that the appeal site is suitable for its intended use and can provide acceptable living conditions. It is also located relatively close to shops, schools and other facilities both in Hapton and in Burnley town centre which is approximately 1.6 km away. The site is well designed and landscaped and contained by mature boundary planting such that the Inspector was satisfied it causes no material harm to landscape character.

The only contentious issue in relation to the criteria in policy H16 is the question of the suitability of the access road to the site, as raised by a number of local residents and others. The site is accessed via Billington Road which runs off the main road and through an industrial estate before becoming an unmade track running into the rural area beyond. The unmade private track comprises a section of approximately 900 metres which runs to the site entrance and which also serves a handful of other residential developments and farms in the vicinity.

In addition a public footpath route runs along the unmade track which is single width and is rutted and uneven along its surface. Any vehicle travelling along the track must proceed at low speeds due to the uneven surface. The track is located in a wide and open landscape such that any walkers proceeding along its length would have ample notice of vehicles proceeding in either direction along the track and would have the opportunity to step aside on the grass verges which line it.

The mobile homes are permanent structures and the touring caravans are smaller units which would move onto and off the site. The track serves the appeal site and a small number of other agricultural and equestrian uses. As such, it is already used by a handful of properties and of course there is the now lawful established use of the site for 5 gypsy pitches.

Therefore it is evident that the appeal proposal would not materially increase the use of the access road over and above the current level of use. The Inspector noted that the Highways Authority, Lancashire County Council, did not raise any objections to the proposal.

Having regard to all of the above matters, the Inspector was satisfied that the appeal proposal is satisfactory in highway terms and concluded that the gypsy and traveller element of the appeal proposal is in conformity with Local Plan policy H16 given that all of the criteria are satisfied.

The National Planning Policy Framework (the Framework) identifies one of the core principles of the planning system as recognising the intrinsic character and beauty of the countryside. The Framework advises that it should be read in conjunction with the PPTS which explains how gypsy and traveller accommodation needs should be assessed, and sets out relevant policies and criteria for considering such proposals. Policy C of the PPTS advises that the scale of development in rural areas should not dominate the nearest settled community. There is no suggestion that this would be the case here.

Paragraph 25 of the PPTS directs authorities to very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Two points are relevant here: firstly the proposal would not represent new traveller site development given that there is an established lawful use as a traveller site. Secondly, whilst the site is in the open countryside, the Inspector did not consider it to be remote or 'away from existing settlements'.

The general need for sites

The Framework advises that it should be read in conjunction with the PPTS which explains how gypsy and traveller accommodation needs should be assessed, and sets out relevant policies and criteria for considering such proposals. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, whilst protecting local amenity and the environment.

The Council accepts that it does not currently have a five year supply of gypsy and traveller sites. It is already noted that the emerging LP now relies upon a commitment to produce a Site Allocations DPD in relation to gypsy and traveller site provision. Paragraph 25 of the PPTS provides that where a Council cannot demonstrate an up-to-date five year supply of sites, this should be a significant material consideration when considering applications for the grant of temporary planning permission. In this case,

the Inspector concluded that the Council does not have a five year supply. In the first instance the Appellant is seeking a permanent planning permission. In these circumstances, she considered that the lack of a five year supply and the general unmet need attracts moderate weight in support of a permanent permission.

In relation to the consideration of a permanent planning permission, she found that the proposal would be contrary to LP policies H1 and H2 which seek to control development in the open countryside. However the policies predate the Framework and PPTS and are now somewhat dated. It is noted that PPTS confirms that rural sites should respect the scale of, and not dominate, the nearest settled community as well as avoiding placing an undue pressure on local infrastructure. For all of these reasons The Inspector attached limited weight to the harm by virtue of the contravention of these policies.

