

DEVELOPMENT CONTROL COMMITTEE

Thursday, 24th January, 2019
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 24th January, 2019 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:

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AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 8

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 9 - 10

To consider reports on planning applications for development permission:

- a) **APP/2018/0296 - Land at Balderstone Lane, Briercliffe, Burnley** 11 - 28
Proposed erection of industrial unit comprising warehouse (B8) and associated offices (B1) and showroom, servicing and car parking facilities including relocation of a section of the Brun Valley Greenway.
- b) **APP/2018/0188 - Land rear 12 Red Lees Road, Cliviger, Burnley** 29 - 36
Erection of agricultural storage building.
- c) **APP/2018/0476 - 16 Ribchester Avenue, Burnley** 37 - 42
Proposed loft conversion and two storey rear extension.
- d) **APP/2018/0514 - 42 Hill Crest Avenue, Cliviger, Burnley** 43 - 50
Proposed two storey side extension (re-submission of APP/2018/0336).
- e) **APP/2018/0548 - 60 Broad Ing Close, Cliviger, Burnley** 51 - 56
Proposed Dormer extension to the side.
- f) **APP/2018/0545 - 31 Kibble Crescent, Burnley** 57 - 62
Proposed erection of conservatory to rear of property.

7. Decisions taken under the Scheme of Delegation 63 - 68

To receive for information a list of delegated decisions taken since the last meeting.

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, 16 January 2019

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 13th December, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, M Brindle, S Chaudhary, S Graham, J Harbour, A Hosker, M Johnstone, A Raja and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer
Aftab Ahmed	– Assistant Planning Officer

68. Apologies

Apologies for absence were received from Councillors Mohammed Ishtiaq and Cosima Towneley.

69. Minutes

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

70. List of Deposited Plans and Applications

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

71. a. APP/2018/0424 - 26 Montgomery Grove, Burnley

Full Planning Application

**Proposed rear single storey extension
26 MONTGOMERY GROVE BURNLEY**

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

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - *Drawing 0818/110 Rev A, received 04 Sept 2018*
 - *Drawing 0818/200 Rev A, received 04 Sept 2018*
 - *Drawing 0818/210 Rev A, received 04 Sept 2018*
 - *Drawing 0818/220 Rev B, received 26 Nov 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.

72. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 29th October to 25th November 2018.

73. Appeals and other decisions

Members received for information the outcome of the following appeals:

74. APP/2018/0025 - 1 The Paddock, Highfield Avenue, Burnley,

APP/2018/0025 Appeal against grant of planning permission subject to conditions for use of the site as a residential care home/nursing home (Class C2), together with retention of extension to hardstanding and landscape treatment

1 The Paddock, Highfield Avenue, Burnley

The appellant sought removal of Condition 5

The Inspector identified the following as the main issue:

the effect that removing the condition would have on the living conditions of nearby occupants, with regard to noise and disturbance.

Considerations

1. The appeal building is a former large detached dwelling house, which has been extended and used as a care home for the elderly in recent years. Planning permission granted in 1987 restricted the use to 10 residents. Then a further permission, granted on appeal, allowed a further 6 bed spaces, so that, in total, the use operated on the basis of 16 bed spaces for residents.
2. The Council had reasonable expectation that care staff would be resident or stay overnight while caring for residents. Despite the appellants view, this was not prevented by the condition.
3. The disputed condition is necessary to ensure provision of staff facilities; and, the condition is enforceable because it is clear when the plan has to be deposited.
4. A higher amount of people receiving care would be likely to translate into a higher number of staff, medical visits and ambulance movements. As neighbouring occupants live near to the site and the access, they would suffer harmful effects generated by noise and disturbance from comings and goings and general activity associated with a higher number of residents, care staff and medical related visits. The effect would be particularly acute due to the single point of access.
5. The condition satisfies the six tests set in paragraph 55 of the NPPF; and, removing the condition would result in significant harm to the living conditions of neighbouring occupants with regard to noise and disturbance, which would conflict with policy IC5. The policy requires high quality and inclusive design of social or community infrastructure.
6. The appeal was **DISMISSED** on that basis.

75. APP/2018/0127 - 1 The Paddock, Highfield Avenue, Burnley

APP/2018/0127 Appeal against refusal of planning permission for the use of the site as student accommodation.

1 The Paddock, Highfield Avenue, Burnley

The Inspector identified the following as the main issue:

the effect of the proposal on

- i. Highway Safety on Highfield Avenue, with regards to the proposed parking arrangement; and

- ii. The living conditions of neighbouring residential occupants, with regard to noise and disturbance

Inspectors decision

The Inspectors decision was that no harm was found with living conditions, the need for student accommodation was recognised, but these matters were outweighed by the harm in terms of the scheme's impact on highway safety. The appeal was dismissed on that basis.

APPEAL DECISION

The Inspector **DISMISSED** the appeal.

76. APP/2018/0263 30 Dovedale Drive, Burnley

APP/2018/0263 Appeal against refusal of planning permission for a proposed garage extension.

30 Dovedale Drive, Burnley

The Inspector identified the following as the main issue:

The effect of the proposed garage extension on the users of the adjacent footpath.

APPEAL DECISION

The proposed extension would have a harmful effect on users of the footpath, and the appeal was **DISMISSED** on that basis.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

24th January 2019

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

APP/2018/0296

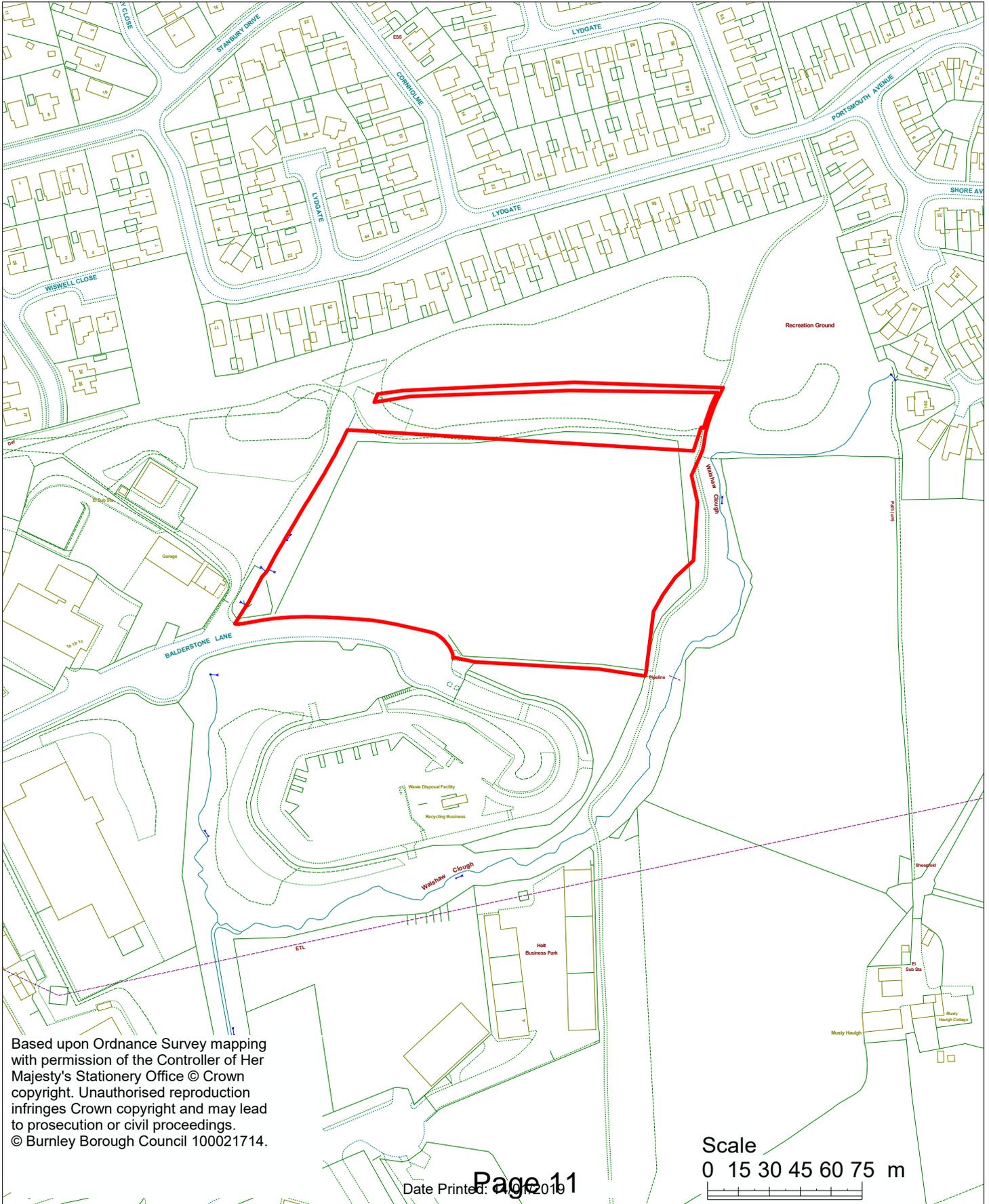
Paul Gatrell Head of Housing and Development

Location:



Land at Balderstone Lane, Briercliffe, Burnley

1:2500



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Full Planning application

Proposed erection of industrial unit comprising warehouse (B8) and associated offices (B1) and showroom, servicing and car parking facilities including relocation of a section of the Brun Valley Greenway
LAND AT BALDERSTONE LANE BURNLEY

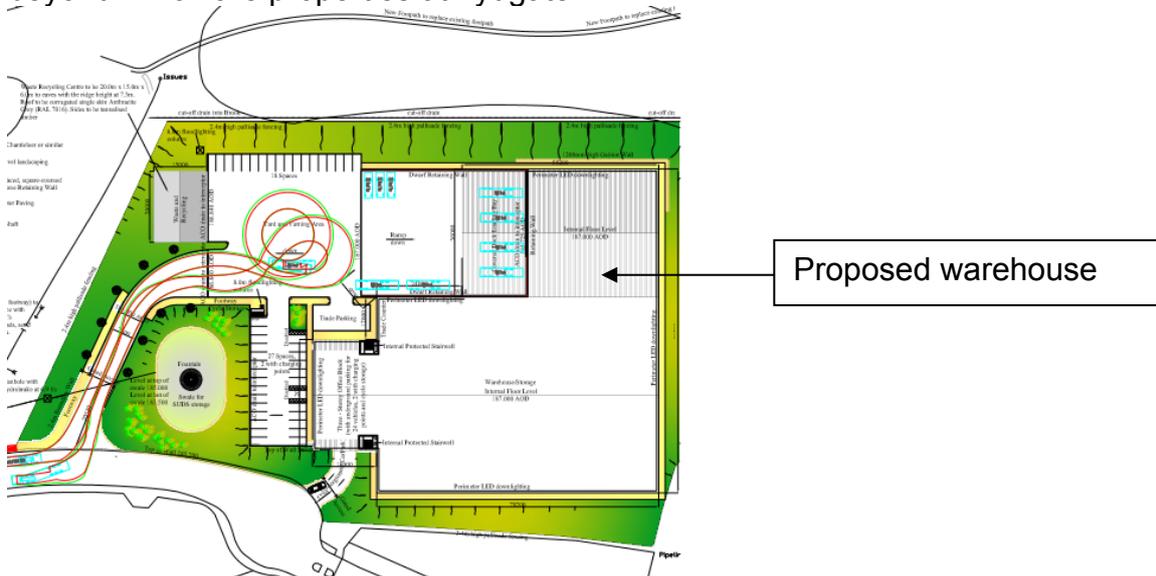
Background:

The proposal is to develop approximately 0.9ha of open land for employment purposes at the north side of Balderstone Lane, at the eastern side of Heasandford Industrial estate.

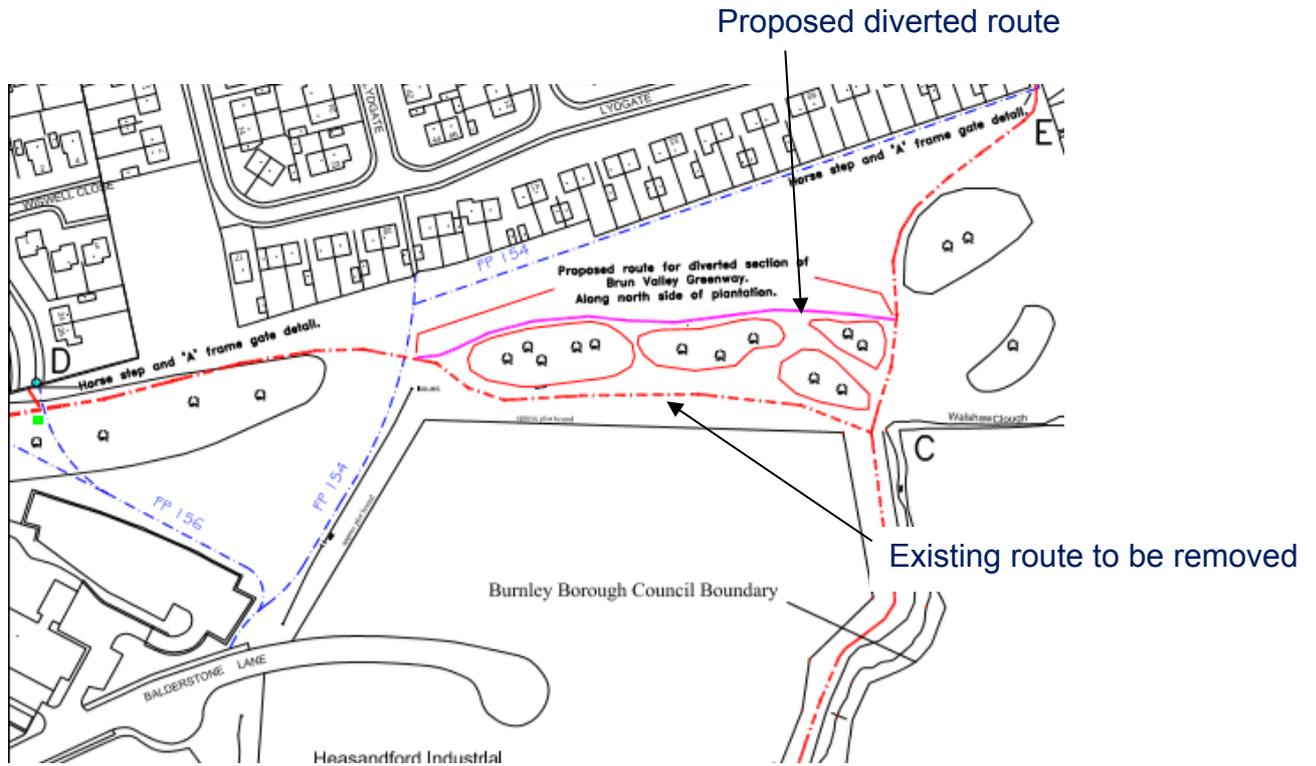
Proposed site



The site is bound on its north side by a belt of trees and the Brun Valley Greenway, beyond which are properties at Lydgate.



