

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 21st March, 2019  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 21st March, 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 Head of Legal & Democracy 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 - 6

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**

7 - 8

To consider reports on planning applications for development permission:

**a) APP/2019/0001 - Sandygate Square, Sandygate, Burnley**

9 - 34

Demolition of existing locally listed Neptune Pub, construction of a proposed new 4 storey mixed use building to provide student accommodation (136 bedrooms) including ancillary communal areas, laundry room, gym, reception,

study/resources room and students hub with part lower ground floor car parking; together with provision of 3 commercial units (mix A1, A2, A3, B1) and associated landscaping.

- |           |   |           |
|-----------|---|-----------|
| b)        | <b>APP/2018/0504 - Land at West side of Station Road and adjacent to Padiham Gateway and Green Lane, Padiham</b>  | 35 - 50   |
|           | Proposed residential development of 45no. dwellings and associated works.   |           |
| c)        | <b>APP/2018/0513 - Land off Florence Avenue, Burnley</b>  | 51 - 62   |
|           | Erection of 24 dwellings and associated works.  |           |
| d)        | <b>APP/2018/0446 - Land at Grove Lane, Padiham</b>  | 63 - 76   |
|           | Proposed construction of terrace of 5no. two storey dwellings with forecourt parking.   |           |
| e)        | <b>APP/2018/0537 - Thompson Street Works, Thompson Street, Padiham</b>  | 77 - 84   |
|           | Proposed extension to workshop (partial demolition of existing building).   |           |
| f)        | <b>APP/2018/0554 - 6 Shorey Bank, Burnley</b>   | 85 - 90   |
|           | Proposed kitchen extension.   |           |
| g)        | <b>APP/2018/0573 - 5 Ightenhill Park Mews, Avondale Avenue, Burnley</b>   | 91 - 96   |
|           | Single storey pitched roof rear/side extension.   |           |
| h)        | <b>APP/2019/0021,0022,0023,0024,0025,0026,0027,0028,0029,0032 - Various sites</b>   | 97 - 120  |
|           | Installation of alleygates.   |           |
| i)        | <b>APP/2019/0018 - Market Hall, Curzon Street, Burnley</b>  | 121 - 124 |
|           | Proposed extract flues to market hall roof (3no.)   |           |
| <b>7.</b> | <b>Decisions taken under the Scheme of Delegation</b>   | 125 - 128 |
|           | To receive for information a list of delegated decisions taken since the last meeting.  |           |
| <b>8.</b> | <b>Appeals and Other Decisions</b>  | 129 - 130 |
| a)        | <b>Appeal - Clow Barn, Manchester Road, Dunnockshaw, Burnley</b>  | 131 - 132 |
|           | Appeal against refusal to remove conditions 3 and 14 of planning permission APP/2017/0123 for conversion of barn to dwelling at Clow Barn, Manchester Road, Dunnockshaw, Burnley. |           |

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

**MEMBERSHIP OF COMMITTEE**

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

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

**PUBLISHED**

Wednesday, 13 March 2019



## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 14th February, 2019 at 6.30 pm

### PRESENT

### MEMBERS

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

### OFFICERS

|              |   |
|--------------|---|
| Paul Gatrell | – Head of Housing & Development Control             |
| Janet Filbin | – Senior Planner                                    |
| Emma Barker  | – Principal Legal Officer - Litigation & Regulation |
| Imelda Grady | – Democracy Officer                                 |

### 87. Apologies

Apologies for absence were received from Councillors Jeff Sumner and Cosima Towneley

### 88. Minutes

The Minutes of the last meeting held on 24<sup>th</sup> January 2019 were approved as a correct record and signed by the Chair.

### 89. 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:

Adrian Atkinson (for) – APP/2018/0446 Land at Grove Lane and High Street, Padiham.

**RESOLVED**

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

**90. APP/2018/0446 - Land at Grove Lane and High Street, Padiham**

**Full Planning application**

**Proposed construction of 10no. two storey terraced dwellings in two terraces (5no. dwellings with parking and access from Grove Lane and 5no. dwellings with parking and access from High Street)**

**LAND AT GROVE LANE & HIGH STREET PADIHAM**

**Decision**

That the application be deferred to allow officers to re-engage with the applicant on the Section 106 contribution and on the interface distance between the front windows of the proposed dwellings and the front windows of existing houses on High Street.

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

Members received for information a list of decision taken under delegation for the period 01/01/19 and 03/02/19.

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

21<sup>st</sup> March 2019

Housing and Development

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Ref.

Housing & Development  
Town Hall, Manchester Road

## APP/2019/0001

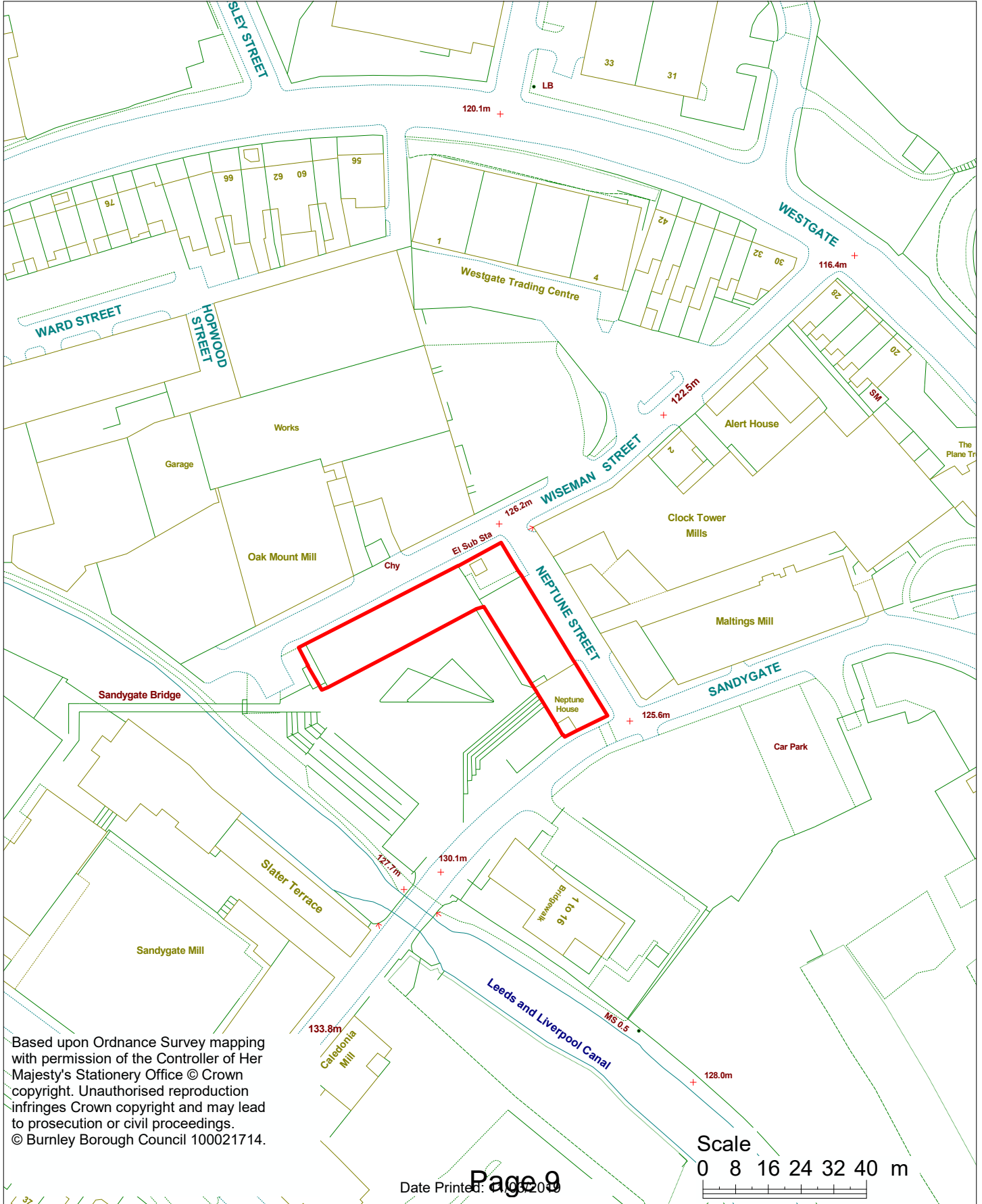
Paul Gatrell Head of Housing and Development

Location:

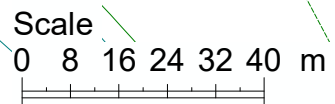


## Sandygate Square, Sandygate, Burnley

1:1250



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Trinity Ward

Full Planning application

Demolition of existing locally listed Neptune Pub, construction of a proposed new 4 storey mixed use building to provide student accommodation (136 bedrooms) including ancillary communal areas, laundry room, gym, reception, study/resources room and students hub with part lower ground floor car parking and provision of a new car parking facility off Wiseman Street; together with provision of 3 commercial units (mix A1, A2, A3, B1) and associated landscaping

SANDYGATE SQUARE SANDYGATE

**Background:**



Illustration of proposed student accommodation viewed from Sandygate

The proposed development will be delivered in collaboration with the University of Central Lancashire (UCLAN) and the Council and is a key component of the University's plan for its long term growth and the creation of a significant presence in Burnley.

The proposal represents an important development in the town as it will contribute to the delivery of the planned expansion of the student population from 400 to 4,000 by 2025 and the Council's ambition to transform Burnley into a leading 'university town'.

Providing an exceptional student offer and experience alongside strong academic performance is central to the ambition to create a thriving student population and the development of high quality, purpose-built student accommodation is a crucial part of the University's vision.

The site is located on the edge of the town centre in the historic Sandygate area within the Weavers' Triangle Conservation Area. The wider site lies within an area previously occupied by mills, weaving sheds and factories constructed along the Leeds and Liverpool Canal. In recent years there has been a strong focus on regeneration and Slater Terrace and Victoria Mill to the south and west of the site have been refurbished and successfully found new uses. New four storey apartments have been constructed to the east of the site and the Sandygate Square public realm works have been completed as part of the ongoing regeneration works. Recent permissions have been granted for the refurbishment of Sandygate School and the Waterloo Hotel to bring them back into new uses. The area now

has an interesting mix of uses including businesses; workshops/ studios; leisure and residential uses.

The application site is an L-shaped area of land of around 0.12 hectares which frames the north-eastern and north-western boundary of the recently formed public square and runs along Neptune Street and Wiseman Street. The Leeds and Liverpool Canal runs to the south of the site.

The scheme includes the demolition of the former Neptune Inn, which is an unlisted building in the Conservation Area, together with a section of wall thought to be a remnant of the Sandygate Shed boiler room or engine house.

### Proposal



Elevations to canal



Elevation to Sandygate / Neptune St



Elevation to Wiseman Street

The application seeks permission for the erection of a new-four storey building to provide high quality purpose-built student accommodation with ancillary facilities. It includes provision for three commercial units for a mix of retail, café or office uses, intended mainly to serve the students and the surrounding occupiers.

There would be 136 en-suite single bedrooms, including 5 accessible rooms, and these would be arranged in clusters of 3, 4 and 5 bedrooms with communal kitchens, dining and living rooms. There would be a communal student hub / social space; a gym; study room / resource centre; reception and administration facilities.

The building is raised so that its ground floor is level with Sandygate Square and a lower ground floor level is created along Neptune Street.

Two of the commercial units (100 sq.m. and 113 sq.m.) would be at ground floor level along the Wiseman Street elevation, facing into the public square. The other unit (75 sq.m.) would

be at the lower ground level at the junction of Sandygate and Wiseman Street. It is envisaged that these units would provide local facilities for the students and local businesses.

The two units at ground floor level would be serviced off Wiseman Street and the unit at the junction of Sandygate and Neptune Street would be serviced by a new loading area to be provided on Sandygate.

Car parking provision for 7 cars is shown at the lower ground floor level, accessed directly from Neptune Street and there would be a new managed car park for 35 vehicles off Wiseman Street. There would be a refuse storage area and provision for cycle parking for 20 cycles at the lower ground level of Neptune Street for the student accommodation and a separate refuse storage area off Wiseman Street for the commercial units.

The building elevations to Neptune Street and Wiseman Street would be faced in a high quality natural stone cladding system and zinc effect standing seam cladding above smooth ashlar stone, with anthracite / black aluminium windows and doors.

The internal elevations to Sandygate Square will be the same but with two feature sections of full height curtain wall glazing above the doors.

Objections to the development have been received.