The site is in a relatively accessible location with regard to the distance to services. There is also an accepted current general, unmet need for sites, to which she attributed moderate weight. In addition the 2018 LDC and existing use of the site is a significant material consideration. In coming to an overall conclusion she found that the limited harm identified is not outweighed by the other factors in support of the grant of a permanent planning permission in relation to the gypsy and traveller site component of the appeal.

Considerations in respect of the new dwelling

As a new dwelling in the rural area it does not fit within any of the categories listed in Local Plan policy GP2. It is therefore contrary to this policy.

Paragraph 55 of the Framework sets out criteria for the assessment of new houses in rural areas and cautions against allowing isolated new homes in the countryside unless there are special circumstances. The Inspector bore in mind that the Council has accepted that the appeal site constitutes previously developed land and there is the established residential use as a gypsy and traveller site conferred by the 2018 LDC.

The new dwelling would not be isolated and would complement the existing residential use. It would sit within a well-screened site and would cause no material harm to landscape character. She had already concluded that the site is in a relatively accessible location, with local services and facilities nearby. Having regard to all of these matters she was satisfied that the special circumstances required by paragraph 55 are met. Whilst the proposal for a new dwelling is contrary to LP policies she concluded that the proposal would be in conformity with this later national policy.

The appeal proposal in combination would result in 5 mobile homes, 5 touring caravans and one modest new dwelling. There is already an established residential use for 6 mobile homes. The difference in traffic generation terms, between what is already established as lawful and what is proposed, would in the Inspector's view be negligible. As such she concluded that the proposal would be acceptable in highway terms.

Other matters

In respect of the concerns raised about flooding around the small bridge over a

watercourse which sits at the end of Billington Road at the entrance to the countryside, she already concluded that the appeal proposal would not generate materially more traffic than that which is generated by the existing lawful use.

She appreciated that the local plan process is the mechanism by which future gypsy and traveller sites will come forward but that is some time in the future.

The Inspector has assessed the proposal against the current policy framework and light of the existing lawful use and other material considerations.

She has read other concerns about poor levels of water pressure and the ability of existing infrastructure to cope with the proposal. Again, having regard to the existing lawful use I am satisfied that the proposal would not materially increase demands on these services.

Conclusion

Having regard to the above considerations, the Inspector granted planning permission for the development subject to the following conditions:

Gypsy and traveller site

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Planning Policy for Traveller Sites.
- 2) There shall be no more than 5 pitches on the site and on each of the 5 pitches hereby approved no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time of which only one caravan shall be a residential mobile home.
- 3) There shall be no burning of waste or other materials on the site.
- 4) There shall be no external lighting on the site (whether affixed or freestanding) unless details of any such lighting have been previously submitted to and approved in writing by the Local Planning Authority.
- 5) No commercial activities shall take place on the land, including the storage of materials or plant relating to any commercial activity.
- 6) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.

The new dwelling

- 7) The development in relation to the new dwelling must be begun within two years of the date of this decision.
- 8) The development shall be carried out in accordance with the following approved plans: site location plan, existing site plan, proposed site plan dated January 2017

drawing number 3A, proposed elevations and floor plan dated January 2017 drawing number 4A.

9) No development in relation to the new dwelling shall commence until such time as the structure described on the existing site plan as 'Main dwelling' has been removed in its entirety from the site.

10) No works of demolition or construction in connection with the new dwelling shall take place outside the hours of 0800 hours to 1800 hours Mondays to Fridays inclusive; 0800 hours to 1300 on Saturdays and there shall be no works on Sundays, Public Holidays and Bank Holidays.

11) Prior to the commencement of development on the new dwelling details of the external materials to be used in the external faces of the new dwellings shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, E or F of Part 1, of Schedule 2 of that Order shall be carried out in relation to the dwelling hereby permitted.

13) No development in relation to the new dwelling hereby permitted shall take place until drainage plans for the disposal of surface water and foul sewage in accordance with paragraph 20 of the Planning Practice Guidance have been submitted to and approved in writing by the Local Planning Authority.