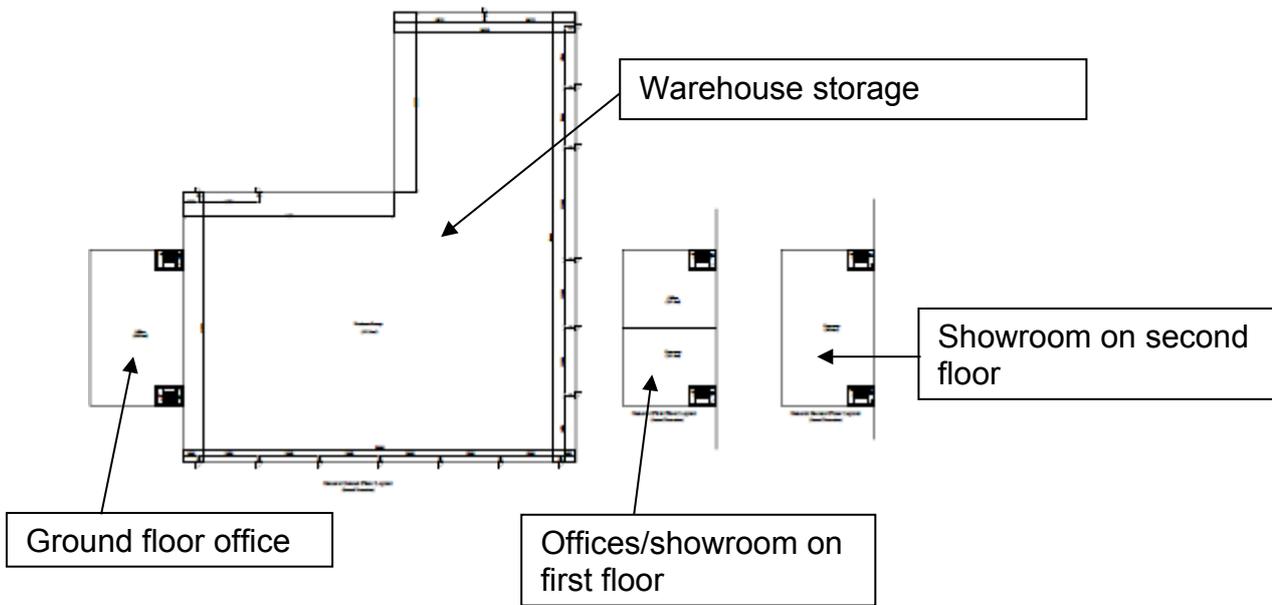
The proposals involve the diversion of the Brun Valley Greenway to a similar route but on the north side of the woodland.



The proposed development would consist of a large mainly 'L' shaped warehouse building with ancillary offices and showroom (for trade customers). The building would measure up to 97.2m x 90m with a roof spanning two pitches up to 16.3m high. The west facing elevation would contain a central area full height glazed screen with rows of windows within a brick façade to either side and metal cladding to other elevations in silver and black/grey with an anthracite grey profiled metal roof.



Floor Plans



The proposed unit is to be occupied by an existing carpet and flooring wholesaler wishing to consolidate its wholesale operations into one unit. The unit would provide 5,513sqm warehousing, 754sq associated office space and 754sqm showroom for wholesale customers.

The proposed access to the site would be from Balderstone Lane where a gated access would lead to a yard and turning area and parking for 75 cars. A Transport Statement has been submitted to support the application.

The site would be bound on all sides by a 2.4m high palisade fence. A gabion wall is required at the north east corner of the site due to the slope of the land that rises in a northerly direction. A swale and fountain in a landscaped setting would be formed to the east side of the site entrance to assist with the drainage of the site.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP3 – Employment land requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- SP6 – Green infrastructure
- EMP1 – Employment allocations
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems (suDS)
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards
- IC4 – Infrastructure and planning contributions

The National Planning Policy Framework.

Site History:

7/7/6019 - Extension of existing industrial roads – Approved July 1969.

12/74/0485 - Extension of estate road and services in connection with the use of adjoining land for industrial and warehousing development – Approved March 1977.

12/77/047 - Earthworks to create sites for industrial development; landscaped mounding – Approved.

APP/90/0230:Proposed Industrial Unit Plot 1 (Class B1) – Granted (*Not implemented*).
Plot 1:

Erection of factory unit Plot2 (warehousing and light industrial) – Approved (*Not implemented*).

APP/2006/1116 - Proposed erection of six blocks of Use Class B1 – Approved March 2007.

APP/2007/0541 - Proposed erection of six blocks of Use Class B1/B8 (re-submission). Approved July 2007.

Consultation Responses:

LCC Highways

No objection. Previous concerns have been addressed. Conditions are recommended to require lighting to be screened from the view of drivers; details of highway structures affected by the scheme; a scheme for the construction of the site access and off-site works of highway improvement; and, a Construction Method Statement. Informatives to be added to any planning permission are also requested.

The Wildlife Trust for Lancashire, Manchester and North Merseyside

Object. A summary of their points is provided below:-

- Is not compliant with the NPPF as is not does not take account of potential impacts on the ecological network or provide opportunities for restoration and enhancement
- The application would result in the destruction of three habitats of principal importance which form part of the Heasandford District Wildlife Site (DWS)
- The application does not deliver measurable net gains in biodiversity as required by the NPPF. There would be a net loss in biodiversity within the DWS and net loss of habitats that are suitable to support European and statutory protected species, UK species of principal importance and local BAP (Biodiversity Action Plan) species.
- To be compliant with the NPPF, the applicant needs to provide at least the same amount of land that is developed as Off-Site compensation, supporting similar habitat types to those destroyed. The land should be as close as possible to both the development boundary and the Heasandford DWS and be capable of being managed by the applicant either directly or indirectly.
- If the application is approved, a Management Schedule for the compensatory land should be costed up in full and provided as a commuted sum through a section 106 Agreement.

Burnley Wildlife Conservation Forum

It is the last approximately 50% remaining northern part of the Heasandford District Wildlife Site (DWS). The plot comprises a historically important range of wildlife habitats most especially including a mosaic of unimproved acid, neutral, dry heath and marshy heathland areas. It has a rich and diverse range of wild flower, grass and sedge species, supporting a wide range of insects. The majority of the site would be developed ; the remaining small linear land along the site's boundaries is too narrow and inadequate for significant on-site restoration and there is therefore wholly inadequate scope for any meaningful habitat restoration and on-site mitigation. Any approval should be subject to appropriate off-site compensation which will create a similar mosaic of grassland habitats.

Greater Manchester Ecology Unit (GMEU)

The site is identified as a Local Wildlife Site for Burnley, although this designation appears to be based on rather dated ecological information. There are two up-to-date ecological surveys which have been carried out to inform the current application, one dated June 2017 and an addendum to this report dated October 2017. Both survey reports agree that the site has some ecological value associated with a nutrient-poor acidic substrate which supports acid grassland and small areas which can be described as lowland heathland vegetation, a priority habitat for conservation. These areas were likely to have once been more species-rich, which would explain the local wildlife designation, although they are succumbing to ranker grassland and scrub in places which has somewhat reduced their ecological value. Nevertheless lowland heathland is a scarce habitat type in Burnley and efforts to retain and/or recreate the habitat type are fully justified.

Currently the available plans show all of the heathland vegetation and a good part of the acid grassland areas as being lost to the scheme. Landscaping of parts of the site are proposed in the overall site Masterplan but the Landscaping plans are currently poorly defined and lack detail. There is limited scope within the red-line of the application for accommodating retained or replacement habitats and I would currently regard the amount of retained greenspace proposed for retention/recreation as insufficient to compensate for lost greenspace/habitats. I would recommend –

- That more space be made available for habitat enhancement / recreation
- That consideration be given to the future positive management of nearby greenspace as part of any required compensation for the loss of habitats to the built development
- That a more detailed Landscape Plan for the development be required, taking into account the need to re-create important habitats as part of the scheme.

I would support the recommendation made in the Ecology reports to retain the existing topsoil and use this in any new landscaping scheme. Use of this substrate would require a bespoke landscape scheme reflecting the habitat types and plant species composition affected by the development.

Species

I would support the recommendation made in the Ecology reports that a pre-commencement survey of the site for the presence of Badgers should be required to be carried out by means of a Condition placed on any permission that may be granted to the scheme. The survey should be carried out by a suitably qualified consultant and to appropriate standards. If Badgers are found then a Method Statement will need to

be prepared giving details of measures to be taken to avoid any possible harm to Badgers during the course of any development. Once agreed the Method Statement must be implemented in full. Badgers are legally protected under the terms of the Protection of Badgers Act 1992.

No vegetation clearance required by the scheme should take place during the optimum time of year for bird nesting (March to July inclusive). All nesting birds their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Following receipt of off-site mitigation proposals, GMEU advise as follows:
The proposal to compensate for habitat losses by retaining local substrate to recreate grassland around the new development *and* to create an area of species-rich grassland off-site at Bank Hall are in principle acceptable. I recognise that the habitats to be created will not be exactly like-for-like replacements for those lost but I would note that the habitats currently on the site are degrading and will be lost to the expansion of rough neutral grassland and scrub over time if there is no intervention. The development at least presents an opportunity to re-create and manage similar habitats over the long-term.

I would recommend that in addition to the required S106 agreement to facilitate the off-site grassland creation works a detailed Landscape Creation and Management Plan for the application site also be required as a Condition of any permission which may be granted to the scheme.

Environmental Health

No objections in principle. There are however potential concerns over the use of fork lift trucks (with reversing alarms) due to the proximity of the operation to nearby noise-sensitive receptors. Therefore, in the absence of a detailed assessment of the use of forklift trucks within the submitted noise assessment, I would suggest a condition restricting the use of forklift trucks to the inside of the building only. Also recommend conditions relating to noise mitigation measures during construction, noise mitigation within hours of operation, a Construction Method Statement, and electric charging points at a rate of 10% of the car parking spaces.

Health and Safety Executive

Does not advise, on safety grounds, against the granting of planning permission.

Contaminated Land Officer

The developer should undertake an intrusive investigation in accordance with the Phase 1 report submitted with the application. Remediation work shall be undertaken in accordance with a subsequently approved remediation scheme and programme. A validation report, including evidence that all remediation work has been carried out in accordance with the approved scheme shall be approved before any part of the development is brought into use.

Coal Authority

Initially objected. Records indicate that there are five recorded mine entries present within the application site and surrounding area, two of which are at locations which are not known for certain and there are no recorded treatment details. A thick coal seam (Dandy Mine Coal) outcrops across the site and may be the subject of unrecorded working in the past. A programme of proof drilling and grouting would

normally be required to ensure that any workings present are suitably consolidated and stabilised. The originally submitted assessment does not adequately address the risks to the safety and stability of the development proposal from coal mining legacy issues. Following the submission of an intrusive site investigation, the Coal Authority has withdrawn its objection. It states that the applicant indicates that a proof drilling and grouting exercise is to be undertaken beneath the footprint of the proposed building in order to stabilise any unrecorded shallow mine workings which may be present within the Dandy Coal seam. The recommendations of the report are accepted and conditions are recommended to require further intrusive site investigation work in accordance with a Coal Authority Permit, in order to establish the exact situation regarding coal mining legacy issues on the site and to inform an appropriate remedial strategy to ensure the safety and stability of the proposed development.

Green Space and Amenities Manager

Regarding the relocation of the route of the Brun Valley Greenway: I have met on site with the Council's engineer and am satisfied that the proposed relocation of the footpath provides a satisfactory, albeit very slightly longer, alternative route for pedestrians cyclists and horse riders. The new section will be constructed to 3m width and funded by the proposed S106 contribution and will be maintained by the Council.

The ecological report identifies the loss of the acid grassland habitat but also identifies that some of the unimproved neutral grassland can be preserved by retaining excavated topsoil and using this material to re-soil the banks around the proposed building. This requirement should be made a condition of approval, together with a landscape management plan for the site that will identify how the areas of grass around the building are to be managed as species rich neutral grassland rather than as close and frequently mown grass.

In addition to restoration of some meadow habitat within the site, there is an opportunity for off-site habitat creation. The areas of grassland immediately around the proposed development will be improved using a S106 contribution that has already been made by the Boo Hoo development. However, elsewhere within the Brun Valley Forest Park, there are large areas of grassland at Bank Hall, which are currently being managed as meadow and which would benefit from cultivation and reseeded using a wildflower mix that replicates the neutral grassland species identified in the ecology report. Advice of Lancashire Wildlife Trust has been taken to prepare a species list. The costs of undertaking this offsite compensation have been calculated.