### **Relevant Policies:**

#### Burnley Local Plan

SP1 – Achieving Sustainable Development  
SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
TC5 – Uses within the Weavers’ Triangle  
HE1 – Identifying and Protecting Burnley’s Historic Environment  
HE2 – Designated Heritage Assets  
NE1 – Biodiversity and Ecological Networks  
NE5 – Environmental Protection  
CC4 – Development and flood Risk  
CC5 – Surface Water Management and Sustainable Drainage  
IC1 – Sustainable Travel  
IC2 – Managing Travel and Transport Impacts  
IC3 – Car Parking Standards

#### National Planning Policy Framework (NPPF)

#### Town Centre and Canalside Masterplan (2018)

#### Weavers’ Triangle Public Realm Strategy (2011)

#### Canalside Conservation Area Appraisal and Management Plan

#### Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

### **Site History:**

APP/2013/0326 Construction of pedestrian bridge over the Leeds and Liverpool Canal and creation of new urban square – granted

## Consultation Responses:

1. Historic England - The Weaver's Triangle within the Canalside Conservation Area is characterised by an important grouping of listed mills with the grade II Slater Terrace workers housing alongside the Leeds and Liverpool Canal. The Weavers Triangle is a regionally important complex of textile buildings that contains all elements of the industrial cotton production process including spinning, weaving, storage and transportation; and tells us about the lives of the people who worked in the mills through the pubs, institutions and workers housing. The former Neptune Inn (later a working mens' club), on the corner of Neptune Street and Sandygate, was built on a former pack-horse route that climbed the valley out of Burnley. This together with a number of architectural features, suggest parts of the structure is older than its industrial surroundings. It is typical of many public houses that served workers in the surrounding mills until these went into decline. It is one of number of historic buildings which reflect the former industrial character and life within the area. Accordingly, the former Neptune Inn is included on Burnley Borough Council's local list. This application involves the demolition of the former Neptune Inn and the construction of student accommodation. The proposed L-shaped building would enclose the recently created canal side square that is connected to the pedestrian bridge that links a number of university buildings within the surrounding area. The building is four storeys and is designed with an industrial character that would assimilate well with its historic surroundings.

While we have no objection with the principle of re-developing the site, we do have concerns about the loss of the Neptune pub. Though in poor condition, the former pub could be included within the re-development and repaired and converted as part of the new accommodation or re-used to provide facilities or business premises that could serve the growing student population. Given the extent of vacant land in the wider area it is a missed opportunity to conserve the historic building as an important reminder of the area's industrial and social history and a building that could now contribute to its future. This is especially disappointing given that the applicant also developed the adjoining new public square and therefore the retention of the pub could have formed part of the wider masterplan for the area.

All development must preserve or enhance the character and appearance of the conservation area under section 72 of the 1990 Act. The NPPF emphasises that great weight should be given to the conservation of heritage assets (NPPF 193), in this case the Canalside Conservation Area. Account should also be given to the desirability of sustaining and enhancing the significance of heritage assets (NPPF 192). The loss of the former Neptune Inn would cause harm to the significance of the conservation area that requires clear and convincing justification (NPPF 194). The Council must ensure that there is the necessary justification, with the resulting harm and priority for the conservation weighed accordingly in relation to any public benefits arising from the proposals (NPPF 196).

While we welcome the re-development of the site and the enhancement this would bring to the conservation area, we are disappointed about the loss of the historic building and the failure to integrate it into the wider re-development proposals. This loss would cause harm that needs clear and convincing justification in relation to the public benefits of the scheme.

*Following the HE comments, the applicant has submitted additional justification in respect of the loss of the Neptune Inn building and the local planning authority response is set out in the report below.*

2. Lancashire County Council (Highways) – has raised no objections and their detailed comments will be reported to Committee.
3. Lancashire County Council (Lead Local Flood Authority) – no objections are raised subject to the inclusion of conditions requiring:
  - An appropriate surface water drainage scheme;
  - A Sustainable Drainage Scheme, Management and Maintenance Plan;
  - A Surface Water Lifetime Management and Maintenance Plan

*Further details have been submitted to cover the above matters. A condition may be imposed to require that the scheme is carried out in full accordance with the approved details.*

4. Canal and Rivers Trust – the issues relating to the Trust are identified as:

- *The impact on the character and appearance of the waterway corridor:*

The principle and general layout of the proposals shown, which includes new active uses at ground floor level and could provide improved surveillance of Sandygate Square, which forms a key waterside space. The general form and massing of the proposed new buildings reflects the massing and height of similar buildings in the Conservation Area. It should be ensured that the materials are suitable to complement the setting of the Conservation Area.

- *Measures to prevent pollution towards the waterway during construction*

There is a risk of contamination from construction work, including dust migration and the runoff of deposits from exposed soils towards the waterway. In order to mitigate against this risk a Construction and Environmental Management Plan should be provided so that risks can be effectively controlled. A condition as follows is recommended:

“Prior to commencement of development on site, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The CEMP shall include measures to prevent water run-off from the construction site to the canal; the location of stockpiled materials; and measures to limit the movement of dust. Thereafter, construction activities on site shall be in accordance with the approved plans”

Reason for the Condition: In order to limit the exposure of the canal to pollution, in accordance with the aims of paragraph 180 of the National Planning Policy Framework. Details are required prior to the commencement of construction activities to ensure the effective management of any risks of contamination to the wider environment.

*The applicant has submitted a Construction Management Plan and provided it is considered acceptable by the Canal and Rivers Trust the full condition may not be necessary. An update will be given at the meeting.*

5. Environment Agency – raise no objections to the development and comment that they have reviewed the submitted Site Investigation Report and Risk Assessment, in relation to risks to controlled waters and agree with the conclusions. Risk from the made ground on the site is low or negligible, and the recommendation in section 9 of the Report should be adopted during construction. This specifically applies to the potential for groundwater in excavations and a plan for the disposal of water to sewer, should ingress occur.

*A condition which requires the development to be in accordance with the submitted Site Investigation and Risk Assessment is recommended.*

6. Environmental Protection (Contamination)

Raise no immediate concerns and suggest that the following conditions are imposed if planning permission is granted:

1. In consideration of the Phase I/Phase II Report (12-777-R1), details of any imported soil shall be submitted before use within the cover system, with information to include source and quantity provided, date of acceptance and a chemical analysis for a full suite of contaminants. As per report 12-777-R1, ground gas monitoring shall be completed with the findings presented to the Local Planning Authority.

Any arisings and/or site-won materials shall be chemically analysed prior to re-use on-site with validation provided to the Local Planning Authority for approval if applicable. If removal of any identified local TPH 'hotspots' is decided as a remedial option, sampling and analysis shall be undertaken to confirm the suitability for use of the remaining soil, with validation provided to the Local Planning Authority for approval if applicable.

Following completion of measures identified in the remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to, and approved in writing by the Local Planning Authority before the occupation of the development.

2. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation must be undertaken to establish the nature and extent of contamination in consideration of potential receptors. Where sampling is required to establish the extent of unexpected contamination, the results shall be forwarded to the Local Planning Authority. If further remediation is required, the additional information shall also be submitted and approved by the Local Planning Authority.

3. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same



must be prepared, both of which must be submitted to and approved by the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. These measures must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

*Appropriate Conditions can be imposed on any permission granted.*

7. Environmental Health – consideration should be given to the requirement for a noise assessment; restrictions of construction hours; a Construction Method Statement; no combustion of materials shall take place on the site; light pollution from the lighting of external areas.

*Conditions may be imposed in relation to construction hours and the applicant has taken into*

*Consideration the noise impact on future residents from surrounding uses in the design of the building; No further illumination other than the usual lighting for doorways, etc is proposed. A construction method statement has been submitted and a condition requiring the development to be carried out in accordance with the approved statement can be imposed.*

8. United Utilities – The site should be drained on a separate system with foul water draining to the public sewer and the surface water draining in the most sustainable way. The following conditions are recommended:

Following a review of the Drainage Strategy UU initially responded to say that the drainage proposals were unacceptable in principle. Whilst they are satisfied that infiltration and draining to the watercourse are unreasonable ways of draining surface water from the site, it appears that only the existing building is positively connected to the public sewer network. Surface water discharge rates must therefore be restricted to 5 l/s and the conditions covering the following are recommended:

- The submission of a surface water drainage scheme
- A scheme for the management and maintenance of the drainage scheme

*Following discussion between UU and the applicant, UU has agreed that the surface water discharge rates may be restricted to a rate of 10 l/s.*

*The requirements for a surface water drainage scheme and its management and maintenance is also covered by the requirement of the Lead Local Flood Authority. A condition covering these issues are recommended to be imposed on any permission granted.*

9. Lancashire Archaeological Advisory Service (LAAS) - is in agreement with the conclusions of the submitted Heritage Assessment which overall assesses the proposal as having a neutral impact on the Conservation Area. The report also indicates the site is located in the vicinity of a number of grade II listed buildings, one of which is also a scheduled monument and it found that the impact of the scheme on

these nationally designated assets will be uniformly beneficial. It is noted that two non-designated heritage assets will be directly affected by the proposal. The former Neptune Inn, a locally listed building and a section of wall thought to be a remnant of the Sandygate Shed boiler room or engine house, a cotton weaving mill demolished after a fire, will be removed to facilitate the proposal. Neptune Inn is currently vacant and in a state of dereliction. In this condition its contribution to the Conservation Area is considerably reduced. The structural defects are such that it would have to be largely rebuilt and this will substantially reduce the authenticity and historic value of the resulting structure.

The non-designated assets are of low relative heritage value and the impact of their loss would be slight/moderate adverse in effect but that with recording prior to removal this will be reduced to slight adverse.

The report identifies potential to encounter buried archaeology. If present this is more likely to relate to Sandygate Sheds but earlier remains cannot be discounted. The disturbance of buried archaeological deposits could be mitigated by an archaeological watching brief during groundworks on site.

LAAS is in agreement with these conclusions and recommend a programme of archaeological work secured by the conditions requiring the creation of a record of the former Neptune Inn to level 3 and the remnant of the Sandygate Shed boiler room or engine house wall to level 2 as set out in *Understanding Historic Buildings* (Historic England 2016), together with a formal watching brief during both groundworks and the demolition of the former Neptune Inn (particularly removal of foundations, floor slabs etc.), followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.

*Appropriate Conditions can be imposed on any planning permission granted.*

10. Designing out Crime Officer (Lancashire Constabulary) recommends that a number of crime reduction measures are incorporated into the final design to mitigate risk of crime.

*The suggestions of the Designing out Crime Officer will be drawn to the attention of the applicant by way of an advisory note.*

11. Weavers' Triangle Trust – the importance of providing student accommodation in this area is accepted although there are some reservations about the details.

The former Neptune Tavern is probably the oldest surviving building in the Weavers' Triangle and its demolition will have a serious impact on the heritage of the Conservation Area. Since the building was taken over and restored by Burnley BC around ten years ago it has been neglected and become derelict. The Trust objects to the demolition of the building and believe that it should be retained as a building next to the accommodation block and adapted for student use.

It is considered that the size and materials used are not appropriate for the Conservation Area. The use of local traditional materials would be more appropriate and less obtrusive. Also, the parking facilities are inadequate. The Trust run Oak

Mount Mill engine house as a heritage and tourist attraction and are concerned about the impact on access from Wiseman Street.

12. Mid-Pennine Arts (MPA) – is pleased to see the canalside develop and is especially pleased to see UCLAN expanding its Burnley activity into this neighbourhood. MPA has taken a lead role and are committed supporters of canalside regeneration.

MPA has serious concerns about the works, some about the needs of the current occupiers during construction and after it, but are dismayed at the proposal to demolish a key element of the canalside environment and Burnley's history, the locally listed Neptune Inn.

They make the following points:

- The Neptune is a key element in Burnley's story as its first public house and it should not be casually destroyed.
- Successive masterplans have identified Sandygate as the heart of the canalside heritage area, with the most precious cluster of historic townscape. The Neptune is a key part of that. It is a small building but its strategic position at mid-point on Sandygate amplifies its importance. It is a visual bookend for Sandygate Square and Neptune Street and vital in creating the character of both streets. Removing it will destroy the heritage feel of our street and diminish the character of Sandygate Square as an arena for public events.
- Previous visualisations have shown the proposed facilities fitting neatly alongside the Neptune Mill. The new proposal to demolish Neptune is difficult to justify, especially as more open space for new build becomes available nearby around George St. Mill.
- The proposed four storey block will dominate and overpower the existing streetscape and be detrimental to the neighbourhood as a whole. It is out of proportion with many of the heritage elements that surround it.
- Loss of sunlight – the building, within 5 metres of MPA's west facing elevation on Neptune Street will put their building in darkness and will damage the amenity of the offices for staff.
- Access and Parking. The scheme will bring around 150 neighbours and includes a negligible number of parking spaces. These days many students have cars. The proposal will create a severe parking crisis for the entire neighbourhood.
- MPA shares the current parking site off Neptune Street with Low Carbon Energy, opposite the building they share and this facility is well used by staff, visitors and volunteers.
- There is very little street parking near their building and the nearest long term parking is at King Street, a 7 minute walk away which includes a steep hill.
- They are concerned about how the lack of parking will affect operations. The team works across Pennine Lancashire and are in and out of the office several times a day, regularly needing to load and unload equipment for events and activities.
- They have a disabled member of staff and a number of volunteers have mobility needs.
- MPA request that parking is adjusted to make provision for alternative parking.
- Increased noise and disturbance. There will be severe disruption during the construction phase

- Organising the Burnley Canal Festival event for 2019 or 2020 will be extremely difficult.
13. Burnley Civic Trust – support the application in principle and agree that the development of Victoria Mill by UCLAN is very desirable for the future of the town. To site the accommodation close to Victoria Mill is a valuable asset.

BCT question the design and materials of the building as they are not in keeping with the Weavers' Triangle.

*The submitted Heritage Assessment sets out the full justification for the loss of Neptune Inn and this issue together with the assessment of the design of the new building, parking provision, loss of light are set out in detail in the report below.*

14. Letters from four neighbouring businesses have been received. Generally the development and ongoing regeneration of the area is positive and is supported but concerns have been expressed about the following matters:
- Size, mass and design of the building The overpowering height of the building will overshadow surrounding buildings, have a major impact on the skyline and dominate heritage buildings.
  - Materials the materials of standard clad construction with some stone cladding are inappropriate, unsympathetic to existing buildings.
  - Lack of parking provision. There is already an issue with on-street parking. It is crucial that additional road infrastructure, access down Sandygate and significant additional parking is provided as there will be considerable additional traffic and parking requirements including potential overnight parking.
  - Disruption during construction period: Wiseman Street, Neptune Street and Sandygate are all narrow roads and not designed for large vehicles/ deliveries. Wiseman Street is inappropriate for heavy vehicles using the building compound.
  - Connectivity: Businesses will be affected by the loss of fast broadband connectivity, provided by Metronet a line-of-sight broadband connection. The building will affect the signal and connectivity. One occupier comments that the issue could be resolved with a wireless relay on the building.
  - Security and Safety: The CCTV on key routes in and around the Weavers' Triangle and street lighting should be updated
  - Overlooking, anti-social behaviour, increased noise and disturbance on the Square would have a knock on effect on the existing businesses.

*These issues are dealt with below in the report.*

## Planning and Environmental Considerations



Existing Sandygate Square with Neptune Inn

Planning permission is sought for the demolition of a locally listed building and structures within the Canalside Conservation Area in order to construct purpose-built student accommodation comprising a four-storey residential block and including provision of three commercial units which aim to provide local services e.g. shop/café/office to the students and local businesses in the area. Several Local Plan policies are applicable because of the nature of the site, its surroundings and the proposed development.

The main planning considerations relate to:

- The principle of the development in this location
- The heritage aspects of the proposal including the significance of the heritage buildings and the impact of their loss on the character and appearance of the Canalside Conservation Area;
- The impact of the development on the character and appearance of the Conservation Area and neighbouring heritage assets, including design and appearance of the proposed development;
- Highway issues, including the parking provision, servicing for the commercial units;
- Impact on neighbouring businesses
- Other matters including refuse storage provision, contamination, drainage and ecology.

### PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework 2018 (NPPF) sets out a presumption in favour of sustainable development and requires that development that is in accordance with an up to date development plan is approved without delay. Determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for Burnley is Burnley's Local Plan which was adopted in July 2018.

The site is within the Development Boundary as defined in the Burnley Local Plan, where Policy SP4 of the Local Plan sets out that new development will be supported, where it is of an appropriate type and scale, and where it satisfies the following overarching criteria and other relevant policies of the Local Plan.

- It makes efficient use of land;
- It is well located in relation to services and infrastructure, is accessible by public transport, walking or cycling; and
- It does not have an unacceptably detrimental impact on residential amenity or other land users.

The site is previously developed land within the urban area and is in a well located, accessible location for student accommodation, on the edge of the town centre and close to the UCLAN Victoria Mill campus.

Whilst the commercial units are outside the boundary of the town centre, the Local Plan recognises that the Weavers' Triangle and its successful regeneration, must be underpinned by a mix of complementary uses. The units potentially would be a mix of convenience retail, cafes or small office uses, and are intended to serve the students and neighbouring businesses. They are not of a scale to compete with town centre uses.

In principle, the development of the site for student accommodation and small complementary commercial units is acceptable and in line with the aims of Policy SP4 of the Local Plan and the Local Plan vision to establish Burnley as a hub of educational excellence and to grow the student population for it to become a leading 'university town'.

The impact of the development on nearby occupiers will be considered below in this report.

## HERITAGE AND DESIGN CONSIDERATIONS

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confer upon local planning authorities a duty, amongst others, to "have special regard to the desirability of preserving the setting of a listed building and to the desirability of preserving or enhancing the character or appearance of a conservation area." Preservation in this context means protecting the special interest from harm (significance) as opposed to keeping it utterly unchanged. As such considerable weight should be given to any harm found to arise regarding the setting of a listed building and/or to the character or appearance of the Conservation Area.

Paragraph 201 of the NPPF recognises that not all elements of a conservation area will necessarily contribute to its significance but states that loss of a building (or other element) which makes a positive contribution to the significance of the conservation area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole. This is supported by Burnley's Local Plan Policy HE2 and HE3.

### Key Heritage Considerations

The main issue is whether the proposed development would preserve or enhance the character or appearance of the Canalside Conservation Area (CA), taking into account the effect of the loss of Neptune Inn as a Non-Designated Heritage Asset. The key heritage considerations in respect to the determination of the application are as follows:

- The impact on the former Neptune Inn as a non-designated heritage asset
- The impact on the character and appearance (significance) of the CA
- The impact on the setting of nearby designated heritage assets

### The Impact on the former Neptune Inn as a non-designated heritage asset (NDHA)

- Significance of Neptune Inn as a non-designated heritage asset

Neptune Inn is identified as a NDHA and included in the Council's List of Locally Important Buildings of Special Interest by reason of their cultural, architectural or historical value. The building is described in the Canalside Conservation Area Appraisal as the earliest surviving public house in the Weavers Triangle dating from the late 18th century and built on what was originally a pack-horse route. The building which pre-dates its industrial surroundings is one of a number of surviving historic buildings not solely or directly related to textile production that reflect the wider industrial settlement and its community/social history.

The significance of the building has been subject to a thorough assessment by the applicant. The assessment concludes that the existing building has low heritage significance with the majority of this significance arising from historic value as a late C18 public house pre-dating the industrial growth of the area. Built in the local tradition (materials and techniques) but architecturally unremarkable and with a substantial amount of original internal fabric missing.

The building is suffering from a prolonged period of vacancy and is in poor structural condition, the accompanying structural report suggests substantial rebuilding is required in order to stabilise the buildings. As such it is considered that the value would not be significantly enhanced were it to be repaired and restored.

- Justification for the loss of Neptune Inn as a NDHA

The applicant has considered options for converting and retaining the existing building but none of which are feasible for practical or economic reasons.

The applicant has set out a number of reasons they feel would seriously constrain the development of the site as follows:

- *The Inn does not relate to the square or the new development - it does not face the square or access directly from it and as such it would feel ancillary to the development.*
- *The position within the site has been used to increase the value and connectivity of the redevelopment. The benefits of demolishing the Inn to allow the development to reach its full potential outweigh the benefits of retaining it and the development as a whole would have a greater positive impact on the conservation area.*

The applicant's structural engineering report adds further to the justification. The report indicates that the building is not capable of re-use in its current state. Structural defects of the building are such that it would have to be largely re-built. The commercial reality is that if the cost of repairing and upgrading the property is uneconomic, it is likely that it would remain unoccupied and would continue to deteriorate, devaluing its limited heritage significance.

Alongside concerns over the high conservation deficit (economic viability) in restoring the building it is also noted that the extent of the works involved will substantially reduce the authenticity and historic value and therefore significance of the heritage asset.

There is no lesser option than demolition to facilitate the proposed development and therefore consideration of the scale of harm from its loss is required, having regard to its significance as a NDHA.

- Impact of the proposal on the significance of the NDHA – Balanced Judgement

Non-designated heritage assets are on the lowest rung of the hierarchy of heritage assets, they do not have statutory protection and their loss requires a balanced judgement (NPPF 197). The NPPF does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter.

The significance of the Neptune Inn as a NDHA (albeit at a low level) would be totally lost due to demolition. NPPF 197 requires weighing “applications” that affect a NDHA and this means the consideration of the application (i.e. the scheme as a whole including the replacement building). It then requires a balanced judgement having regard to the scale of any harm and the significance of the heritage asset.

Neptune Inn is a heritage asset of low significance, it is considered that its demolition (with recording prior to removal) would result in an impact that is slight adverse in scale. The benefits of the proposed redevelopment, are however more substantial, supporting the growth and success of Burnley as a “university town”, generating activity and vibrancy in the heart of the Weavers’ Triangle and contributing to the wider heritage-led regeneration of the conservation area. The benefits of the proposal extend to enhancing the setting (appearance in views) of the Grade II listed buildings on the vicinity of the site by filling an unsightly ‘gap’ site and remedying the present dereliction and sense of abandonment.

Neptune Inn would be replaced with a building that has been designed to reflect and reinforce the role of the heritage asset in terms of its contribution to the character and appearance of the local townscape (as set out in para 5.4 below). The replacement building is considered to be a thoughtful response to its context, that assimilates well with its historic surrounding and that makes a positive contribution to local character and distinctiveness.

The structural inspection confirms that the building is in exceptionally poor structural condition and beyond reasonable economic repair and the Heritage Assessment confirms that the building has low significance as a NDHA. The loss of the building is nevertheless an adverse effect but taking the merits of the proposed development into account, its proposed demolition is not considered to be unacceptable when a balanced judgement is made in accordance with paragraph 197 of the Framework.

The same conclusion is drawn in respect of the standing remains of the former Sandygate Weaving Shed engine house / boiler room at the west corner of the application site which is also capable of being regarded as a non-designated heritage asset.

A condition requiring that archaeological recording is made before the development starts and a watching brief is in place whilst development is carried out would be appropriate, in line with the recommendations of the Lancashire Archaeology Advisory Service.

#### *The Impact on the Character and Appearance (Significance) of the Canalside Conservation Area*

- The character and appearance (and significance) of the CA

The significance of the CA primarily lies in the architectural and historic interest as a surviving example of a nineteenth century textile manufacturing landscape. Careful consideration is required of whether the removal of the existing building and its replacement would preserve or enhance the contribution of the site to the character or appearance of the CA which is derived primarily from:

- Association with the growth of the Lancashire cotton industry



- Sinuous line of the canal and enclosing buildings and landscape
  - Victorian industrial, residential and commercial uses in a dense pattern of development,
  - Distinctive urban form and architectural character, based on functional requirements, simple palette of robust local materials and engineering techniques
  - Monolithic scale and mass of industrial buildings
  - The layering of buildings of contrasting volume, which creates depth and a highly varied roofscape.
  - Canal engineering features
  - Dynamic views along the canal; views of the key built components particularly the distinctive roofscape; and glimpsed views to open countryside beyond the town
- The Contribution of Neptune Inn to the Character and Appearance (Significance) of the Conservation Area and the impact of its loss when considered in isolation

The contribution of the NDHA to the character and appearance of the CA has been subject to a thorough assessment by the applicant. The assessment concludes that Neptune Inn is an early building that is illustrative of the growth of the area that despite its poor physical condition makes a positive contribution to the significance of the CA. Its restrained palette of materials, simple form and siting on the back edge of the footpath is characteristic of the area and this loss will have a detrimental impact on the character and appearance (significance) of the conservation area.

There is no reason to arrive at different conclusions in this regard. The impact would be localized within the context of the CA as a whole and would not detract from its overall heritage significance. Accordingly, the harm arising would be considered minor adverse and for the purposes of NPPF 196, this equates to less than substantial harm to the CA as a designated heritage asset. However, demolition is only one factor in this consideration and the loss of the NDHA must be weighed in the overall consideration of whether the proposed development as a whole (including any replacement building and any public benefits arising) would cause a degree of harm to the character or appearance of the CA.

It has been held in the High Court (Dorothy Bohm V SSCLG [2017]) that when considering the demolition of a NDHA in a Conservation Area it cannot be treated as harm to a designated heritage asset in isolation, but that the scheme as a whole including any replacement building needs to be considered, with demolition being just one factor in this.

- The Impact of the proposed replacement building on the character and appearance (significance) of the Conservation Area.

In accordance with Local Plan Policy HE3 and its supporting text, development within conservation areas should be of a high quality contextual design and will be expected to preserve and where appropriate enhance those elements that contribute to its special character and appearance including the positioning and grouping of buildings, form, scale, enclosure, detailing (including fenestration) and materials.