The new building is very large in relation to the area of the site that it will occupy and there is consequently very little green space between the edge of the building and the boundary of the site. To help break up the visual mass of the building (in time), the developer should be required to plant trees within the site on the landscaped areas around the east, north and west of the building and on the southern frontage to the greenway footpath. There is plenty of space for approximately 100 trees (not all will survive to maturity). Oak, scots pine, alder, cherry, lime, birch and field maple are suggested. The landscaped areas within which the trees are planted should be seeded with a wildflower mix: LWT Meadow Mix. This is the same mix that the Lancashire Wildlife Trust has recommended for reseeded adjoining areas of meadow to compensate for the loss of habitat due to this and the BooHoo development. The meadow mix requires cutting once per year and would be suitable on the west, north and east landscaped areas. The developer may prefer a mown lawn to the frontage to

Balderstone Lane, together with more ornamental planting. Outside the site there is limited scope for planting, but I suggest that we could undertake some additional underplanting of the existing woodland immediately to the north of the development, between the site boundary and the re-aligned greenway, which will help to screen of the development from nearby houses and the re-aligned greenway. I recommend underplanting the woodland with native shrubs, including evergreens and some scots pine on the southern edge of the woodland. Some thinning of undesirable species such as poplar may be required.

The application identifies that 2.4 m high steel palisade fencing will enclose the site. I suggest that 1.8 metres high on all boundaries of the site is adequate and it should be green in colour to match the fencing colour around the adjoining household waste site and to create a less hostile environment for people using the greenway.

At the south east corner of the site the building is hard up against the boundary of the site and the Brun Valley Greenway, significantly narrowing down what is currently a more open aspect to the greenway. This will deter people from using the path and ideally the south east corner of the building should be pulled back a few metres. In addition the Council can cut down some of the trees growing on the eastern side of the greenway at this point, to improve views up and down the path and therefore to reduce the sense of enclosure and improve safety.

Engineers have provided details for the re-alignment of the Brun Valley Greenway link to the north of the site. My view is that this should be done as a S106 contribution so that it links in with the S106 contribution that has been received from the BooHoo development for other greenway improvements.

To the east of the site there is a definitive right of way on land that will be retained in Council ownership and I recommend that the developer contributes to stone surfacing this path to 2m width. This will help to implement the recommendation of the Green Infrastructure Strategy to create new green travel routes between areas of industry and housing. If this definitive right of way is not surfaced and made inviting to use, it is likely to fall out of use as the damage caused by the construction of the development and installation of the steel palisade fencing will disrupt use.

Briercliffe Parish Council

Wish to support all valid objections to the application submitted by residents including the following points:

- The application does not adhere to the use classes in the Local Plan;
- There will be significant adverse noise from HGVs;
- There are existing building that could be utilised
- There would be an adverse effect on local wildlife and trees;
- There are highway safety concerns with regards to access and parking;
- There will be loss of privacy and sunlight and residential properties will be overlooked.

Councillor representations

Councillors Anne Kelly, Gordon Lishman and Margaret Lishman make the following comments:-

- Appreciate that the application is within the industrial estate on Heasandford but request that concerns are considered
- 68 vehicles would create a lot of noise and question how residents would be protected from this
- Ask whether the buildings would be as high as BooHoo which can be seen for miles and stand out. This application is much nearer and very near to homes
- Ask whether there would be planting to screen the area to protect the residents' visual amenity
- Every morning there are deer in that field as well as other wildlife

Publicity

91 letters of objection have been received as well as a petition with 11 signatures. The objections are from residents on Lydgate and the surrounding residential area. Neighbours have set out their objections in detail and have also attached photos of the trees and wildlife, including deer on the site. The main points of objections have been summarised and listed below:-

Highways/parking:

- Increase in traffic, noise and pollution – 50 HGV's, 100 LGV's and cars daily to the site
- Impact on congested roads at Briercliffe Road/Casterton Avenue/Eastern Avenue/Widow Hill Road with inadequate junctions for existing traffic
- Increase in congestion/tailbacks and risk of hazards and accidents
- Roundabout at junction of Briercliffe Road/Casterton Avenue/Eastern Avenue is too small to handle the traffic, including an increase in HGV's
- Accidents have already been recorded at junction of Eastern Avenue/Widow Hill Road. Four accidents in the area over a four week period. Motorcycle accident on Widow Hill Road in August 2018
- Safety for school children due to an increase in traffic near to three schools
- Will lead to problems for ambulance access to and from Burnley Hospital
- Inadequate parking for lorries, vans and cars on the site – 75 parking bays is unlikely to be sufficient, leading to further on-street parking
- Widow Hill Road is already congested with parked vehicles and taxis to both sides, particularly due to the expansion of BooHoo, making it difficult for HGV's
- Will affect traffic to and from the existing businesses on Widow Hill Road and Balderstone Lane, including the recycling plant
- Employees and visitors will park on the narrow roads at Lydgate and the area and walk through to the proposed site for ease of access and parking (to avoid Widow Hill Road) which would affect congestion and the safety of residents, school children and children playing out

Views/open space:

- The development will remove an attractive local beauty spot and highly valued local green area, used for recreation, wildlife and enjoyment
- It will ruin the natural landscape
- It will remove a safe place where people enjoy walking their dogs, running and where children play games, football and enjoy the local wildlife
- It will be visible from miles around similar to the BooHoo units which dominate the area
- Proposed building is too high (16.3m) and would block views across the skyline
- The proposal runs contrary to Article 8 of the Human Rights Act which extends to the enjoyment of the home and its surroundings

- Public paths, and rights of way would be disturbed
- Object to the diversion of the Brun Valley Greenway due to the squeezing out of recreational and leisure space and wildlife
- The proposed diverted path is too near the playing area of the field where football is played and children play
- The development goes beyond the site boundary
- The development would be too close to surrounding public footpaths, leading to a hostile experience for footpath users
- Trees that are tall and mature, planted over 30 years ago to shield the industrial area are not evergreen and would not shield views of the proposed building in the winter
- There would be a loss of some of these mature trees

Effect on wildlife:

- Loss of a habitat of principal importance where deer are regularly seen as well as bats, newts, badgers, weasels, squirrels, foxes, stoats, moles, rabbits, hedgehogs, many species of birds – including rare birds, butterflies.
- It will spoil the natural environment for residents and future generations
- Ecology reports have not identified all the wildlife activity such as the deers, badgers and bats
- Areas are left uncut to grow and encourage wildflowers which would be lost
- A high building would stop bats settling in the trees

Impact on amenities:

- An over-development of the Widow Hill industrial area, indicates serious cramming
- Scale and magnitude of building is not in keeping with other units on Balderstone Lane
- Scale and height of the building would tower over homes, causing overshadowing and loss of daylight and sunlight and reduce privacy
- The building would have an ugly appearance
- Had been promised that building on this site would be single storey only
- The size and height of the building should be scaled down
- It would pose a risk to peoples' health and well-being
- The noise assessment submitted with the application is inadequate
- The development will lead to unacceptable noise pollution and disturbance from day to day operations, traffic, HGV's, reversing vehicles during the day and night with working hours from 6am to 10pm – too close to residential properties, will affect families with children and the quietness required for sleep
- HGV's cause noise and vibration, parked HGV's have generators that cause noise
- Noise from the loading bay area and lorry park which is on the part of the site which is closest to residents
- There is already a level of noise that comes from the industrial estate (including high pitched and crashing sounds); noise from traffic moving and parking all through the day and night from other premises (BooHoo) and noise from the recycling plant
- The working hours should be restricted to the core hours of the day, similar to other units and the recycling plant
- The noise assessment submitted with the application is inadequate

- It should be located in a less rural area, further from houses
- Will lead to smells and fumes
- Increase in footfall using surrounding footpaths would lead to less privacy and an increase in crime rates
- Will lead to more rubbish and litter in the area
- It will lead to light pollution. Sodium lighting should be used

Mineshafts:

- There are old mine shafts that are uncapped underground and have not been located
- Risk of collapse of from unrecorded mine shafts that pose substantial public health and safety risks

Drainage:

- The trees, bushes and grass soak up water from a waterlogged area and the proposed building may prevent water from draining away

Planning and Environmental Considerations:

Principle of proposal

The site is located within the main urban area of Burnley where Policy SP4 seeks to locate large scale, medium and a variety of smaller sites to deliver a comprehensive range of units for new and existing businesses and employment opportunities for new and existing residents. The application site is undeveloped and under grass at the north eastern end of Heasandford Industrial Estate and to the north side of Baldestone Lane where the land rises gently towards an area of protected open space and the perimeter of residential development at Lydgate. Policy EMP1 identifies the site as an employment allocation that would be suitable for Class B1 (b and c) (light industrial and research and development), Class B2 (general industrial) and Class B8 (storage and distribution) uses. This proposal is to develop the site with a singular large building for Class B8 purposes. This would fall within the expectations of Policy EMP1, in which case, there is no objection in principle to the proposal. There are however detailed material considerations which are considered below.

Impact on highway 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. In this case, there are buses from Colne and Burnley/Padiham to Widow Hill Road which would be convenient for this site. The site is also situated amongst a network of paths and public right of ways which make the site accessible by walking and cycling.

A Transport Statement was submitted by the applicant to assess the impact of the development on traffic within the highway network. The applicant who currently operates elsewhere operates a two shift cycle between 6am and 10pm and has 33 employees. It is anticipated that may in time increase to 50 employees. The proposed surface level of car parking (45 spaces) would be sufficient for the needs of the development. A separate car park of up to 8 spaces would also cater for trade customers. No members of the public would be visiting the site. Operational traffic generated by the site includes 3no. 7.5 tonne and 3no. 26 tonne vehicles and 2no. artic lorries. Allowing for future growth, the maximum movements per day is expected to be around 24 operational vehicle movements in total (in and out) per day. LCC Highways has reviewed the Transport Statement and raises no objections subject to a number of conditions that are set out above, including the provision of new section of footway to link to the existing footway on Balderstone Lane. There have been a considerable number of neighbour objections that refer to the congestion of surrounding streets and their junctions as well as the parking on both sides of Widow Hill Road. The traffic movements from this development are however relatively minor and are unlikely to have any significant impact on overall congestion and the flow of traffic. Impact at peak times is particularly unlikely due to the shift pattern (6am to 2pm / 2pm to 10pm) and the nature of the business where outgoing trips and arrivals are throughout the day.

The proposed development can therefore be accommodated at the site without a significant or severe impact on traffic on the highway network and the site layout is adequate to provide for the operational traffic and parking needs of the development. Conditions as recommended by LCC Highways are necessary to ensure the satisfactory implementation of the proposal.

Impact on public footpaths/bridleways

Policy IC1 states that development schemes should, amongst other things, ensure that existing public rights of way are retained and where appropriate improved or rerouted.

Part of the proposal involves the diversion of the Brun Valley Greenway which is a multi-user accessible route (for walkers, horseriders and cyclists) and bounds the north and easterly edges of the site. That part on the north side is required to be diverted to provide the space around the perimeter of the building for forming retaining wall. The diverted path would run along the north rather than the south side of the woodland which is within an area of protected open space. The stoned path to the east side of the site would, at the south east corner, be uncomfortably close to the proposed building and as such the applicant agrees with the Council (as landowner) to slightly divert the path away from the south east edge of the site. The applicant would meet the costs of these works as well as the improvement of surrounding paths. The diversion routes and improvements would maintain accessibility to and around the site for walkers, cyclists and horseriders. As such, the site would be well served by sustainable modes of travel. There are objections from nearby residents to the diversion of the Brun Valley Greenway. The current route offers open views. However, the development of the proposed site would completely change the views from the Greenway and whilst the open views may be currently preferred, this would be compromised in the future and the alternative route would retain the proximity of users to the woodland and provide a pleasant route through an area of open space.

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. Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The site is identified on the Policies Map of Burnley's Local Plan as part of a grassland and woodland ecological network. The existing woodland would be retained and improved with underplanting and new some new trees. A condition is required to ensure adequate protection measures during construction.

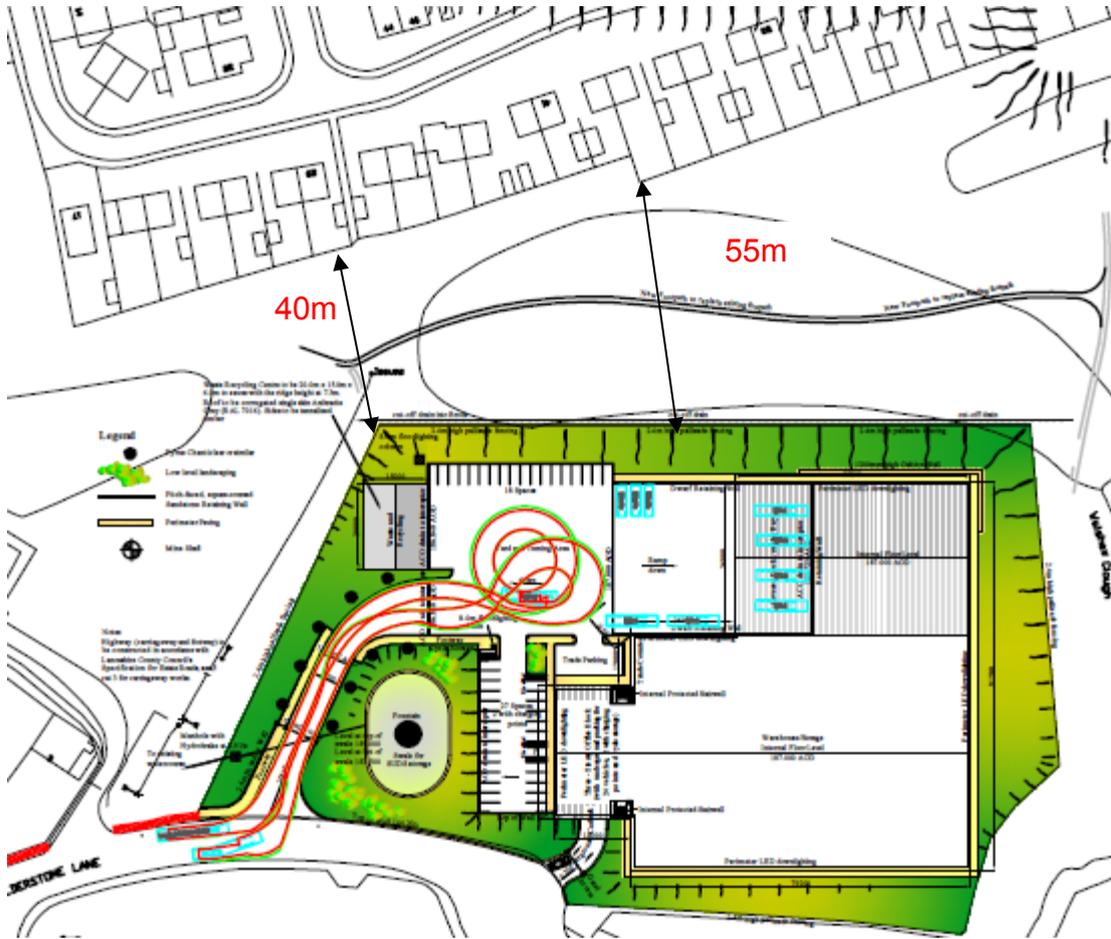
The application site is described as lowland heathland vegetation, a priority habitat for conservation. It provides habitat for a range of wildlife, including deer which visit the site. The consultation responses from GMEU, the Lancashire Wildlife Trust and the comments from neighbours highlight the ecological credentials of this site. Its main value is as habitat rather than for breeding, contributing to the Heasandford District Wildlife Site. Policy NE1 only permits development where there is likely to be an adverse impact on a local wildlife site where the benefits of the development outweigh those impacts and there is mitigation or compensation against the adverse effects. In this case, the site is allocated for development and contributes to the supply of employment land within the plan period (up to 2032). There are therefore identified benefits in favour of its development. Whilst it is acknowledged that there would be a significant loss of habitat and biodiversity at the site, it is accepted (by GMEU, the Lancashire Wildlife Trust and the Burnley Conservation Forum) that compensation for this loss can, in principle, be acceptable. The Head of Green Spaces and Amenities has identified a suitable site at Bank Hall (within Council ownership) which is a reasonable proximity to the site. The applicant has agreed to the costs of planting and sowing to create a meadow across an equivalent area of 1.9ha. A 10 year commuted sum for maintenance has been included within the total cost (£22,573.21) which would be secured through a section 106 Agreement. GMEU concur that this would provide adequate compensation.