The Local Planning Authority has engaged with the design team to refine aspects of the design to produce a building that is suitable for its location. Though the proposal involves demolition, the new building has been designed to reflect and reinforce the role of the Neptune Inn in terms of its contribution to the character and appearance of the local townscape as follows:

- Strong corner treatment that reinforces the street edge and provides active elevations
- Enclosure to the eastern edge of the square and strong building line to Neptune Street
- Traditional and simple palette of materials and restrained architectural detailing
- Rhythmic door window patterns providing strong vertical emphasis.
- Stepped roofline that echoes the sloping topography

The scale, form and mass of the proposed building are resonant with the industrial structures that formerly occupied part of the site. It has been designed to re-introduce a robust presence, sense of enclosure and urban grain appropriate to the area. The elevations are simple, carefully articulated and fenestrated to reduce the visual bulk of the building and enable it to successfully integrate into its surroundings.

The result is a building that is a thoughtful and high quality response to its context, that assimilates well with its historic surrounding and that makes a positive contribution to local character and distinctiveness.

- Public Benefits

The applicant's planning statement sets out a range of important social, environmental and economic benefits that the proposed development including supporting the economic growth and success of Burnley as a "university town", generating activity and vibrancy in the heart of the Weavers' Triangle and contributing to the wider heritage-led regeneration of the conservation area. The benefits of the proposal extend to enhancing the setting (appearance in views) of the Grade II listed buildings on the vicinity of the site by filling an unsightly 'gap' site and remedying the present dereliction and sense of abandonment.

- Overall Impact of the proposal on the character and appearance (significance) of the Conservation Area

The overall impact of the development on the significance of the CA as a whole is assessed to be neutral (at its worst) as the adverse loss of the former Neptune Inn and remnant of the weaving shed wall, is countered by the positive benefit of redevelopment, and the development will not otherwise adversely harm the special character and appearance (significance) of the CA. The proposed development would reflect the character of the CA and preserve that part of the CA it would be located in. Therefore, the scheme would not be in conflict with Local Plan Policy HE2 which seeks to preserve and enhance the borough's designated heritage assets.

*The Impact on the Setting of nearby Designated Heritage Assets*

The indirect effect of the proposed development on the significance of the Grade II listed buildings in the vicinity of the site is assessed to range from slight to moderately beneficial as it will enhance their setting (appearance in views) by filling an unsightly 'gap' site and remedying the present dereliction and sense of abandonment.

The proposed development is not considered to harm the significance of the surrounding listed buildings and Scheduled Monument

### Summary of Heritage and Design Considerations

In summary, Neptune Inn is a (non-designated) heritage asset of low significance, it is considered that its demolition would result in an impact that is slight adverse in scale. The benefits of the proposed redevelopment, are however more substantial, supporting the growth and success of Burnley as a university town, generating activity and vibrancy in the heart of the Weavers' Triangle and contributing to the wider heritage-led regeneration of the conservation area.

The loss of the building is an adverse "harmful" effect but taking the merits of the proposed development into account, its proposed demolition is not considered to be unacceptable when a balanced judgement is made in accordance with NPPF paragraph 197. The same conclusion is drawn in respect of the standing remains of the former Sandygate Weaving Shed engine house / boiler room at the west corner of the application site which is also capable of being regarded as a NDHA.

Though the proposal involves demolition, the new building has been carefully designed to reflect and reinforce the role of the Neptune Inn in terms of its contribution to the character and appearance of the local townscape.

The scale, form and mass of the proposed building are resonant with the industrial structures that formerly occupied part of the site. It has been designed to re-introduce a robust presence, sense of enclosure and urban grain appropriate to the area. The elevations are simple, carefully articulated and fenestrated to reduce the visual bulk of the building and enable it to successfully integrate into its surroundings.

The result is a building that is a thoughtful and high quality response to its context, that assimilates well with its historic surrounding and that makes a positive contribution to local character and distinctiveness.

In terms of the impact of the scheme as a whole on the significance of the Conservation Area, it has been held in the High Court (Dorothy Bohm V SSCLG [2017]) that when considering the demolition of a NDHA in a CA it cannot be treated as harm to a designated heritage asset in isolation, but that the scheme as a whole including any replacement building needs to be considered, with demolition being just one factor in this.

The applicants planning statement sets out a range of important social, environmental and economic benefits that the proposed development including supporting the economic growth and success of Burnley as a "university town", generating activity and vibrancy in the heart of the Weavers' Triangle and contributing to the wider heritage-led regeneration of the conservation area. The benefits of the proposal extend to enhancing the setting (appearance in views) of the Grade II listed buildings on the vicinity of the site by filling an unsightly 'gap' site and remedying the present dereliction and sense of abandonment.

The overall impact of the development on the significance of the CA as a whole is assessed to be neutral (at its worst) as the adverse loss of the former Neptune Inn and remnant of the weaving shed wall, is countered by the positive benefit of redevelopment, and the development will not otherwise adversely harm the special character and appearance (significance) of the CA. The proposed development would reflect the character of the CA and preserve that part of the CA it would be located in. Therefore, the scheme would not be in conflict with Local Plan Policy HE2 which seeks to preserve and enhance the borough's designated heritage assets.

The indirect effect of the proposed development on the significance of the Grade II listed buildings in the vicinity of the site is assessed to range from slight to moderately beneficial as it will enhance their setting (appearance in views) by filling an unsightly 'gap' site and remedying the present dereliction and sense of abandonment.

The proposed development is not considered to harm the significance of the surrounding listed buildings and Scheduled Monument.

## HIGHWAY CONSIDERATIONS

The site is in close proximity to the UCLAN campus at Victoria Mill on Trafalgar Street and it is directly connected to it by the pedestrian and cycle bridge over the Canal. The site is in an accessible location within walking distance of shops and amenities and it lies close to the town centre with bus and rail connections. The development is designed to be car free but offers 7 car parking spaces at lower ground floor level of the building and a car parking area for 35 cars provided on land at the top of Wiseman Street, alongside the Canal.

The car park will be retained in the ownership of Burnley Borough Council. Signs will be erected clearly stating that the car parking is for permit holders only and not for public use. This approach is proving successful at Burnley Vision Park.

UCLAN, who will be managing the student accommodation on behalf of the Council, will be responsible for issuing car parking permits. UCLAN operate strict parking rules across their facilities in Preston and Burnley, in line with their Travel Plan

UCLAN aim to reduce car use and encourage staff and students to use more sustainable forms of transport. Students living in Halls are not eligible for a car parking permit and are actively discouraged from bringing their cars onto campus

Permits are issued based on the following qualifying criteria backed by evidence:

|    | Qualifying Criteria  | Evidence Required  |
|----|--|--|
| 1  | Be a Blue Badge holder (priority permit will be issued free of charge)   | Sight of current valid Blue Badge  |
| 2  | Live Off Campus and further away than 60 minutes by public transport   | Not Applicable to students living in halls of residence  |
| 3. | Have child care commitments for dependent children that are under the age of 12 years at the start of the semester | Child's birth certificate, Benefit award notice, Child Tax Credits award notice or passport showing the child's name and DOB   |
| 4. | Have a mobility need, certified by your Doctor (eligible for priority permit, payable as per current rates)        | A current letter from your Doctor, this must detail how your condition affects your mobility and requires a Priority permit (evidence will be required for each new application) |
| 5  | Have a medical condition certified by your Doctor (eligible for a standard permit, payable as per current rates)   | A current letter from your Doctor, confirming your issue and need for a permit   |
| 6  | Course requirements e.g. placements on health courses  | Sight of students timetable, with permits issued for duration of off campus placement  |
| 7. | Genuine case or hardship resulting from inability to obtain a permit through the above criteria                    | Each application will be considered on a case by case basis, subject to availability.  |

Students will be charged to use the car parking facilities at the Sandygate accommodation on the same tariff that applies across all UCLAN facilities. The strict application of car parking permits works well at its Preston campus.

The Highway Authority has raised no objections to the development and any appropriate conditions connected to the highway advice will be reported to Committee.

## IMPACT ON NEIGHBOURING OCCUPIERS

The development will lead to the four storey building falling within 5 metres of adjacent offices and business and there will be some impact on the amenities of the neighbouring business premises in terms of loss of privacy, light and outlook. There are no residential properties which would be affected and the same planning considerations in respect of distances from windows and loss of sunlight which would apply to dwellings would not relate in the same way to business premises.

It has always been intended that heritage-led regeneration would follow the historic pattern and character of the Weavers' Triangle, often with a mix of large and small structures within a tight fit urban grain and it is not unexpected that this will involve an element of overshadowing of existing premises when the vacant sites are developed. However, the existing business will benefit from the vitality brought by the development which will contribute significantly to economic well-being in the area.

Offices and businesses on the other side of the Canal at Slaters' Terrace are set approximately 65 metres across Sandygate Square and will not be significantly affected by the development.

The issue relating to the disruption of the broadband signal to neighbouring business is not a planning matter. It would not be reasonable to prevent development on the basis that it will interrupt a 'line-of-sight' system when broadband services can be delivered in a variety of ways. It would be up to the neighbouring businesses if they wish to privately negotiate a wireless relay system with the applicant.

The residents of Bridgewater Apartments is the only residential development within the vicinity of the site but it is offset by 25 metres to the south and positioned at an oblique angle. There will be no loss of amenity to the properties.

There will inevitably be some disruption during the construction period. The construction management plan which controls the locations for the unloading and storage of plant and materials; staff parking; security hoarding; control of dust and emissions; routing of vehicles to the site, etc should mitigate the disruption as far as possible.

## OTHER MATTERS

### Ecology

A bat scoping survey has been submitted with the application, which confirms that Neptune Inn does not contain, and contains little potential for, any bat roosts. The demolition and redevelopment of the site will have no impact on roosting bats or other protected species and nesting birds. The proposal is in line with Policy NE1 of the Local Plan.

### Refuse Storage Provision

Appropriate provision is made within the scheme for refuse storage.

### Contamination

Appropriate Site Investigations and Risk assessments have been carried out which confirm that the site does not contain significant concentrations of potential contaminants, asbestos fibres or any significant ground gas generation. Subject to the mitigation measures set out in the report and appropriate precautions undertaken during construction, the site presents a low environmental risk. Conditions requiring the site to be development taking into account the recommended precautions are appropriate.

### Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and Drainage Strategy and the information has been supplemented by further information required by the Lead Local Flood Authority (LLFA). A condition requiring that the development shall proceed only in accordance with the LLFA's recommendations would be appropriate.

### **Conclusion**

The development will deliver a wide range of significant social, economic and environmental benefits and would represent sustainable development in line with national and local policies.

The site is in an accessible location for student accommodation in close proximity to the newly opened UCLAN campus at Victoria Mill. The development is consistent with the heritage and regeneration policies of the Local Plan and it will help to deliver the planned expansion of the student population and the Council's ambition to transform Burnley into a leading 'university town'.

A key vacant site in the Weavers' Triangle will be regenerated which will complete the planned redevelopment of Sandygate Square.

The demolition of Neptune Inn has been fully justified and the new building has been designed to reflect and reinforce the role of the Neptune Inn in terms of its contribution to the character and appearance of the local townscape.

There is strong corner treatment that reinforces the street edge and provides active elevations and there is enclosure to the eastern edge of the square with a strong building line to Neptune Street; traditional and simple palette of materials and restrained architectural detailing; rhythmic door window patterns providing strong vertical emphasis and a stepped roofline that echoes the sloping topography.

The scale, form and mass of the proposed building are resonant with the industrial structures that formerly occupied part of the site. It has been designed to re-introduce a robust presence, sense of enclosure and urban grain appropriate to the area. The elevations are simple, carefully articulated and fenestrated to reduce the visual bulk of the building and enable it to successfully integrate into its surroundings.

The result is a building that is a thoughtful and high quality response to its context, that assimilates well with its historic surrounding and that makes a positive contribution to local character and distinctiveness.

Amendments have been made to the application to provide additional parking provision off Wiseman Street and the Highway Authority raise no objection to the development.

There are no other material considerations which indicate that planning permission should not be granted.

**Recommendation:**

That planning permission be granted subject to the following conditions:

**Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 005 C, 001A, 015 A, C-50 B 9 January 2019, Amended drawings: 001L, 002L, 003L, 004L, 006F, 007F, 008E received 16 Jan 19. (to be updated at Committee)
3. The development shall be carried out in full accordance with a scheme which has first been approved in writing by the Local Planning Authority, to include details of the design, based on sustainable drainage principles and implementation of an appropriate surface water sustainable drainage scheme. The details shall include as a minimum:
  - a) Information about the lifetime of the development:
    - Design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change, see EA advice (Flood Risk assessments: climate change allowances) - discharge rates and volumes (both pre and post development)
    - Temporary storage facilities
    - The methods employed to delay and control surface water discharged from the site
    - The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourse
    - Details of floor level in AOD
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield run-off rate. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed.
  - c) Flood water exceedance routes, both on and off the site
  - d) A timetable for implementation, including phasing if possible
  - e) Evidence of an assessment of the site conditions to include site investigation

The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the approved dwellings or the completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

4. The development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
5. The development shall be carried out in full accordance with a scheme which has been approved in writing by the Local Planning Authority, providing details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development, to include:
  - a) the arrangements for adoption by an appropriate public body, statutory undertaker or management company.
  - b) Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) which will include elements such as
    - ongoing inspections relating to performance and asset condition assessments
    - operation costs for regular maintenance , remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage system scheme throughout its lifetime.
    - means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of the approved development or the completion of the development whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

6. The development shall be carried out in full accordance with the approved Construction Management Plan to the satisfaction of the Local Planning Authority.
7. The development shall be carried out in full accordance with the submitted Site Investigation Report and Risk Assessment (Phase II Geo-Environmental Site Investigation and Risk Assessment reference 180903.R.001, dated December 2018)
8. In consideration of the Phase I/Phase II Report (12-777-R1), details of imported soil shall be submitted before use within the cover system, with information to include source and quantity provided, date of acceptance, and a chemical analysis for a full suite of contaminants. As per report 12-777-R1, ground gas monitoring shall be completed with the findings submitted in writing to the Local Planning Authority.

Any arisings and/or site-won materials shall be chemically analysed prior to re-use on-site with validation provided to the Local Planning Authority for approval if applicable. If removal of any identified local TPH 'hotspots' is decided as a remedial option, sampling and analysis shall be undertaken to confirm the suitability for use of the remaining soil, with validation provided to the Local Planning Authority for approval in writing, if applicable.



Following completion of measures identified in the remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to, and approved in writing by the Local Planning Authority.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation must be undertaken to establish the nature and extent of contamination in consideration of potential receptors. Where sampling is required to establish the extent of unexpected contamination, the results shall be forwarded to the Local Planning Authority. If further remediation is required, the additional information shall also be submitted and approved by the Local Planning Authority.
10. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which must be submitted to and approved by the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. These measures must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11. A programme of archaeological work including the creation of a record of the former Neptune Inn to level 3 and the remnant of the Sandygate Shed boiler room or engine house wall to level 2 as set out in *Understanding Historic Buildings (Historic England 2016)*, shall be carried out in accordance with an approved written scheme of investigation, before any work on the demolition of Neptune Inn and the remnants of the Sandygate Shed boiler room/engine house takes place. This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. The record shall be lodged with the Local Planning Authority within 2 months of the date of this decision.
12. A formal watching brief during both groundworks and the demolition of the former Neptune Inn (in particular removal of foundations, floor slab, etc) followed by such subsequent work as required to investigate and record any remains encountered. This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.  
This work shall be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of the archaeological record and analysis shall be lodged with the Local Planning Authority within two months of its completion.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that the proposed development is adequately drained and that there is no flood risk on or off site resulting from the proposed development.
4. To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the sustainable drainage system.
5. To ensure that appropriate and sufficient funding and maintenance mechanisms are in place for the lifetime of the development; to reduce flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/body/ company/undertaker for the sustainable drainage system.
6. In the interests of highway safety, the prevention of pollution to the canal and the surrounding environment.
- 7, 8, 9 &10 To ensure that all risks associated with contamination of the site are adequately dealt with, having regard to Policy EN5 of Burnley's Local Plan 2018.
- 11/12. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, having regard to Policy HE2 of Burnley's Local Plan 2018.

Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2018/0504

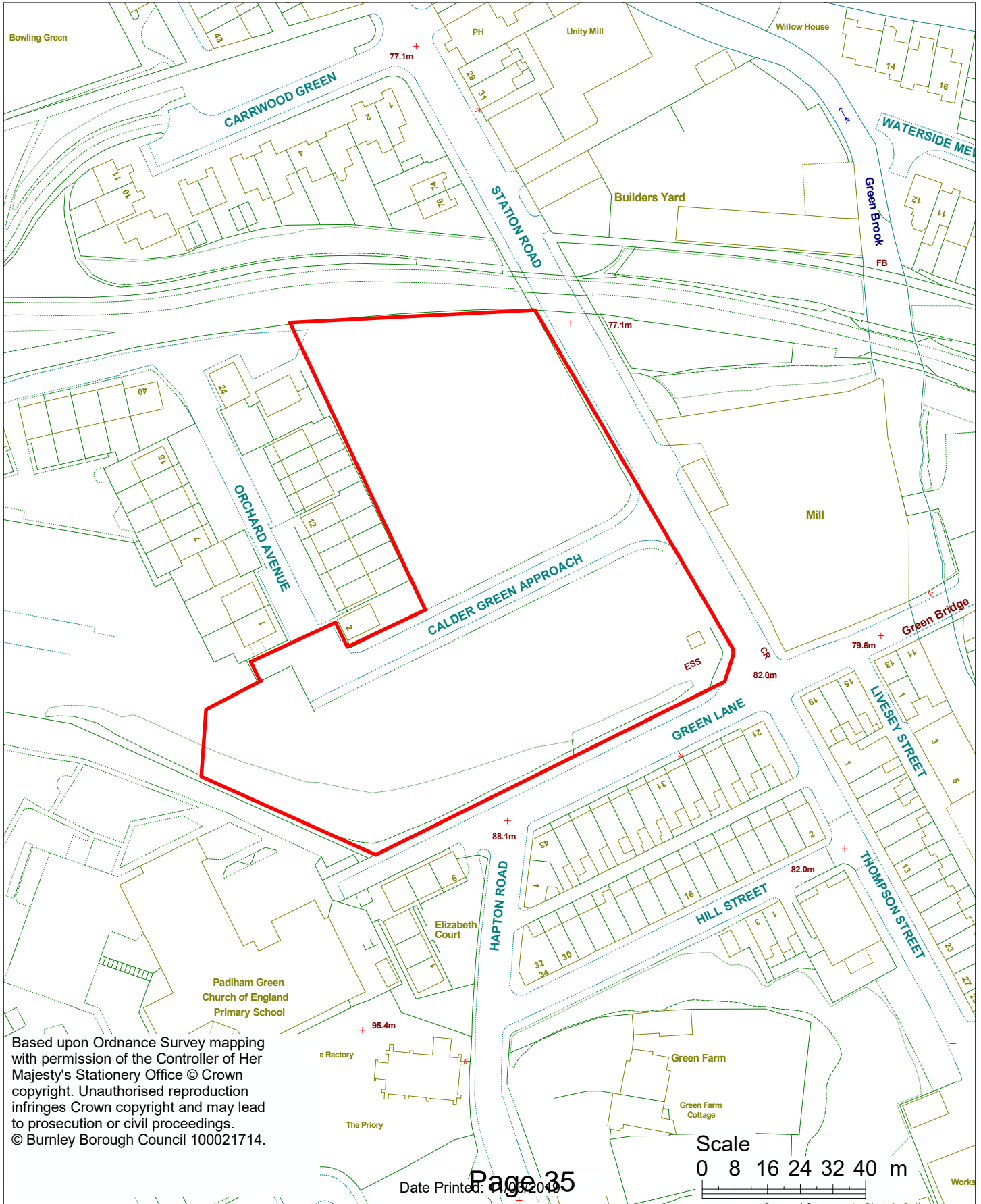
Paul Gatrell Head of Housing and Development

Location:



## Land West of Station Road, Padiham

1:1250



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Full Planning application

Proposed residential development of 45no. dwellings and associated works  
LAND AT WEST SIDE OF STATION ROAD & ADJACENT TO PADIHAM GATEWAY  
AND GREEN LANE PADIHAM

**Background:**

The application relates to Phases 5 and 6 (site area of 0.8 hectares) of a wider previously approved residential development site off Station Road, Padiham. Phases 1, 2 and 3 of the development are complete and Phase 4 is due to commence shortly. The site area for Phases 5 and 6 as now proposed also encompasses a small area of the previously approved Phase 4.

Phase 1 comprised the access road from Station Road to provide access to the whole site. Phase 2 was for the erection of 20 dwellings; Phase 3 was for 23 dwellings; and the revised area for Phase 4 provides for 22 dwellings.



Overall site area

It is proposed to provide 45 dwellings in total in Phases 5 and 6. Phase 5 would comprise 22 one & two bedroom apartments and 4 semi-detached houses of two and three beds. Phase 6 would comprise 14 two-bed semi-detached; 2 three-bed semi-detached and a terrace of 3 two and three bed semi-detached.

The properties would be two storey and of traditional appearance.



Typical House type



Typical Apartment elevation



East elevation (to Station Road)



West elevation



South elevation



North elevation

The Education Authority has requested a contribution towards school provision and expresses concern that the viability assessment submitted with the application concludes that the scheme would not be viable if the contribution was made.

**Relevant Policies:**

National Planning Policy Framework

Burnley Local Plan

- Policy SP1 – Achieving Sustainable Development
- Policy SP2 – Housing Requirement 2012-2032
- Policy SP4 – Development Strategy
- Policy SP5 – Development Quality and Sustainability
- Policy HS2 – Affordable Housing Provision
- Policy HS3 – Housing Density and Mix
- Policy HS4 – Housing Development
- Policy NE3 – Landscape Character
- Policy NE4 – Trees, Hedgerows and Woodland
- Policy NE5 – Environmental Protection
- Policy IC1 – Sustainable Travel
- Policy IC3 – Car Parking Standards
- Policy IC4 – Infrastructure and Planning Contributions

Policy CC4 – Development and Flood Risk

**Relevant Site History:**

APP/2009/0489 – Outline application for the erection of 136 houses and apartments together with elderly person sheltered housing scheme – permission refused (appeal dismissed)

APP/2010/0713 – Mixed use development incorporating employment units, D1 unit 100 dwellings and a sheltered housing scheme was granted outline planning permission in March 2011 subject to conditions

APP/2012/0434 - Variation of conditions on outline permission APP/2010/0713 to allow the development to progress in Phases – *granted*.

APP/2013/0077 Approval of Reserved Matters Phase 2 for the erection of 20 dwellings - granted

APP/2013/0357 – Reserved Matters Application  
Application for approval of reserved matters on outline planning application APP/2010/0713. Approval sought for appearance, landscaping, layout, scale and associated highway works (Phase 3 of development)

APP/2013/0363 – Variation of Condition 5 on planning permission APP/2012/0434 (relating to the phasing of the development) – granted

APP/2013/0364 – Discharge of cond 20 (part) of planning permission APP/2012/0434 - relating to noise – part discharged.

APP/2014/0075 – Discharge of Condition 11 of outline permission APP/2010/0713 (as varied by APP/2012/0434 relating to contamination remediation in respect of Phases 1 & 2 – discharged.

APP/2014/0151 – Hybrid Planning Application seeking full planning permission for the erection of 39 dwellings and outline planning permission including details of access (all other matters reserved for future approval) for the erection of a further 38 dwellings.

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

APP/2018/0376 - Erection of 22 dwellings (Minor Material Amendment to Planning permission APP/2014/0151 as amended by APP/2018/0273 in respect of variation of layout and house types (Condition 14 - approved plans); and Variation of Condition 6 (materials); 7 (landscaping); tree protection); 10 (surface water drainage); 11 (contamination); 12 affordable housing); 13 (public open space) – granted

APP/2018/0538 – Application to discharge Condition 12 on APP/2018/0376 (Phase 4) relating to Affordable Housing – condition discharged

**Consultation Responses:**

1. Lancashire County Council (Highway Authority) – comment that no objections are raised in principle to the development but initially raised a number of issues of concern as follows:

- The carriageway width of the access road for Phase 6 is considered to be too narrow; a minimum width of 5.5m would be acceptable, although 6m would be preferred.
- The turning head return arm may be short Lancashire County Councils adoptable standard is the road with plus 9.4m
- Plot 11 has no additional pedestrian access.
- Plot 7 driveway narrows to have a fence on both sides making car doors difficult to open without fouling on the fence an additional 0.8m width is required.
- The footway in front of Plots 20-25 will need to be made up to an adoptable standard.

*Amended details have been received in response to the Highway Authority comments, which address their concerns.*

The Highway Authority are now satisfied with the details and request that the following conditions are imposed on any planning permission:

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
2. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
3. For the full period of construction facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. There should also be provision to sweep the surrounding highway network by mechanical means if needed. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
4. No development shall be commenced until full engineering, drainage; street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.
5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:



- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The 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) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours
- viii) Routing of delivery vehicles to/from site

*Suggested conditions 2 – 5 are recommended to be imposed on any planning permission granted. It would be appropriate to include suggested condition 1 as an informative on the decision notice.*

2. Lancashire County Council (Education Authority) has carried out an education assessment in respect of the impact of the development on provision of school places.

When assessing the need for an education contribution from this development Lancashire County Council considers primary school provision within a 2 mile radius of the proposed site.

There would be a yield of 3 places primary school spaces from this development Therefore, a contribution from the developer in respect of the full pupil yield of this development is sought, i.e. 3 places (£47,259.93)

The latest projections for local secondary schools show there to be 401 places available in 5 year's time with additional planning approvals expected to generate a demand for a further 13 spaces. Pending applications are expected to generate a demand for a further 5 places.