The applicant also agrees to tree planting around the north and east perimeters of the site (amounting to 500 trees), the cost of which would be included in the section 106 Agreement. Conditions are also recommend conditions to require a detailed Landscape creation and Management Plan for the application site, as well as precautionary measures to protect badgers and birds. The latter would ensure that protected species are not put at risk. Subject to these measures and conditions, the identified adverse impacts of loss of habitat would be outweighed by the benefits in bringing an allocated site into employment use and would be adequately compensated and mitigated by an off-site scheme of meadow creation, and new planting to the north and east sides of the site and on-site measures to optimise appropriate landscaping at the site. These measures would, in total, ensure that the development complies with Policies NE1 and NE4.

Impact on residential amenities

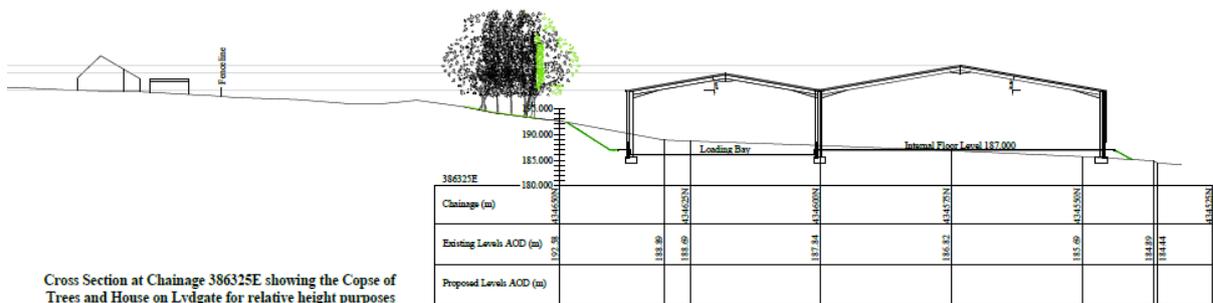
Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. There is a considerable amount of objection from neighbouring residents on the grounds that the scale, massing and height of the proposed building will dominate their outlook and lead to excessive noise and disturbance. The nearest property (from the rear garden boundary) to the edge of the development site is approximately 40m at the north west corner of the site, with most properties being further than this.

Proximity of dwellings to edge of development site



The slope of the land is indicated on the cross section below and indicates that although the proposed building is up to 16.3m in height it would, due to the lower level of the site, appear lower in height than the existing woodland and which would provide effective screening for a large part of the year and filtered views of the only the upper part of the building in winter months. The woodland would be improved as referred to above and will continue to provide an effective barrier between residents and the industrial estate.

Cross section of relative heights of houses, trees and proposed building



Cross Section at Chainage 386325E showing the Cope of Trees and House on Lydgate for relative height purposes

The relative distance and levels between the nearest properties at Lydgate and the development are sufficient to avoid any significant impact from overshadowing and there would be no significant impact on daylight/sunlight or privacy. Objections that have been received also refer to an increase in the use of footpaths and use of residential streets for parking. In addition to the Brun Valley Greenway, a public right of way (FP 154) closely follows the rear boundary of properties at Lydgate and a path provides direct access to Lydgate between 29 and 31 Lydgate. These paths are already well used by residents and any small increase that would be due to the proposed development is likely to be negligible. Adequate parking provision would be provided on-site and additional parking is not therefore expected to take place at Lydgate or the surrounding residential streets.

A noise assessment has been submitted and indicates that the main source of noise would be from the reversing beepers of forklift trucks which would be contained within the building. The Council's Environmental Health Officer (EHO) recommends that no fork lifts be permitted to operate outside the building to prevent any nuisance from beepers. The late night comings and goings of heavy goods vehicles would also be a potential source of noise, particularly as the loading docks are located to the rear of the building. The Council's EHO is satisfied that a condition to confine operational hours to between 6am and 10pm would minimise early morning/late night noise. There would be no other noise generating activities within the building.

Objections have also referred to light pollution. There are a number of 8m high lighting columns within the site. These should be angled downwards and use sensitive illumination (such as sodium lights) to avoid light glare to protect residential amenities as well as to protect wildlife. A condition is recommended to secure this.

With these provisions, it is accepted that the proposed use would not cause a significant loss of amenity to residents or lead to a significant increase in background noise levels or disturbance.

Impact on ground conditions

Policy CC5 requires appropriate assessment to identify the risks posed by unstable land. Following the submission of a further coal mining risk assessment, the Coal Authority accept that the site can be safely developed subject to conditions which require further intrusive site investigations and details to be agreed with the local planning authority. Pre-commencement conditions are necessary to ensure that this is carried out.

Following the submission of a desk top study, the Council's Contaminated Land Officer recommends a condition to require intrusive investigations and remediation where necessary. A pre-commencement condition is necessary in this instance.

Impact on visual amenities

Policy SP5 seeks a high standard of design. The proposed building would be a suitable design and appearance at this location. A condition is recommended to agree details of external materials. The proposed building is three storeys in height and will be prominent from within the industrial estate but due to its position on sloping ground would have less visual impact from other viewpoints.

Other issues

A Flood Risk Assessment has been submitted with the application which indicates that the site is capable of being adequately drained. Sustainable drainage measures are incorporated into the design by the use of a swale near the site entrance. The Lead Local Flood Authority has been consulted on the application but have not to date responded. Any response that is received will be reported in late correspondence prior to the meeting.

An Air Quality Assessment has been submitted and its findings which indicate that the proposal would not significantly affect air quality are accepted.

Planning obligation

A summary of the measures to be subject to a section 106 Agreement (as referred to elsewhere in the report) are:-

Off-site ecology compensation to create meadow land: £22,573.21

Planting : £2,500

Greenway diversion: £7,000

Path resurfacing: £2,400

These contributions are necessary to mitigate against the identified impacts of the development and have been agreed with the applicant.

Conclusion

The proposal seeks to develop a site that is allocated for employment purposes for a suitable use and development. Issues relating to the impact of the development on the ecology of the site, on traffic, residential amenities, footpaths and ground conditions have been assessed and can be adequately addressed by conditions and a legal agreement. The proposal therefore complies with the development plan and there are no material reasons to outweigh this finding.

Recommendation: Delegate authority to the Head of Housing and Development Control to grant planning permission subject to the following:-

- a) a section 106 agreement to secure off-site ecology mitigation, off-site planting and the improvement of paths; and,**
- b) appropriate conditions**

JF

Housing & Development
Town Hall, Manchester Road

Ref.

APP/2018/0188

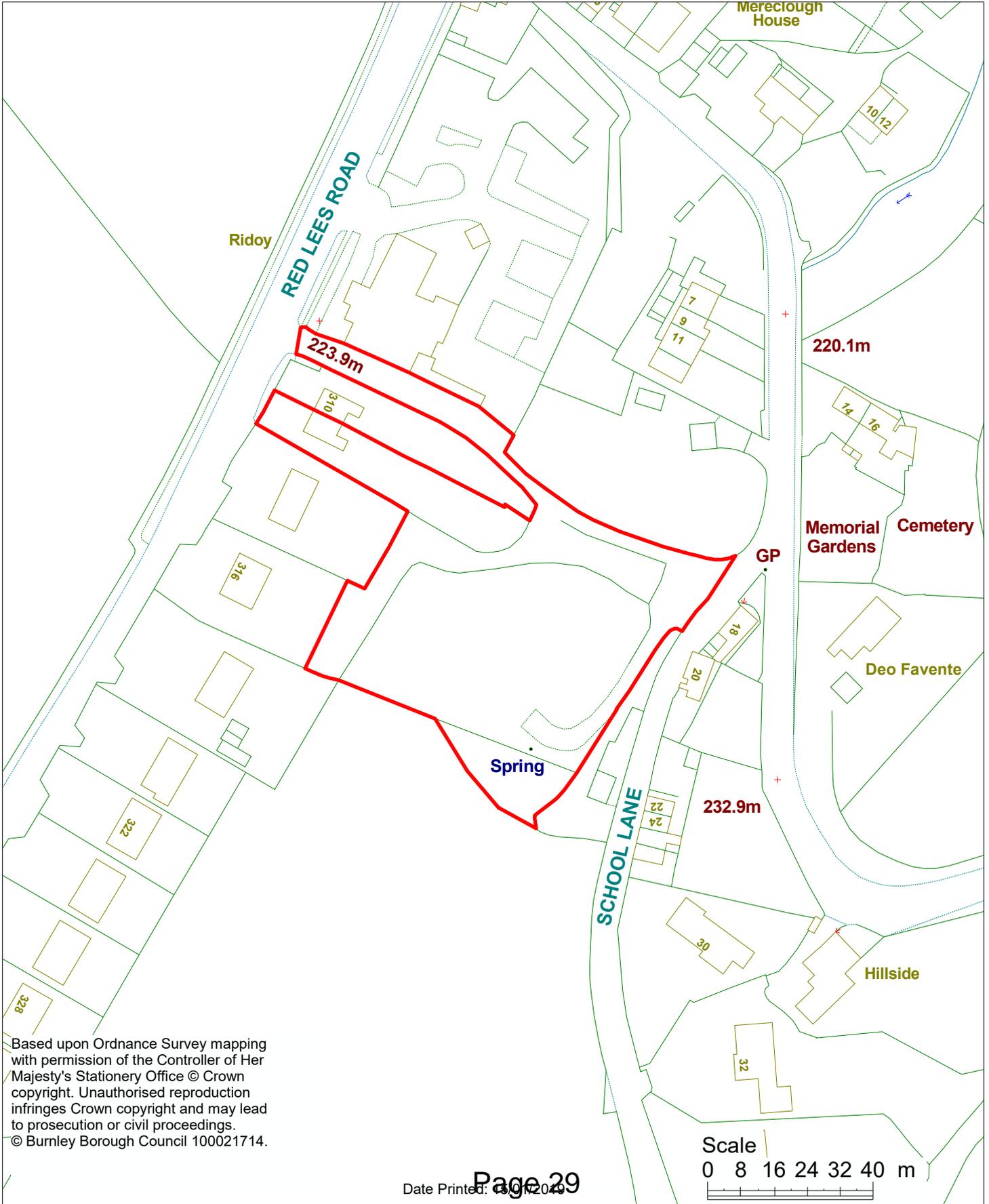
Paul Gatrell Head of Housing and Development

Location:



Land Rear 312 Red Lees Road, Cliviger, Burnley

1:1250



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Application Recommended for Delegation

APP/2018/0188

Cliviger with Worsthorne Ward

Full Planning Application
Erection of agricultural storage building
LAND REAR 312 RED LEES ROAD BURNLEY

Background:

The proposal relates to agricultural land.

An objection has been received.

Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley's Local Plan (BLP)

SP4: Development Strategy

SP5: Development Quality and Sustainability

CC5: Surface Water Management and Sustainable Drainage Systems.

Site History: No relevant planning history.

Consultation Responses:

Highway Authority – No objections.

Cliviger Parish Council – Objection: over development, the building is not an agricultural building and therefore not a permissible development. The site details are also misleading as the building is not at the rear of 312.

United Utilities – Comments about arrangements in relation to a public sewer that crosses the site and for the provision (if necessary) of a water supply. Indicate the need for separate surface water drainage in a sustainable manner. [*Comment – A condition is recommended as regards drainage; informative notes should be given on the other matters*].

ADAS Consultants (Agricultural Advice) – Detailed report, summarised as follows:

- Planning policies and decisions should ensure that development is appropriate and fit for purpose. It is of a suitable size for plant/machinery. Its design (lack of ventilation) is wholly unsuitable for the storage of hay (when damp it becomes a greater fire risk).
- It bears little resemblance to an agricultural building; it appears to be an oversized domestic garage – rather than an agricultural building.
- Our agricultural need assessment comes to the conclusion that the application fails to identify sufficient activity that would generate a viable agricultural income and is likened to be more akin with a hobby farm.
- Therefore, it is in our professional opinion that the development *may* not in this instance be economically sustainable due to the proposed building being intended to support the current activity which we cannot deem to be viable.