There would be an expected pupil yield of 1 pupil from this development. No contribution is sought from the developer in respect of secondary school places.

*The applicant has agreed to the contribution and will provide a Unilateral Undertaking to support the payment.*

3. Environment Agency (Contaminated Land) – (controlled waters) raise no objection to the development.
4. Environmental Protection Team (Contaminated Land)

There are no immediate concerns in respect of the development, however the results of additional gas/groundwater, monitoring should be forwarded to the Local Planning Authority, with proposed actions should they be required. Consideration should be given to any previously unidentified contamination, including PCBs and asbestos. The following conditions are advised:

Reporting of Unexpected Contamination

- (i) In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing

immediately to the Local Planning Authority. A full risk assessment (including investigations if necessary) must be undertaken, and a remediation scheme (if required) must be prepared. The assessment must be forwarded to the Local Planning Authority for approval before works may continue.

- (ii) Where any remedial works are necessary, a verification report must be submitted to, and approved in writing by the Local Planning Authority. The report shall also details of the long-term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

*These conditions can be included on any planning permission granted.*

- 5. Lancashire Fire and Rescue Service comments that it should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'

*An informative note can be included on the decision notice to draw attention to the Fire Officers comments.*

- 6 Crime Prevention Officer, Lancashire Constabulary

In addition to the security measures mentioned in the application, the development should take into account the full security measures within the 'Secured by Design 'Homes 2016' specification to mitigate the risk to crime.

In addition measures to mitigate crime from theft from construction sites should be considered.

*An informative note can be included on the decision notice to inform the applicant of this advice.*

- 7. Streetscene

The refuse storage facilities are adequate and should be available at all times for the occupiers of the student apartments and the commercial units as appropriate

- 8. Burnley Wildlife Conservation Forum

The site contains some locally valuable wildlife habitats comprising scrub and semi-mature trees habitat adjacent to the Station Road and Green Lane boundaries. The habitat on the Station Road boundary would be lost by the development. On the Green lane boundary, plans indicate that whilst some of the trees and scrubs habitat will be retained, a significant number of mature trees will be removed.

There is a rectangle of land adjacent to Green Lane near to its junction with Station Road with some potential for native tree and shrub planting and a larger area of open land to the south of Phase 4 with further potential for planting. This area could be planted with trees and shrubs as mitigation for the removal of the

trees and habitat, in order to deliver a minimum net loss of biodiversity and overall a biodiversity gain.

*The applicant liaised with the Wildlife Forum and submitted an amended plan to include additional planting in some of the amenity green spaces within the development. The area to the south of Phase 4 is outside the applicant's control and the confines of the application.*

9. Greater Manchester Ecology Unit (the Council's consultant on Ecology matters)

Comment on the ecological aspects of the development, including nesting birds, invasive species and loss of biodiversity.

Nesting birds: No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present .

Invasive Species: recommend an informative on any planning permission t point out that it is an offence under the Wildlife and Countryside Act to introduce, plant or cause to grow any invasive wild plant listed in the Act, such as Japanese Knotweed and Himalayan Balsam If any such species will be disturbed, a suitably experienced consultant should advise on how to avoid an offence under the Act.

Contributing to and Enhancing the Natural Environment recommend that a landscape and biodiversity enhancement plan for the trees and scrub alongside Green Lane shall be approved. The content of the plan should include provision of bird nesting opportunities.

*Appropriate conditions / informative notes can be included on any planning permission granted*

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

#### The principle of the proposal

In principle, the development is acceptable and in line with policies relating to provision of housing, in the Local Plan. The site is a brownfield site, in a sustainable location close to public transport, shops and services.

Policy SP4 of the Local Plan sets out that development will be focussed on Burnley and Padiham. The settlement hierarchy within the policy identifies Padiham as a key service centre where large scale, major and a variety of smaller scale sites will deliver a comprehensive range of choice of types and tenure. On unallocated sites, new development will be supported within the Development Boundaries where it is of an appropriate type and scale where:

a) *It makes efficient use of land and buildings*

The proposal would provide for 45 dwellings on this currently vacant site. The density is 56 dwellings per hectare (dph) in line with Policy HS3 which expects a

density of at least 40 dph on such sites close to the town centre. HS3 states that a higher density will be acceptable having regard to townscape and design considerations. It would be reasonable to allow a higher density in this location. The layout includes 22 apartments which increase the overall density without adversely impacting on the character of the area.

- b) *It is well located in relation to services and infrastructure and is, or can be made, accessible by public transport, walking or cycling*

The site is well located in relation to Padiham town centre within easy reach on foot and close to public transport facilities, shops and services.

- c) *It does not have an unacceptably detrimental impact on residential amenity or other existing land users.*

There would be no unacceptable impact on residential amenity or neighbouring properties.

Consideration will also be given to whether schemes make use of previously developed land that is not of recognised biodiversity value; the impacts of the development in terms of parking and highway safety, residential amenity and; the impact on the character and appearance of the area.

The land has previously had the benefit of outline planning permission in 2014, for residential development and circumstances have not changed significantly since the 2014 approval.

The principle of the scheme is acceptable on the above basis.

#### Parking and Highway Safety

All the properties provide sufficient off street car parking to meet the needs of the development. The Highway Authority has agreed that the level of parking provision proposed for the development is acceptable, having regard to Policy IC3 of the Local Plan.

The access road has been designed to accommodate large refuse and emergency vehicles and these are proposed for adoption.

The proposed layout will not have an adverse impact on highway and pedestrian safety. Disruption during the construction phase can be mitigated by the approval of an appropriate Construction Management Plan, to be required by condition.

#### Residential Amenity

Policy SP4 sets out that new development will be supported within the Development Boundaries where it would not have an unacceptable impact on residential amenity or adjoining users, as set out above.

In addition Policy HS4 and SP5 seek to protect the amenities of existing and future occupiers. Policy HS4 expects appropriate outlook and privacy distances between habitable rooms as set out in Policy SP5. Facing habitable rooms should be set a minimum of 20 metres apart. In some cases, the distances are slightly under this standard, namely Plots 6, 7 and 8 are closer than 20 metres to the rear of the existing

houses on Orchard Avenue. Plot 6 is 19m from the existing house where as plots 7 and 8 are 18m. The application properties are set approximately 1 metre lower than the adjacent houses and a boundary fence of 1.8m is also to be erected to the rear of these plots which will minimise potential for overlooking.

In view of this, the development would provide for an acceptable standard of privacy for the occupiers, in line with Local Plan policies.

### Design

Policy HS4 of the Local plan sets out that housing should be high quality in its construction and design in line with Policy SP5 which expects development to maintain and enhance local character and sense of place, respect the built and natural environment, take account of security within layouts, accommodate the current and future needs of local communities, incorporate natural landscape features and minimise climate change, respect characteristic street layouts, scale and massing, and have regard to landscaping and high quality materials in accordance with the context of the site.

The development is in keeping with its surroundings in terms of design and materials, being two storey properties in materials appropriate to the area in buff brick and/or stone. Precise details will be dealt with by condition. Each property has access to private amenity space, off street parking and space for refuse and recycling storage.

The proposal has been designed in line with secured by design principles to provide a reasonable level of security for the properties, including boundary treatment to provide secure rear gardens to each individual property; strong street frontages to provide natural surveillance and car parking close to each property. The comments of the Crime Prevention Officer will be drawn to the attention of the applicant.

In terms of landscaping, some of the trees and shrubs on the boundaries of the site will be lost but additional landscaping will be provided within the site and the boundary with Green Lane will be enhanced with additional planting to promote ecology and wildlife.

GMEU advise that nesting birds should be considered during the construction period, measures should be taken to prevent introduction or spread of invasive species. They recommend that a landscape and biodiversity enhancement plan for the trees and scrub alongside Green Lane is provided. The plan should include provision of bird nesting opportunities. Subject to these measures, the proposal would not significantly affect local biodiversity or protected species.

### Affordable Housing

Policy HS2 sets out that the Council will work with public and private sector partners to ensure that there is a sufficient supply of good quality affordable housing by supporting and facilitating the acquisition and adaption of existing housing by registered providers, working proactively with registered providers to identify sites and deliver schemes to provide affordable housing and requiring the provision of affordable housing for all housing developments of over 10 units.

In this case it is not proposed to provide affordable housing for Phases 5 or 6 of the development. All properties are to be made for sale on the open market. The applicant

intends to satisfy the requirement for affordable housing for the wider site by the provision on Phase 4 of the development which is to all to be affordable housing.

This is an acceptable approach and will satisfy the requirement to ensure that the appropriate provision of affordable housing is available within the wider housing development.

#### Infrastructure and Planning Contributions

Lancashire County Council as Education Authority has requested a contribution towards the provision of primary school education. Policy IC4 sets out that development will be required to provide or contribute towards the provision of the infrastructure needed to support it, including education provision.

The developer has agreed to pay the contribution and this can be achieved by way of a legal agreement.

#### Public Open Space

The developer has set out that it is not practicable to provide public open space within the development. Policy HS4 of the Local Plan sets out that for development between 10 and 49 on-site public open space should be provided unless it is impractical or unusable in which case, the payment of a commuted sum for the benefit of existing open space nearby would be appropriate. An obligation is in place on a previous permission for the site under APP/2014/0151 which covers the application site and the requirement to pay the required commuted sum is being met by the applicant.

The site is close to Padiham Greenway, leading to Padiham Memorial Park, which provides play facilities and open green space. The contribution would be used to maintain/enhance these facilities.

#### Other Issues

##### Contamination

A Land Contamination Assessment is submitted with this application which demonstrates that with the implementation of suitable remediation measures, there would be no adverse impact on residential amenity and the environment.

Conditions to ensure that the measures outlined in the report are completed would be appropriate.

##### Flood Risk

Policy CC4 seeks to ensure that development does not result in increased flooding on the development site or elsewhere. The site falls within Flood Zone 1 where there is the least risk to flooding. The site has previously been granted permission for a residential scheme and the application will not introduce a new of greater scale or a more vulnerable use.

The development will not significantly affect flooding on this basis.

## **Conclusion**

The development is in a sustainable location in the urban area of Padiham within the Development Boundary. It would represent an effective use of land and make a positive contribution to the Borough housing stock. It would be of an appropriate scale, design and massing to respect the existing character of the area.

It would provide for adequate parking and amenity standards and no harmful impacts, which cannot be mitigated, have been identified.

The applicant has agreed to make a contribution towards education provision as requested by Lancashire County Council.

The proposal will comply with the development plan and there are no material considerations which would indicate that planning permission should not be granted.

## **Recommendation:**

That planning permission be granted subject to the following conditions:

## **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, drawing no.100 Rev 1; Existing Site Plan, drawing no. 101; Masterplan Overlay, drawing no. 103; Boundary Plan, drawing no. 109; Finished Levels and Retaining Walls, drawing no. SPB-AJB-XX-00-DR-C-1405 Rev 2; Drainage Layout, drawing no. SPB-AJP-XX-00-DR-C-1000 REV p1; Vehicle tracking, drawing no. SPB-AJP-XX-00-DR-C-1570; Tree Survey and Root Protection Areas drawing no.5877.01; Tree Protection Plan, drawing no.5877.02; House Type 2B4P plans, drawing no. 115; House Type 2B4P elevations, drawing no. 116; House Type 3B5P plans, drawing no 120; House Type 3B5P elevations, drawing no.121; House Type 1B2P Flat plans, drawing number 150A; House Type 1B2P Flat elevations, drawing no. 151A; Fence details, drawing no. FD03; Fencing details, drawing no. FD04; Gate details, drawing no. FD13 all received 31 Oct 18  
  
Amended Plan, Indicative Planting, drawing no. 108A received 29 Nov 18.
3. No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details, until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
4. For the full period of construction, facilities shall be provided within the site by which means the wheels of the vehicles may be cleaned before leaving the site. There

should also be provision to sweep the surrounding highway network by mechanical means if necessary.

5. No dwellings shall be occupied, until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details, unless otherwise approved in writing with the local planning authority.
6. The development shall be carried out in full accordance with the approved construction method statement throughout the construction period, which provides for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The 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) A scheme for recycling/disposal of waste water from construction works
  - vii) Details of working hours
  - viii) Routing of delivery vehicles to/from the site.
7. In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing immediately to the local planning authority. A full risk assessment (including investigations if necessary) must be undertaken and a remediation scheme must be prepared if appropriate. The assessment must be submitted and approved in writing by the Local Planning Authority before any works continue.
8. Where any remedial works are necessary, a verification report must be submitted to and approved in writing by the local planning authority. The report shall also provide details of the long term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedure for the Management of Land Contamination, CR11'
9. No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided to the local planning authority to confirm that no active birds' nests are present.
10. Before any of the properties are occupied, a landscape and biodiversity enhancement plan for the trees and scrub alongside Green Lane, including measures to provide for bird nesting opportunities, shall be submitted to and approved in writing by the local planning authority.
11. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays, unless approved in writing by the local planning authority.
12. Notwithstanding any description of materials in the application, precise details of facing and roofing materials shall be submitted to and approved in writing by the local planning authority before their use in the construction work. The materials



used in the development shall be in accordance with the approved scheme, to the satisfaction of the local planning authority.