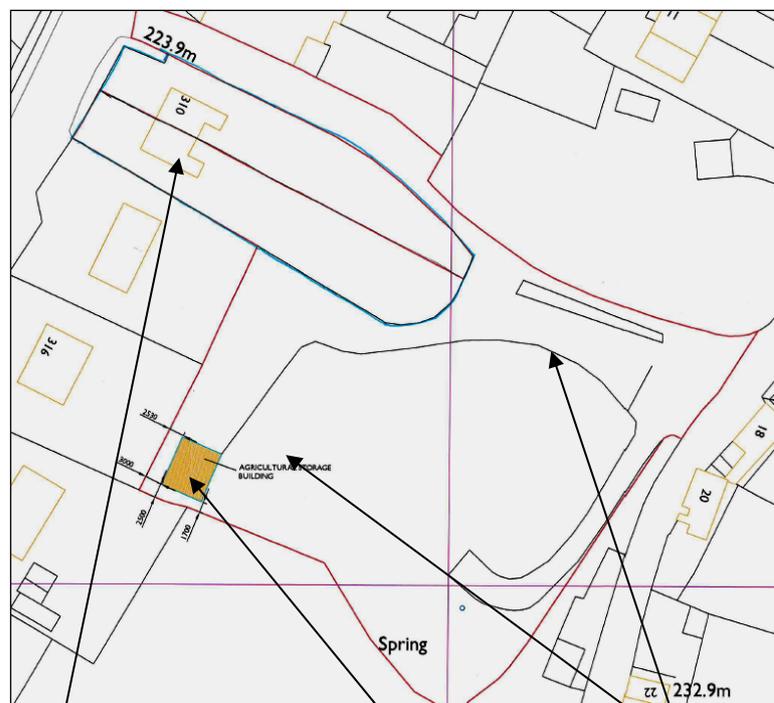
Gary Hoerty Associates (Agricultural Consultant representing the applicant) – Comments summarised as follows:

- The building will be used for the storage of agricultural plant and equipment used in connection with the management of 19.5 acres of agricultural land in the immediate locality of the proposed building.
- It is logically sited close to the applicants dwelling for security reasons.
- The NPPF does not require that an agricultural need is demonstrated.

[*Comment – The matter of agricultural need is considered in the main report*].

Planning and Environmental Considerations:

The application relates to agricultural land adjacent to the hamlet of Mereclough where the applicant's dwelling is located. The land, proposed building, and the applicant's house are indicated on the following plan copied from an application drawing.



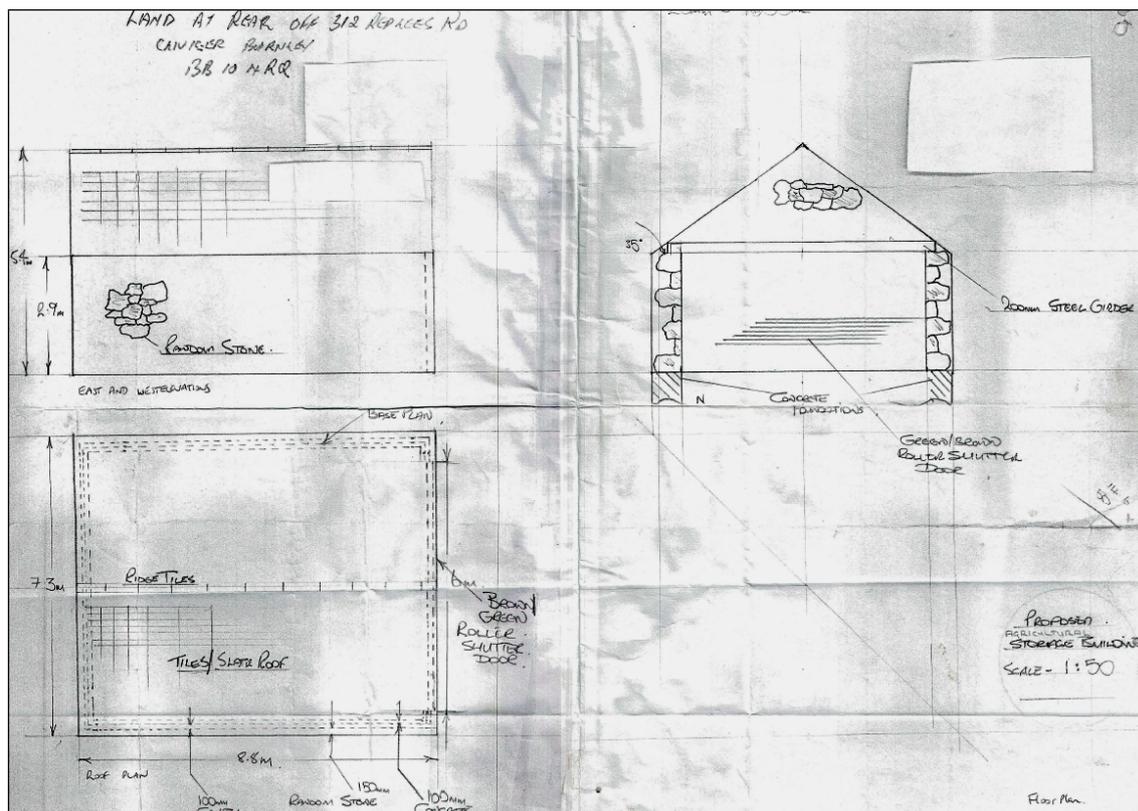
Applicant's house Proposed building (Part of) applicant's land

The applicant has around 8 hectares of agricultural land, one part of which is to the rear of the group of houses where the applicant lives; the other part is across Red Lees Road, nearby.

The applicant farms the land in a small way, and also carries out tree and hedge work (and other small agricultural contracts) in rural and urban areas around the urban fringe, but also including grazing of sheep (winter); taking of hay (summer).

The application states that the building is required to securely store farm plant and machinery including tractor, mower, frail mower, log grab, shredder, rotivator and other equipment, together with hay for winter feed.

Work on the building had commenced prior to submission of the application, although the work then ceased. The building would comprise natural stone walls on a concrete slab, and under a pitched, slated roof. The submitted drawing is copied as follows.



Copy of application drawing

The building would be 8.8m long X 7.3m wide, with a ridge height of 5.4m. No openings are proposed other than a roller-shutter vehicle access door.

Policies and Assessment

The Local Plan is silent about agricultural buildings (as such). However, **Policy SP4** identifies the Development Boundary and defines land beyond any Development Boundary as open countryside., saying: *Development within the open countryside will be strictly controlled and will only be permitted where it has a genuine need to be located in the countryside and is of an appropriate scale and type.*

Agricultural buildings should, therefore, be considered in relation to that wording read together with the presumption in favour of sustainable development set by **NPPF** paragraph 11.

Need

There has been some debate between the applicant's agricultural representative and the Council's agricultural consultant about how the need for the building should be assessed.

Large farms have 'permitted development' rights for agricultural buildings provided an *agricultural need* (identified as in relation to an agricultural trade or business) is established.

However, this is a small agricultural holding, without such rights, and an application to the Council for planning permission is necessary. In determining the application, it is

not required that the agricultural operation is a trade or business; rather, it is necessary to follow the requirements of **Policy SP4**.

This report concludes that the need for the development in this location has to be established in order that the proposal accords with the development plan.

Design for purpose

The applicant states that the building is designed as a secure store for valuable machinery. And, it is designed in natural stone with a slated roof so as to be in keeping with the Mereclough area. In this, it accords with **Policy SP5** which requires that built development fits the character and material of the area.

This design is understandable. However, storage of hay requires proper ventilation and purpose built buildings normally incorporate 'Yorkshire boarding' to their upper walls to enable through-flow of air, avoiding mould and fire hazard arising from over-heating of the stored hay.

To summarised this matter:

- The building would be used in connection with the applicant's agricultural use of the land.
- That the applicant employs some of the agricultural equipment (including logging and hedging equipment) in contract work elsewhere than on his land, is in keeping with the normal farming practice of making full use of expensive kit.
- The design of the building does not incorporate ventilation and is not, therefore, designed to meet the hay-storage purpose.
- A condition could be imposed to require removal of the building is agricultural use ceases, as the building would then be inappropriate in this location.

In conclusion, the recommendation is made on the basis that the building would be used as a store for agricultural machinery and hay. The need for the building can only be established if the design incorporates ventilation suitable to include the intended hay storage. And delegation to approve is sought for that basis.

Recommendation:

That provided satisfactory amended details are received showing changes are made to the design of the building to provide ventilation suited to its hay storage purpose the Head of Housing and Development Control is delegated to grant planning permission subject to the following conditions and any further condition(s) arising from, or amended in, negotiations with the applicant.

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: drawing numbers: 472/03 (Location Plan); 472/01 (New Agricultural Building – showing plan and elevations of the building); 472/02 (New Agricultural Building – showing site layout); 472/04 (Block Plan); received 13 November 2018.

3. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance.
4. The building shall be removed within six months of the cessation of its use for the storage of agricultural equipment or other agricultural purposes.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To secure sustainable drainage and to manage the risk of flooding and pollution, in accordance with Policy CC5 of the Burnley's Local Plan.
4. The building is located outside the development boundary and permission is only granted because it is needed in this location, and that need arises from its connection with agriculture. This is in accordance with Policy SP4 of the Burnley's Local Plan.

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Housing & Development
Town Hall, Manchester Road

Ref.

APP/2018/0476

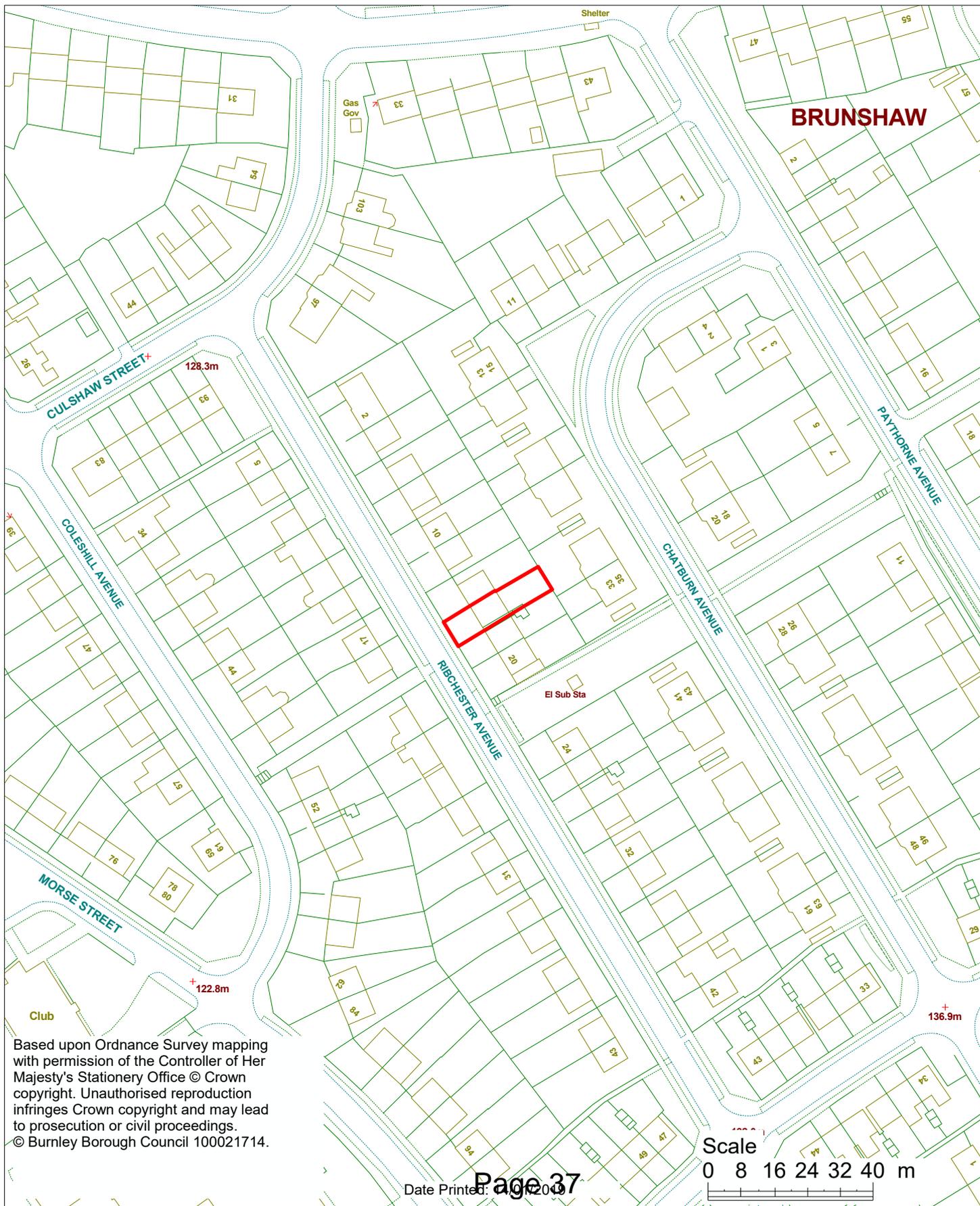
Paul Gatrell Head of Housing and Development

Location:



16 Ribchester Avenue, Burnley

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Scale
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- Concerns regarding the rear adjoining sheds if removed

Planning and Environmental Considerations:

The NPPF states “within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking”. Amongst these 12 principles, it further goes on and states that: “planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”

The main planning issues are considered to be the visual impact/design, impact on neighbouring amenity and whether the proposal would respect the existing character and setting.

Visual Impact and Design

The extension will reflect the shape and form of the dwelling and will not significantly harm its character and appearance. Being situated at the rear of the property it would not be visible nor would have an unacceptable impact on the street scene.

The scale of the 2 storey extension is modest, minimal in scale and the appearance of the host dwelling would not be changed significantly, the changes when seen in context with the neighbouring property would not cause serious harm to the appearance and character of the host dwelling or the surrounding area.

The ground floor element would project 2700mm from the rear elevation with a height of 2780mm and the width would be 5129mm. The first floor element would project 2002mm and have a pitched roof with an overall height of 6108mm for the 2 storey. It would have a total width of 3887mm. The proposed roof line will be set lower than the original roof of the dwelling which appears to be modest and in keeping.

In conclusion, the extension reflects the shape and form of the existing dwelling and is not visually disproportionate, thus complies with the aims and intentions of Policy HS5. The application is thus acceptable in this regard.

Impact on Residential Amenity

With regard to the amenity of the adjacent neighbours, the proposal complies with the 45 degree test for the 2 storey element due to the minimal scale of the extension. Therefore the extension would not cause any significant over-looking, loss of light or loss of privacy given the separation distances and scale and orientation of the proposal.

The proposal raises no significant concerns in respect of any impact upon the adjacent neighbours. No objections have been received from the residents to this effect.

Conclusion

It is considered that proposed extension to the dwelling is of a good design and will not harm the character of the area. It is also considered that the proposal will not harm neighbouring residential amenity or highway safety. It is therefore concluded that planning permission should be granted.

Recommendation:

That planning permission be granted

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following approved drawing:
 - *Drawing No. Hourihan/02, received 08 Oct 2018*
 - *Block Plan, received 08 Oct 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.

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Housing & Development
Town Hall, Manchester Road

Ref.

APP/2018/0514

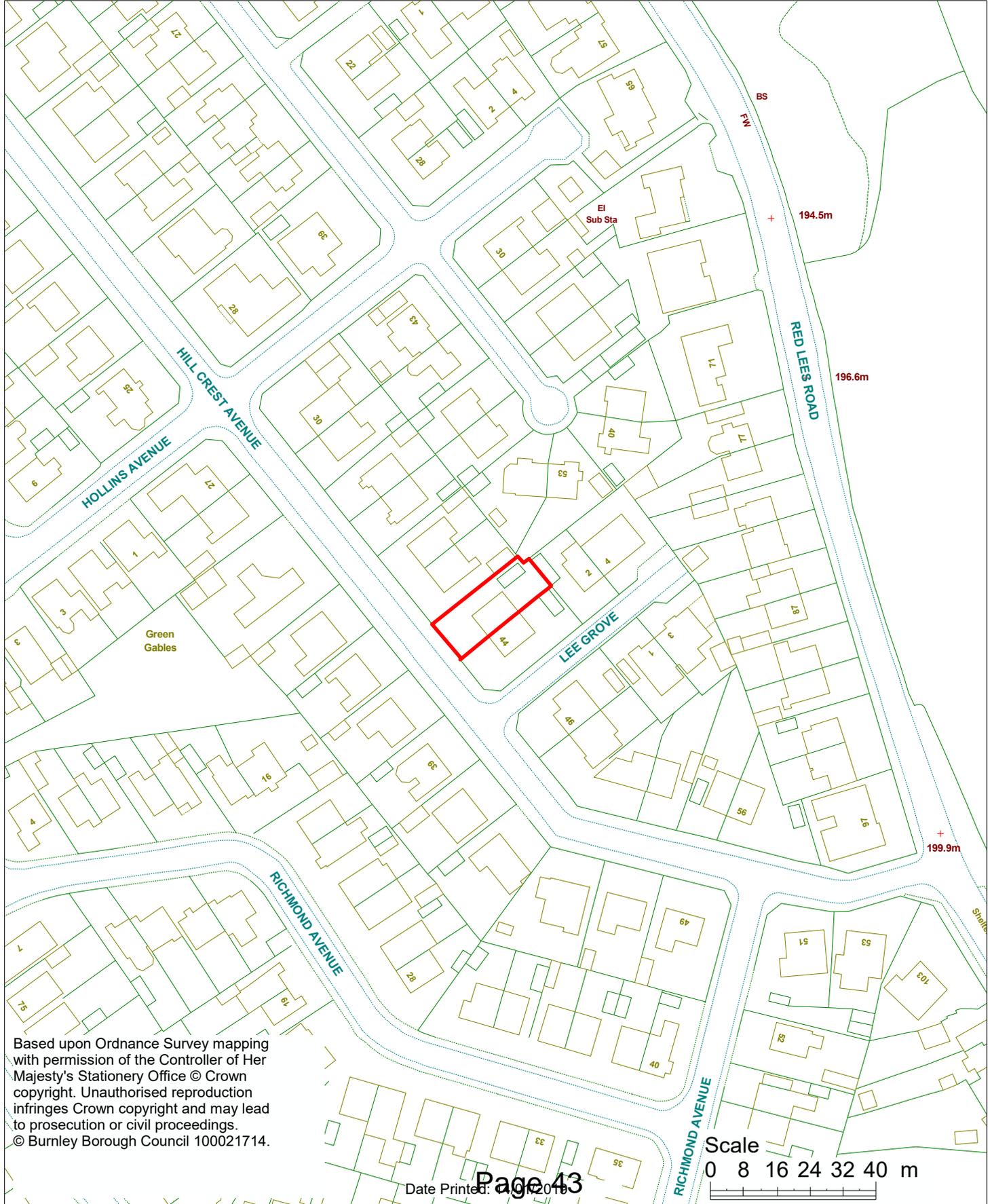
Paul Gatrell Head of Housing and Development

Location:



42 Hill Crest Avenue, Cliviger, Burnley

1:1250



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Application Recommended for Approval

APP/2018/0514

Cliviger with Worsthorne Ward

Full Planning Application

Proposed two storey side extension (re-submission of APP/2018/0336)

42 HILL CREST AVENUE, CLIVIGER

Background

The proposal involves the erection of a large 2-storey and single storey extension to the side of the property. A previous application for a larger flat roofed side extension was refused in October 2018 (APP/2018/0336).

Objections have been received.

Relevant Policies:

Burnley's Local Plan 2018

HS5 – House Extensions and Alterations

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

IC3 - Car Parking Standards

Site History:

APP/2008/0359 – proposed extension to existing conservatory to provide shower room – granted

APP/2017/0547 – proposed single-storey extension to side elevation – granted

APP/2018/0336 – proposed 2-storey side extension - refused

Consultation Responses:

Neighbour responses – Two objections received on the following grounds:

- Impact on privacy due to it overlooking our property and will cause overshadowing;
- Overshadowing and loss of sunlight in the evening into our garden;
- The layout and height is unneighbourly;
- Noise and disturbance;
- Design and layout not in keeping with the surrounding properties;
- Will be detrimental to my quality of life;
- Consists of a large structure right up to and along most of the length of my drive/garden and will completely overpower and dwarf my single storey bungalow;
- It will make entry and exit to my home extremely claustrophobic;
- Given the huge size of the extension I am going to experience a significant loss of sunlight both in my house, my conservatory and my garden, particularly in spring, autumn and winter;
- The problem is compounded by the fact that the land on which no.42 stands is approx. three feet higher than mine;

- From an aesthetic point, houses to the east, West and North will have an imposing and most unpleasant view;
- It would set a precedent for the surrounding area.

Cliviger Parish Council – Have no objections.

Highway Authority - Do not wish to raise any objections. Suggest conditions in respect of highway works in connection with widening the driveway and provision of a hard surface for the parking area.

Planning and Environmental Considerations:

The property is a semi-detached dwelling adjacent to a bungalow and is located on Hill Crest Avenue which is within a residential area within the Brunshaw area. The proposal involves the erection of a large 2-storey and single-storey extension to the side of the property to provide additional accommodation consisting of a garage, kitchen and dining room on the ground floor and two bedrooms and a bathroom on the 1st floor.

The main considerations are design/materials, privacy/outlook/daylight and highway issues.

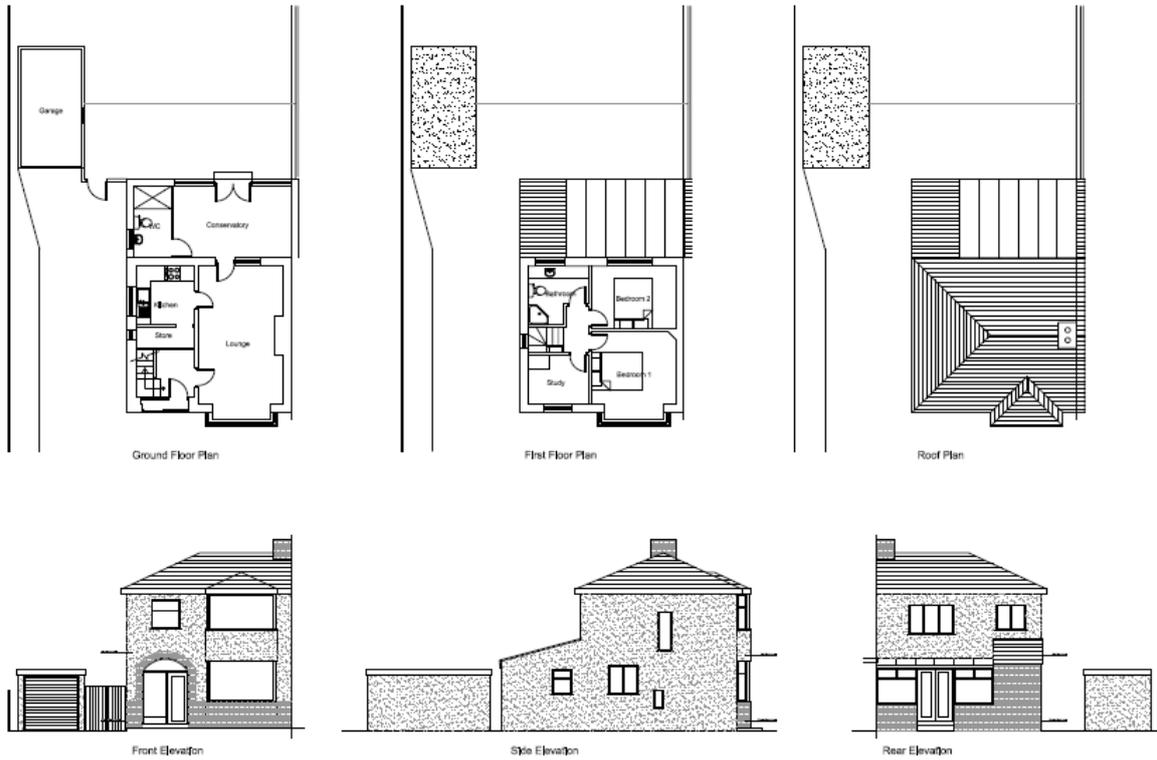


40 Hill Crest Avenue

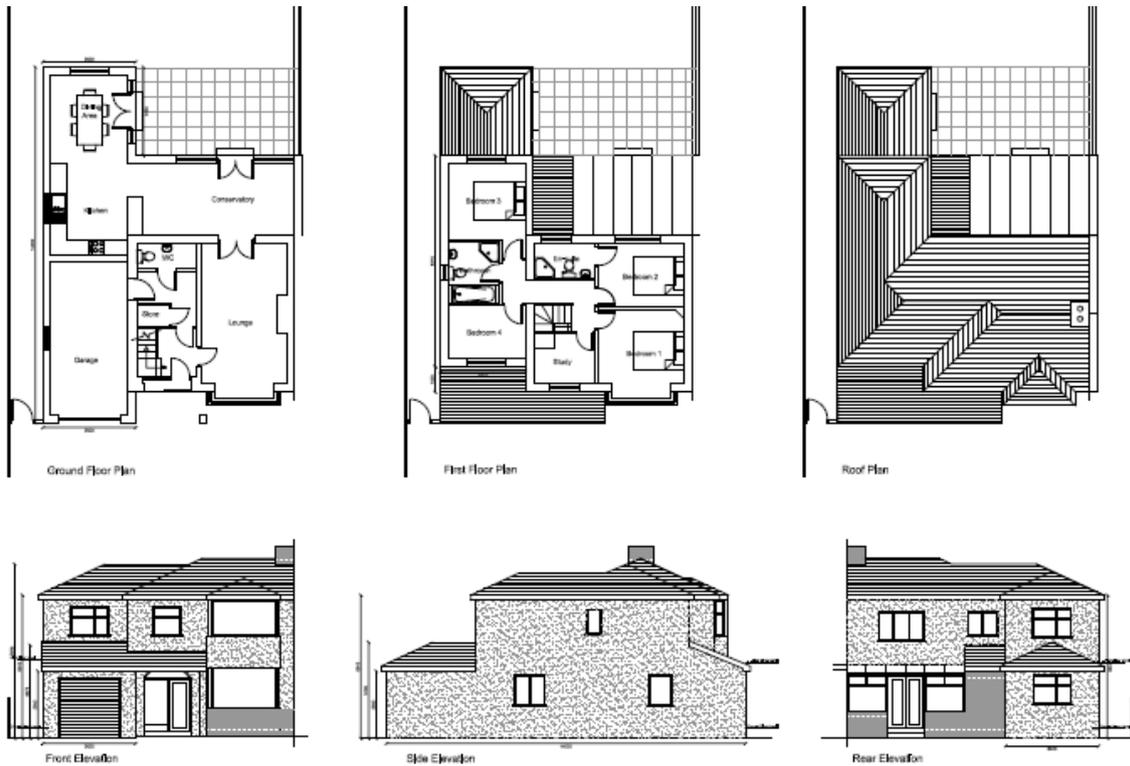
42 Hill Crest Avenue

Design/materials

The plan originally submitted showed the 2-storey part of the extension extending back by 10m, following discussions with the applicant the size of the 2-storey extension has been reduced in depth to 8.31m.



existing dwelling



proposed extension

The proposed 2-storey/single storey extension extends out from the side elevation by approx. 3.3m and is set back from the front elevation at first floor level and has a pitched gabled roofline; the amended 2-storey extension would extend back by 8.31m and be 5.645 m in height at eaves level and 6.865m to the ridge of the roof. The

extension would be 1.3m away from the boundary with the next door property no.40 Hill Crest Avenue (which is a bungalow).

A single-storey extension is proposed at the rear which would be 3.62m in width and extend out from the rear of the 2-storey section of the extension by 3.49m, with a hipped roof.