13. All tree works shall be in complete accordance with the submitted Arboricultural Impact Assessment and Method Statement (tba landscape architects, Ref: MG/5877/AIA &AMS/OCT18) and Drawing No. 5877.02 (Tree Protection Plan) to the satisfaction of the local planning authority.
14. The landscaping works, detailed on Drawing No. 108 rev A (Indicative Planting), received 29 November 2018 shall be carried out in the first planting season following the substantial completion of the dwellings and thereafter maintained in accordance with good horticultural practice to the satisfaction of the local planning authority.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the proper management and maintenance of the proposed streets within the development, in the interests of highway safety.
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
5. To ensure that the streets are constructed in an appropriate manner, in the interests of highway safety and residential amenity.
6. To ensure that the development progresses in an orderly and controlled manner in the interests of highway and pedestrian safety.
- 7/8. Having regard to Policy NE5 of Burnley's Local Plan, to ensure that all environmental risks have been evaluated and appropriate measures have been taken to minimise risks of adverse impacts.
9. Having regard to Policy NE1 in order to protect nesting birds and their habitat.
10. In order to provide an enhancement to the landscaped area to encourage biodiversity and bird nesting opportunities, in line with Policy NE1.
11. To protect the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 18).
12. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with Policy HS4 of Burnley's Local Plan (July 18).
13. To ensure that the tree works are carried out in an appropriate manner and the trees are adequately protected during the construction period.

14. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in accordance with Policy NE4 of Burnley's Local Plan.

Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2018/0513

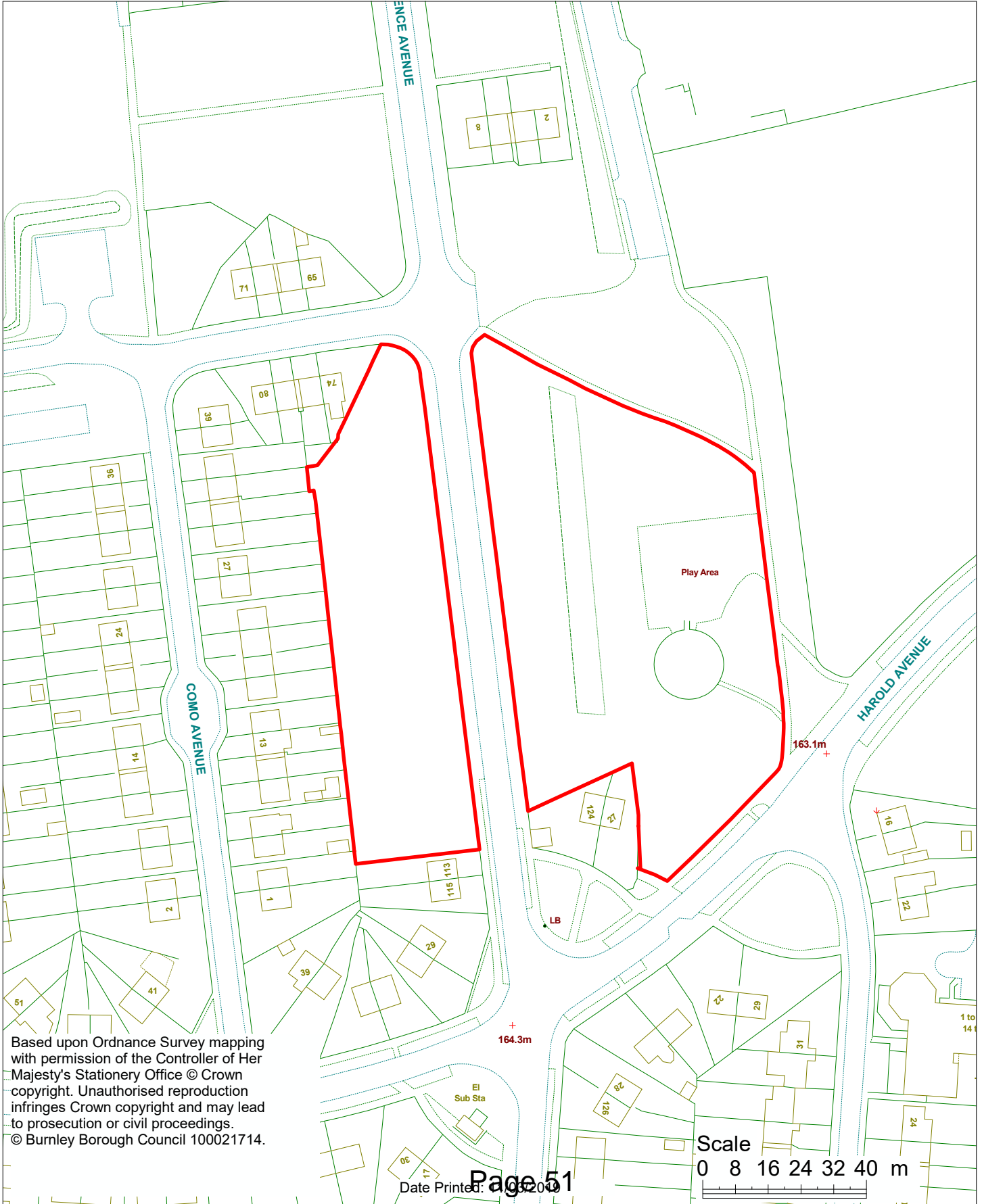
Paul Gatrell Head of Housing and Development

Location:



## Land off Florence Avenue, Burnley

1:1250



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Full Planning application  
Erection of 24 dwellings and associated works  
LAND OFF FLORENCE AVENUE BURNLEY

**Background:**

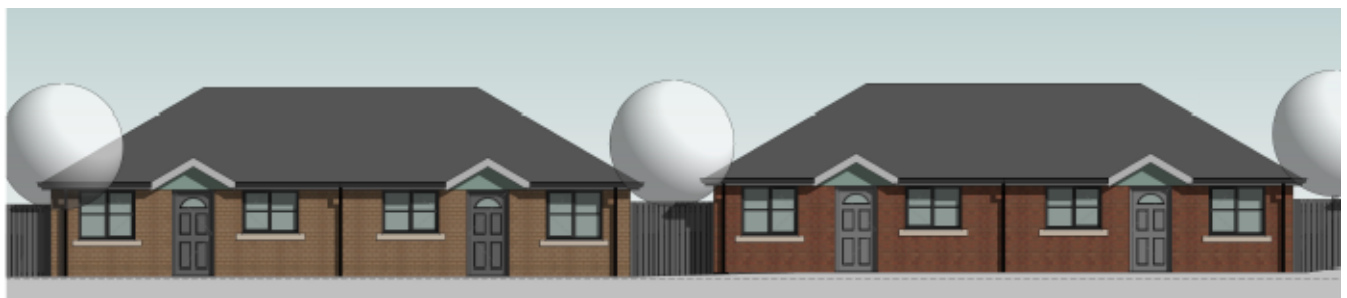
The application relates to two areas of land on either side of Florence Avenue Burnley. It is proposed to build 24 dwellings on the site, 12 on each side of Florence Avenue, with associated landscaping, drainage and infrastructure works.



The site is a previously cleared housing site and is presently a vacant grassed area. It includes the public park to the east and some mature trees.

The properties would be semi-detached, two-bed bungalows facing Florence Avenue, with rear gardens to accommodate refuse and recycling storage. Two car parking spaces per property would be provided to the front of the bungalows.

The bungalows are designed with hipped roofs in a grey flat roof tile. They would be constructed in two types of brick alternating throughout the development, to give some variety in the street scene.



Indicative house type

The tenure for the accommodation types is not finalised but the applicant, a social housing provider, is working with partners for these properties being delivered as “step down” accommodation which will provide an accessible living space for people being discharged from hospital who are unable to return to their normal accommodation due to health reasons. This could be a permanent or temporary move. As an alternative these units would be used as assisted living accommodation with a final back stop position of the same being offered for traditional affordable rent for people with a need for bungalow accommodation, that will also result in a release of larger family accommodation in the area.

No objections from residents have been received. The application is referred to Committee because the Education Authority has requested a contribution towards school provision and the viability assessment submitted with the application concludes that the scheme would not be viable if the contribution was made.

### **Relevant Policies:**

#### National Planning Policy Framework

#### Burnley Local Plan

Policy SP1 – Achieving Sustainable Development  
Policy SP2 – Housing Requirement 2012-2032  
Policy SP4 – Development Strategy  
Policy SP5 – Development Quality and Sustainability  
Policy HS2 – Affordable Housing Provision  
Policy HS3 – Housing Density and Mix  
Policy HS4 – Housing Development  
Policy NE3 – Landscape Character  
Policy NE4 – Trees, Hedgerows and Woodland  
Policy NE5 – Environmental Protection  
Policy IC1 – Sustainable Travel  
Policy IC3 – Car Parking Standards  
Policy IC4 – Infrastructure and Planning Contributions  
Policy CC4 – Development and Flood Risk

**Relevant Site History:** No relevant history

### **Consultation Responses:**

1. Lancashire County Council (Highway Authority) – raise no objections to the principle of the development subject to the following conditions:
  1. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the footway to be reconstructed has been submitted to, approved in writing by the local planning authority and constructed in accordance with the approved details. **Reason:** - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

2. No dwelling shall be occupied until the approved scheme referred to in Condition 1 has been constructed and completed in accordance with the scheme details. **Reason:** In order that the traffic generated by the development does not exasperate unsatisfactory highway conditions in advance of the highway scheme/works.

3. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. **Reason:** To prevent stones and mud being carried onto the public highway to the detriment of road safety.

4. No development shall take place, including any groundworks, 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. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The 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) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours
- viii) Routing of delivery vehicles to/from site

*Appropriate conditions are recommended to be imposed on any permission granted.*

2. Lancashire County Council (Education Authority) has carried out an education assessment in respect of the impact of the development on provision of school places.

When assessing the need for an education contribution from this development Lancashire County Council considers primary school provision within a 2 mile radius of the proposed site.

The latest projections for local primary schools show there to be a shortfall of 40 places in 5 years time. With an expected yield of 2 primary school spaces from this development, the shortfall would increase to 42. Therefore, a contribution from the developer in respect of the full pupil yield of this development is sought, i.e. 2 places (£31,506.00)

The latest projections for local secondary schools show there to be a shortfall of 156 places in 5 year's time. With an expected yield of 1 place from this development, the shortfall would increase to 157. Therefore a contribution from the developer in respect of the full pupil yield of this development is sought i.e. 1 place (£23,737.28)

*The applicant has submitted a robust viability assessment which demonstrates that the scheme would not support any additional contributions.*

3. Greater Manchester Ecology Unit (the Council's ecology advisers) – The ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. The survey found the site to have limited ecological value. The invasive Japanese Knotweed was found on the site and the following condition is therefore recommended:
  1. Prior to the commencement of development, including groundworks and vegetation clearance,, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on the site. The measure shall be carried out strictly in accordance with the approved scheme.
4. The Coal Authority: No objections are raised to the development subject to conditions requiring the submission of a detailed scheme of proposed remedial works to stabilise shallow coal workings and the implementation of the remedial works, before any development starts.
5. Environmental Health (Contamination) – comment that the following conditions are advised:

Reporting of Unexpected Contamination

- (i) In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing immediately to the Local Planning Authority. A full risk assessment (including investigations if necessary) must be undertaken, and a remediation scheme (if required) must be prepared. The assessment must be forwarded to the Local Planning Authority for approval before works may continue.
- (ii) Where any remedial works are necessary, a verification report must be submitted to, and approved in writing by the Local Planning Authority. The report shall also details of the long-term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

*These conditions can be included on any planning permission granted.*

5. Lancashire Fire and Rescue Service comments that it should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'

*An informative note can be included on the decision notice to draw attention to the Fire Officers comments.*

8. Burnley Wildlife Conservation Forum

The site contains some locally valuable wildlife habitats comprising scrub and semi-mature trees habitat on the western side adjacent to the playground area. The area contains a significant number of native trees which will be removed as



part of the development. The application shows that there will be some landscape planting of trees and shrubs which comprise the linear planting along both sides of Florence Avenue, a small amount of grass meadow and two small areas of tree and shrub planting close to the playground. These do not provide a coherent wildlife habitat comparable to that which will be removed.