A small single storey element to the extension is proposed in front of the existing front elevation to form a garage and canopy over the front door; a pitched roof is proposed on the single-storey part of the extension.

The proposed materials are K-render for the elevations and blue slate for the roof; the existing property has rendered elevations with a hipped blue slate roof.

The design and materials are considered to be acceptable.

Privacy/outlook/daylight

The adjacent bungalow (no.40) is set at a lower level than the application property and consideration needs to be given to how the extension would impact on this property.



no.40 Hill Crest Ave

42 Hill Crest Ave

Windows on the side elevation of the proposed extension include a kitchen window which is classed as a habitable room window in the current Local Plan; this window would look towards the adjacent bungalow, however privacy would not be an issue as there are no habitable room windows on the side elevation of the bungalow.

When looking from the garden of no.40 the extension could be a little overbearing due to its size and location; however as the 2-storey element of the extension has now been reduced in size and as there are no windows on the side elevation of the bungalow, privacy, outlook and loss of daylight are not considered to be an issue from within the dwelling.

Consideration also needs to be given to how the extension will impact on the attached semi (no.44). There is an existing single-storey extension at the rear of no.44 and an existing conservatory at the rear of no.42 (which is to remain). The proposed 2-storey extension/single-storey extension is approx. 6m away from the boundary between the two properties and should not have any significant impact on the outlook and daylight for the occupiers of no.44.



no.44 Hill Crest Ave

no.42 Hill Crest Ave

Highway issues

As there would be an increase from 2 to 4 bedrooms 3 off-street parking spaces would need to be created. A garage is proposed as part of the extension together with the widening of the drive to provide 2 off-street parking spaces at the front of the property which makes 3 in total.

Conclusion

On balance the proposals are considered to be acceptable and in accordance with Local Plan policies.

Recommendation

Grant subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no's: 01 (location plan), 02, and 03 received 17 October 2018 and 04A and 05A received 12 December 2018.
3. Before the extension is brought into use, the off-street parking area (for two cars) shown on the submitted plan shall be surfaced in a porous material (or provision made to direct run-off water from the hard surface to a permeable or porous area surface within the curtilage) and shall be made available for use.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In the interests of highway safety and in accordance with policy IC3 of Burnley's Local Plan 2018.

Part One Plan

Agenda Item 6e

Housing & Development
Town Hall, Manchester Road

Ref.

APP/2018/0548

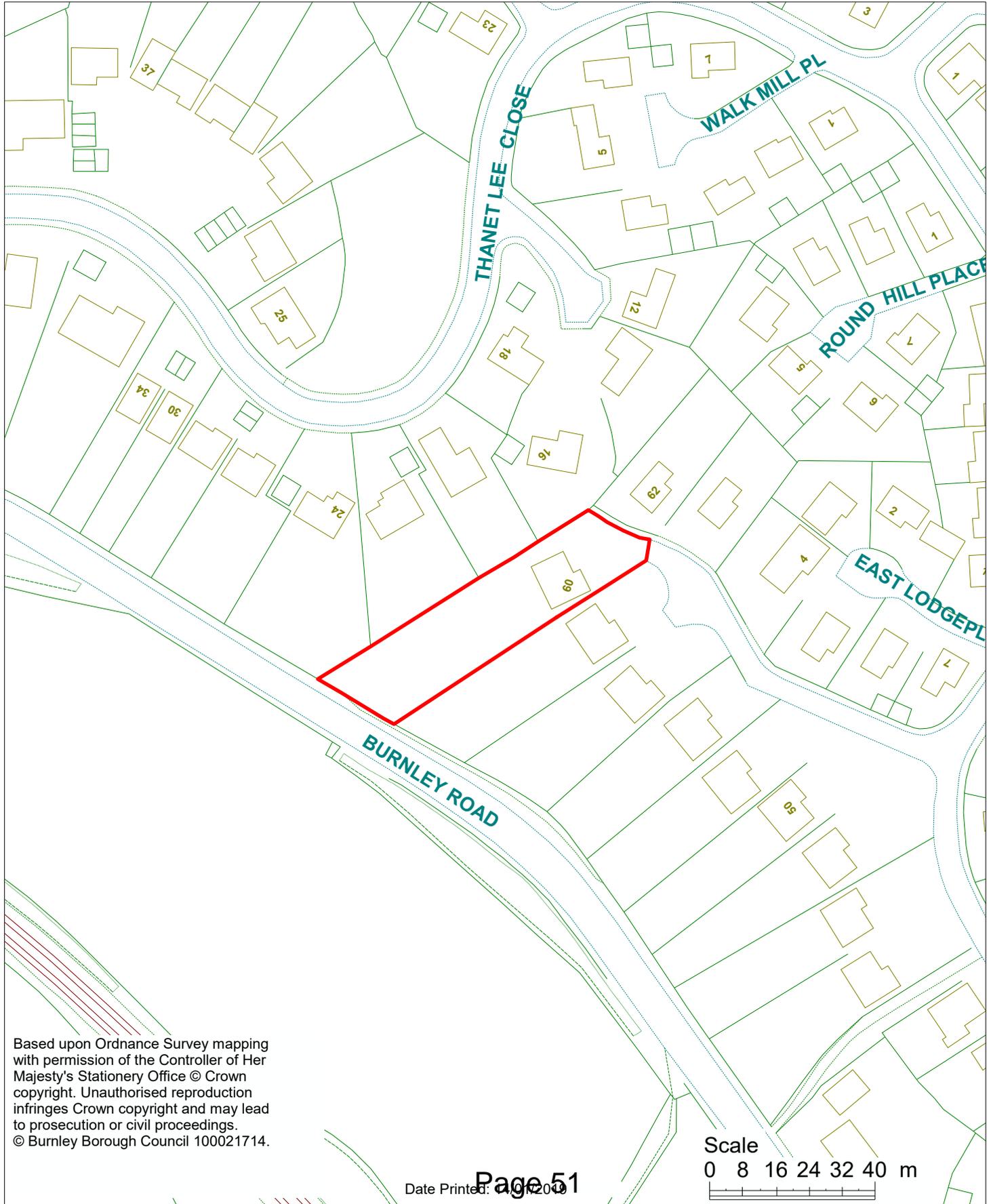
Paul Gatrell Head of Housing and Development

Location:



60 Broad Ing Close, Cliviger, Burnley

1:1250



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Full Planning Application
Proposed Dormer Extension to the side
60 BROAD ING CLOSE CLIVIGER

Background:

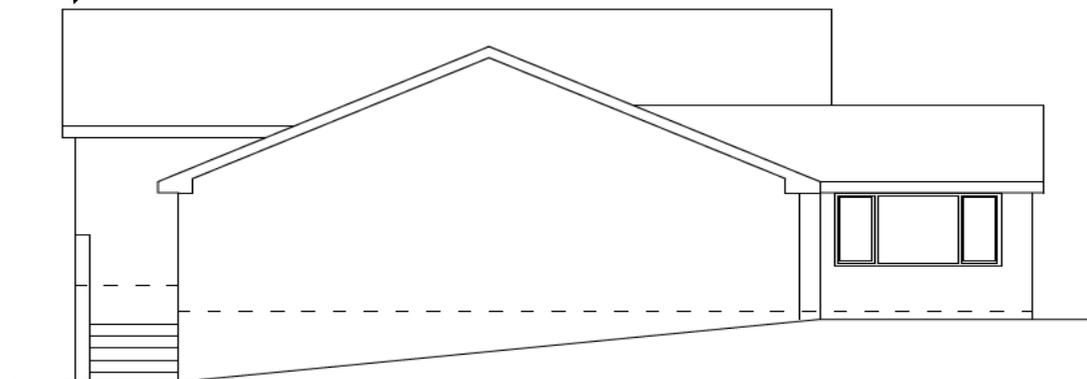
The proposal is to construct a dormer extension to the side of the two-storey section of a split-level bungalow at the end of a cul-de-sac of similar bungalow properties, situated within a residential estate off Park Road, Cliviger.

Location of dormer extension

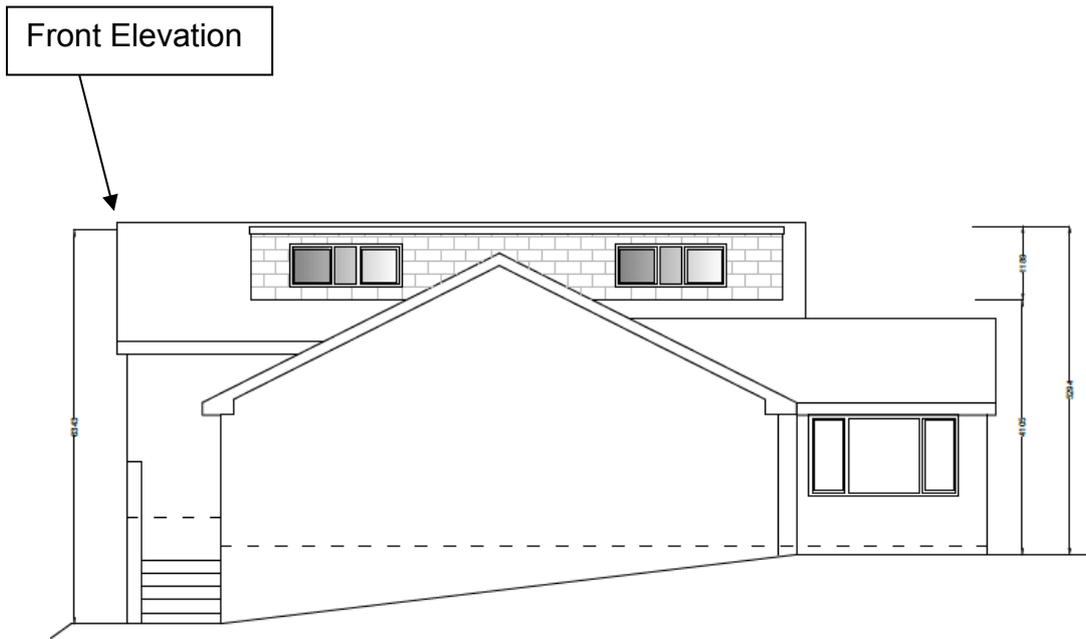


Following negotiations with the applicant, the proposal has been reduced in scale since first submitted to exclude a larger dormer. The proposed dormer would now be smaller in size and set back from the front elevation by 2 metres, but then occupy most of the remaining width of the roofspace. The proposed dormer would be tile hung to match the existing roof.

Front Elevation



EXISTING GABLE ELEVATION



PROPOSED GABLE ELEVATION

Relevant Policies:

Burnley's Local Plan

- HS5 - House extensions and Alterations
- HS4 - Housing Developments
- IC3 - Car Parking Standards

Site History:

None

Consultation Responses:

An objection has been received from a neighbouring property which is slightly on an angle from the application site and is overlooked by the applicant's property. The objection is on the grounds that the addition of two dormer windows would overlook the garden and several rooms in the dwelling, those being kitchen, back room, bathroom, ensuite and bedrooms.

Cliviger Parish Council – No objections

Planning and Environmental Considerations:

Policy HS5:

Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5.

The Council will permit extensions and modifications to existing residential properties where:

- (a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;*
- (b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;*

In respect of a) and b), the proposal involves the erection of a dormer extension which is on the side elevation of the two-storey section of the split-level bungalow. It will have a flat roof, which will be in line with the ridge tiles of the roof and will have two windows. It is to be constructed in tiles to match the existing roof. Flat roof dormer extensions are not a traditional feature of buildings in Burnley and there are no other flat roof dormers on this estate. However, although this will be visible from the street scene when viewed from Broad Ing Close, as it has now been reduced in size and set back from the front elevation, it would not be overly prominent and is now considered to be more acceptable.

- (c) The proposal will not have an detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);*

The adjacent property at 16 Thanet Lee Close has habitable room windows within 45 degrees of the proposed dormer. However, the dormer is a distance of approximately 25 metres from the nearest habitable window. It therefore meets the minimum distance requirements for privacy and outlook as set out in HS4 of The Burnley Local Plan. Daylight and sunlight will not be affected.

- (d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does create a danger to pedestrians, cyclist or vehicles;*

The property has sufficient off-street parking to cater for the proposed additional bedrooms and is in line with Policy IC3 of The Burnley Local Plan in relation to car parking standards.

and

- (e) The proposal does not lead to an unacceptable loss of useable private amenity space.*

No private amenity space is lost in relation to this proposal.

Recommendation:

That planning permission be granted

Conditions

- 1 The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan Number 2518/03 and Location Plan Number 2518/02 received 20th November, 2018; Proposed Plans 2518/03 and Proposed Sections 2518/04 received 11th January, 2019 and Amended Planning General Arrangement Plan 2518/01 received 14th January, 2019.

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.

KFM

Housing & Development
Town Hall, Manchester Road

Ref.

APP/2018/0545

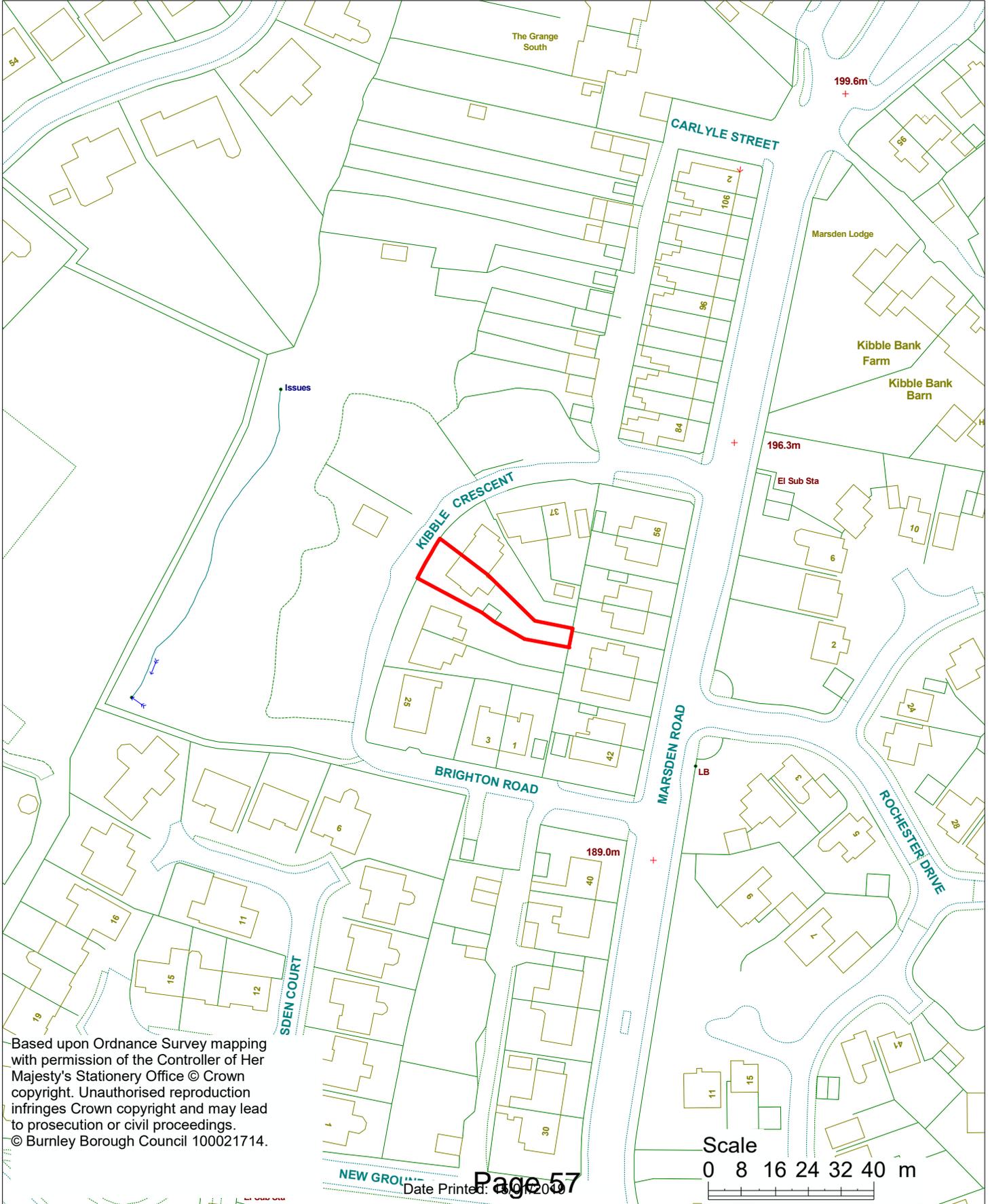
Paul Gatrell Head of Housing and Development

Location:



31 Kibble Crescent, Burnley

1:1250



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Full Planning Application
Proposed erection of conservatory to rear of property
31 KIBBLE CRESCENT BURNLEY

Background:

The application relates to a semi-detached house.

An objection has been received.

Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley Local Plan (BLP)

HS5: House Extensions and Alterations

IC3: Car Parking Standards

Site History: No applications.

Consultation Responses:

Neighbouring residents – Letter from resident of the attached house making objections/comments summarised as follows:

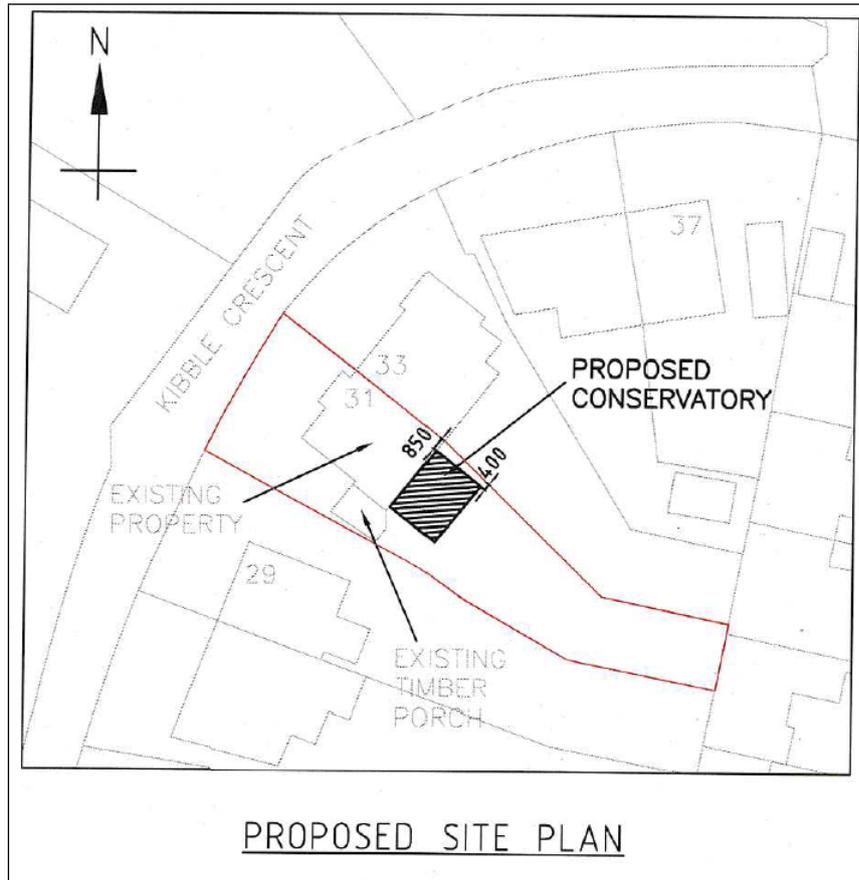
- Impact of side wall close to boundary.
- Bushes and trees in garden (of neighbour) may be affected.
- Position and size of extension is not shown on the drawings.

[Comment – the application drawings(copied below) show the full details of the application including its size and position]

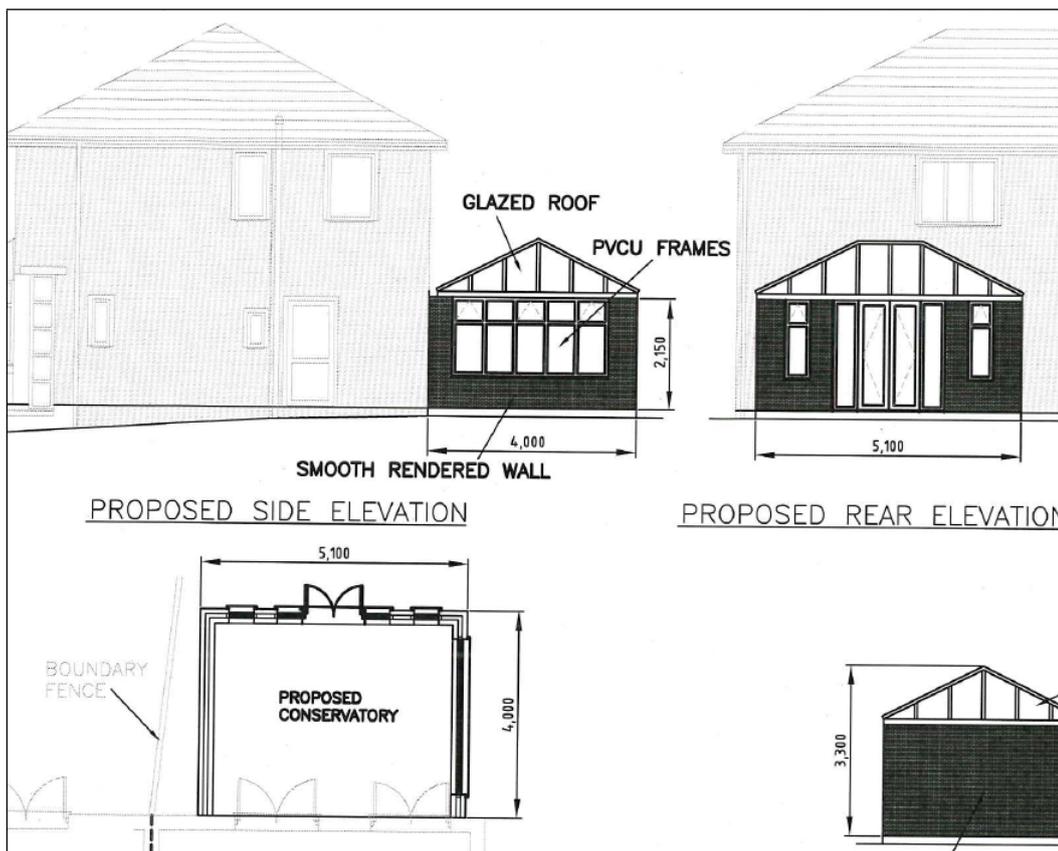
Planning and Environmental Considerations:

The application relates to a semi-detached house in a residential group set in a crescent form with its convex frontage facing the Kibble Crescent. The house plots narrow towards the rear; and, the side boundary between the rear gardens is at an angle rather than perpendicular to rear wall of the house.

The house has a small glazed extension at the rear, close to the boundary with the attached house.



The present proposal is to erect a single storey rear extension removing the smaller extension in the process. The application drawing is copied below for ease of description.



Application Drawing

Briefly, it would be 4m in length, being set just inside the boundary with the attached house. It would have walls finished externally in smooth render; with a conical shaped, glazed roof.

Policies and Assessment

Policy HS5: *Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5.*

The extension would be of traditional building construction methods, meeting current standards of material quality and sustainability, and would be in accordance with SP5.

The Council will permit extensions and modifications to existing residential properties where:

- (a) *The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;*

The small rear extension would be subordinate.

- (b) *The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;*

The extension would appear as a 'garden-room', so that, although its roof-form would be at variance with the general style of the host building, it would not appear out of place in the rear garden..

- (c) *The proposal will not have an detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);*

One flank wall of the extension would be set just inside the boundary with No.33 for its length of 4m.

That adjoining property has rear glazed doors and a dining room/kitchen window in the rear elevation, however, by application of the '45 degree rule' as a guideline, there would be little (if any) impact on the visual amenities of that house.

Adverse impact on garden bushes/small trees would be an unlikely, but in any event, would be a private matter to be resolved between the parties involved. There are no preserved trees at or close to the site.

- (d) *The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does create a danger to pedestrians, cyclist or vehicles;*

There would be no impact on parking.

and

- (e) *The proposal does not lead to an unacceptable loss of useable private amenity space.*

A significant area of rear garden would remain.

In conclusion the modest extension would add beneficial accommodation to the applicant's dwelling without any significant adverse impact on neighbouring property.

Recommendation:

That planning permission be Granted subject to the following conditions:

Condition

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Site Location Plan; Drawings number: 003 (Proposed Site Plan); 001 (Existing Details); 002 Revision A (Proposed Details), received 30 October 2018.

Reason

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

AR 15.1.2019

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

24th January 2019

Housing and Development

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Delegated Decisions from 26/11/18 to 06/01/19

<u>APPLICATION_NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0436	LAND ADJACENT CALDER VALE ROAD BURNLEY	Formation of a car wash facility with office, canopy and ancillary use for car sales
APP/2018/0459	MOTORPOINT OF DERBY ROSEGROVE LANE BURNLEY BB12 6EH	Proposed extension to existing unit to provide further office space and staff facilities
APP/2018/0466	209A MANCHESTER ROAD HAPTON BB11 5RA	Internal and external alterations and construction of a garden house
APP/2018/0473	UNIT 7 EVOLVE AT VISION PARK EDISON WAY BURNLEY BB12 0DS	Change of use from B1 Business to D1 Non-residential Institutions
APP/2018/0475	128-130 COLNE ROAD BURNLEY BB10 1DT	Single storey rear extension
APP/2018/0478	11 HOLLIN HILL BURNLEY BB11 2RL	Proposed double storey side extension and single storey cellar extension
APP/2018/0485	116 WESTBOURNE AVENUE SOUTH BURNLEY BB11 4QZ	First floor extension over existing garage and utility room to provide bedroom
APP/2018/0493	42A THE MALL BURNLEY BB11 1BA	Proposed installation of air conditioning units to existing plant cage on car park level and the installation of refrigeration plant on roof with protective handrail
APP/2018/0495	PLOT 10 GARAGE COLONY CLAYBANK FOLD PADIHAM BURNLEY BB12 8HQ	Proposed replacement of wooden garage with pre-cast concrete garage
APP/2018/0498	J BROWN OPTICIAN 11 ST JAMESS ROW BURNLEY BB11 1DR	Proposed change of use from Optometrists (A1) to Drinking Establishmnet (Class A4)
APP/2018/0502	LAND ADJACANT TO 119 CARHOLME AVENUE BURNLEY BB10 4PT	Proposed substitution of bungalow type (in reference to planning permission APP/2015/0410).
APP/2018/0518	MERECLOUGH 20 SCHOOL LANE CLIVIGER BURNLEY BB10 4RJ	Proposed 2 storey extension to side and rear and formation of access and parking area, resubmission of APP/2018/0265, amendment for additional windows to side elevation

Withdrawn

APP/2018/0430	30 DOVEDALE DRIVE BURNLEY BB12 8XD	Proposed extension to garage (re-submission of APP/2018/0263)
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Listed Building Application

Delegated Decisions from 26/11/18 to 06/01/19

APPLICATION_NO LOCATION PROPOSAL

Listed Building Consent Granted

APP/2018/0343	TRAFALGAR MILL TRAFALGAR STREET BURNLEY BB11 1TQ	Proposed external flue in connection with installation of waste oil burner
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Reserved Matters Application

Reserved Matters Granted

APP/2018/0404	LAND AT CLEAVER STREET BURNLEY	Application for approval of reserved matters following outline approval (APP/2017/0591) erection of 12no 2 bed apartments. Approval of the details of landscaping and appearance.
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Work to trees covered by Tree Preservation Order

Work to TPO trees granted

APP/2018/0449	183 TODMORDEN ROAD BURNLEY BB11 3EA	Application to prune Trees covered by The Burnley (Todmorden Road) Tree Preservation Order 1959
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