It is suggested that the significant area of amenity grassland immediately to the north-east of the development and the playground which includes just a few young trees, shown on the Landscape Masterplan could form a valuable wildlife habitat with imaginative planting, to enable this application to comply with the NPPF requirement for a minimum of no net loss of biodiversity and to result in an overall biodiversity gain.

*The applicant held discussions with the Wildlife Forum, who were content that proposals included additional landscaping in discussions with the Head of Greenspaces and Amenity. They raise no objections to the scheme on this basis.*

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

#### The principle of the proposal

In principle, the development is acceptable and in line with policies relating to provision of housing, in the Local Plan. The site is in a sustainable location within an existing residential area, making use of existing infrastructure.

Policy SP4 of the Local Plan sets out that development will be focussed on Burnley and Padiham. In Burnley, large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures.

On unallocated sites, new development will be supported within the Development Boundaries where it is of an appropriate type and scale where:

*a) It makes efficient use of land and buildings*

The proposal would provide for 24 dwellings on this currently vacant site. The density is 40 dwellings per hectare (dph) in line with Policy HS3 which expects a density of at least 40 dph on such sites.

*b) It is well located in relation to public transport services and infrastructure and is, or can be made, accessible by public transport, walking or cycling*

The site is well located in relation to public transport and is within an existing built up residential area, making use of existing infrastructure.

*c) It does not have an unacceptably detrimental impact on residential amenity or other existing land users.*

There would be no unacceptable impact on residential amenity or neighbouring properties.

Consideration will also be given to whether schemes make use of previously developed land that is not of recognised biodiversity value; the impacts of the development in terms of parking and highway safety, residential amenity and; the impact on the character and appearance of the area.

The principle of the scheme is acceptable on the above basis.

### Parking and Highway Safety

All the properties provide sufficient off street car parking to meet the needs of the development. The Highway Authority has agreed that the level of parking provision proposed for the development is acceptable, having regard to Policy IC3 of the Local Plan.

The proposed layout will not have an adverse impact on highway and pedestrian safety. Disruption during the construction phase can be mitigated by the approval of an appropriate Construction Management Plan, to be required by condition.

Following the demolition of the former dwellings, the footways and associated kerbing will require reconstruction. The existing street lights which were at the rear of the now removed grass verge will require re-siting to the back edge of the footway. A condition to achieve an appropriate scheme is recommended.

### Residential Amenity

Policy SP4 sets out that new development will be supported within the Development Boundaries where it would not have an unacceptable impact on residential amenity.

In addition Policy HS4 and SP5 seek to protect the amenities of existing and future occupiers. Policy HS4 expects appropriate outlook and privacy distances between habitable rooms as set out in Policy SP5. Facing habitable rooms should be set a minimum of 20 metres apart. The development meets these standards and would provide an adequate standard of privacy and outlook in line with Local Plan policies.

### Design

Policy HS4 of the Local plan sets out that housing should be high quality in its construction and design in line with Policy SP5 which expects development to maintain and enhance local character and sense of place, respect the built and natural environment, take account of security within layouts, accommodate the current and future needs of local communities, incorporate natural landscape features and minimise climate change, respect characteristic street layouts, scale and massing, and have regard to landscaping and high quality materials in accordance with the context of the site.

The development is in keeping with its surroundings in terms of design and materials. Each property has access to private amenity space, off street parking and space for refuse and recycling storage.

A Crime Impact Statement has been submitted with the application following discussion between the developer and the Designing out Crime Officer, which makes certain recommendations in respect of appropriate security measures and

recommends that the scheme should be developed to Secured by Design standards. The development would be laid out in such a way as to promote natural surveillance, with appropriate boundary treatment to provide secure rear gardens and with car parking close to each property in accordance with secured by design principles to provide a reasonable level of security for the properties.

In terms of landscaping, some of the trees and shrubs on the boundaries of the site will be lost but additional landscaping will be provided within the site. Conditions are recommended to deal with the Japanese Knotweed on the site.

### Affordable Housing

Policy HS2 sets out that the Council will work with public and private sector partners to ensure that there is a sufficient supply of good quality affordable housing by supporting and facilitating the acquisition and adaption of existing housing by registered providers, working proactively with registered providers to identify sites and deliver schemes to provide affordable housing and requiring the provision of affordable housing for all housing developments of over 10 units.

In this case it is not proposed to provide affordable housing. A viability assessment has been submitted with the application which demonstrates that there is no capacity within the scheme for any additional contributions as the scheme is marginal and may not go ahead if additional contributions are sought. All properties are to be made for sale on the open market. However, the applicant, a social housing provider, will offer the properties on a shared ownership basis as a fall-back position should there be no take-up on the open market, followed by making the units available on an affordable rent basis.

### Infrastructure and Planning Contributions

Lancashire County Council as Education Authority has requested a contribution towards the provision of primary school and secondary school education. Policy IC4 sets out that development will be required to provide or contribute towards the provision of the infrastructure needed to support it, including education provision. The applicant has provided a robust viability assessment which has been assessed by the Council's Head of Property who has advised that, taking into account the costs of developing the site, the scheme would not be viable if the contributions were made. The application is made by a social housing provider and involves grant aid from the Homes and Communities Agency to support the scheme. As set out above the social housing provider is working to deliver "step down" accommodation which will provide an accessible living space for people being discharged from hospital who are unable to return to their normal accommodation due to health reasons. As an alternative these units would be used as assisted living accommodation with a final back stop position of the same being offered for traditional affordable rent for people with a need for bungalow accommodation that will also result in a release of larger family accommodation in the area.

Given the sustainable location of the site and the benefits from providing this type of accommodation, it is considered that these benefits would outweigh the harm caused by the lack of contribution to school provision. In this case there is adequate justification for not providing an education contribution, particularly having regard to

the type of accommodation which is unlikely to be in high demand for family accommodation.

### Public Open Space

Policy HS4 of the Local Plan sets out that for development between 10 and 49 on-site public open space should be provided unless it is impractical or unusable. The scheme will not support additional contributions, as set out above but in this case the developer is working with Green Spaces and Amenities to relocate the playground to provide enhanced facilities. It would be reasonable to accept this arrangement in lieu of a financial contribution.

### Other Issues

#### Contamination

A Land Contamination Assessment is submitted with this application which demonstrates that with the implementation of suitable remediation measures, there would be no adverse impact on residential amenity and the environment.

Conditions to ensure that the measures outlined in the report are completed would be appropriate.

### **Conclusion**

The development is in a sustainable location within the Development Boundary. It would represent an effective use of land and make a positive contribution to the Borough housing stock. It would be of an appropriate scale, design and massing to respect the existing character of the area.

It would provide for adequate parking and amenity standards and no harmful impacts, which cannot be mitigated, have been identified.

No education contribution is sought because of the nature and the viability of the development, to enable the benefits of the scheme to be realised.

The proposal will comply with the development plan and there are no material considerations which would indicate that planning permission should not be granted.

### **Recommendation:**

That planning permission be granted subject to the following conditions:

#### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans. (A full list of approved plans will be submitted to the meeting.
3. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the footway to be reconstructed has been submitted to,

approved in writing by the local planning authority and constructed in accordance with the approved details.

4. No dwelling shall be occupied until the approved scheme referred to in Condition 1 has been constructed and completed in accordance with the scheme details.
5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
6. The development shall be carried out in full accordance with the approved construction method statement as approved in writing by the local planning authority. The approved statement shall thereafter be adhered to throughout the construction period. It shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The 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) A scheme for recycling/disposal of waste water from construction works
  - vii) Details of working hours
  - viii) Routing of delivery vehicles to/from the site.
7. In the event that previously unidentified, or unexpected contamination is found at any time during the development, it must be reported in writing immediately to the local planning authority. A full risk assessment (including investigations if necessary) must be undertaken and a remediation scheme must be prepared if necessary. The assessment must be submitted and approved in writing by the Local Planning Authority before any works continue.
8. Where any remedial works are necessary, a verification report must be submitted to and approved in writing by the local planning authority. The report shall also provide details of the long term effectiveness and monitoring of the proposed remediation in accordance with DEFRA and the Environment Agency's 'Model Procedure for the Management of Land Contamination, CR11'
9. Prior to the commencement of development, including groundworks and vegetation clearance, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on the site. The measure shall be carried out strictly in accordance with the approved scheme.
10. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays, unless approved in writing by the local planning authority.
11. Notwithstanding any description of materials in the application, precise details of facing and roofing materials shall be submitted to and approved in writing by the

local planning authority before their use in the construction work. The materials used in the development shall be in accordance with the approved scheme, to the

### **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.
- 3/4. In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
5. To ensure that the development progresses in an orderly and controlled manner in the interests of highway and pedestrian safety.
- 7/8. Having regard to Policy NE5 of Burnley's Local Plan, to ensure that all environmental risks have been evaluated and appropriate measures have been taken to minimise risks of adverse impacts.
9. To ensure effective control over the invasive species.
10. To protect the amenities of nearby residents, in accordance with Policy NE5 of Burnley's Local Plan (July 18).
11. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with Policy HS4 of Burnley's Local Plan (July 18).

CMR

Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2018/0446

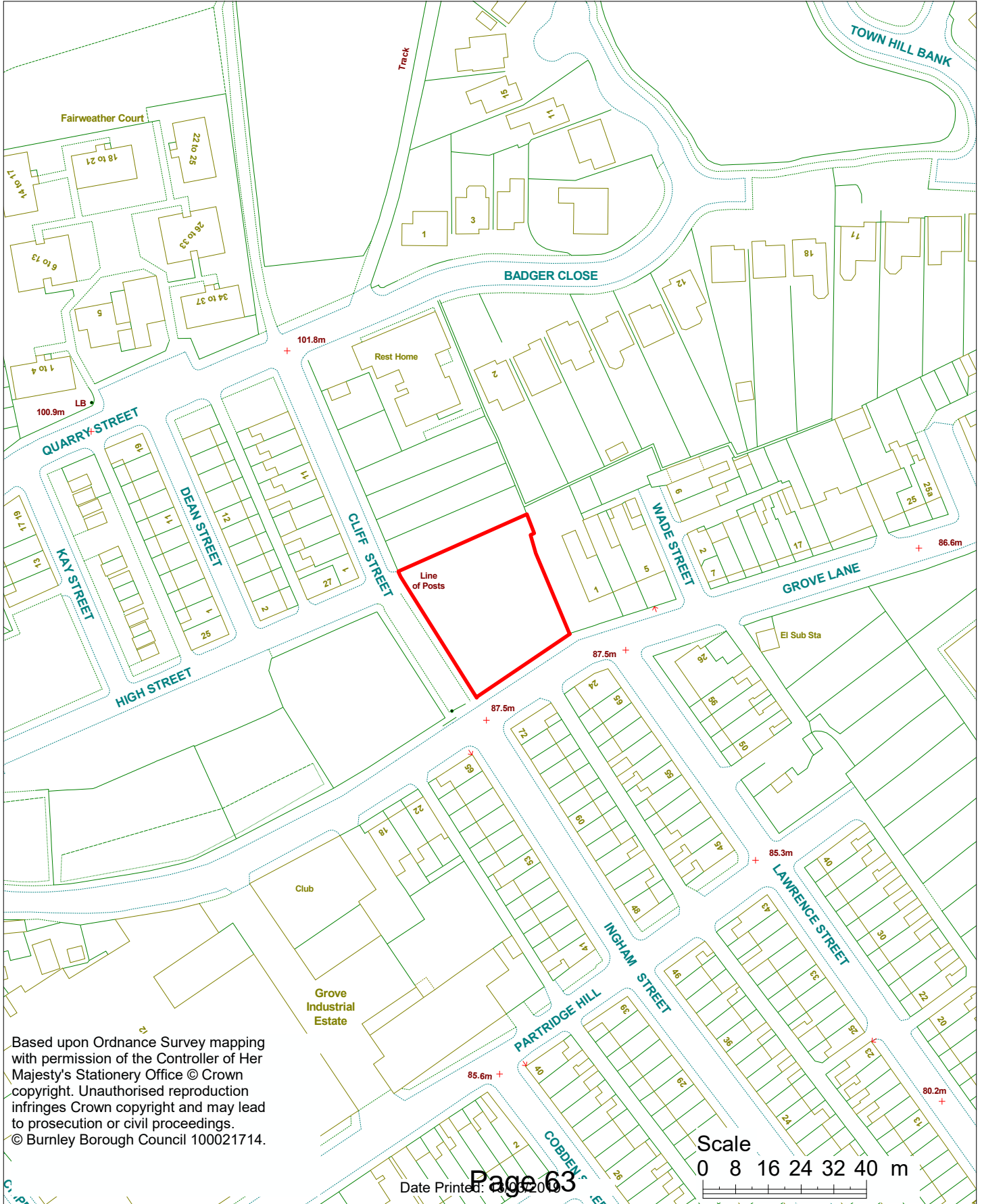
Paul Gattrell Head of Housing and Development

Location:



## Land at Grove Lane, Padiham

1:1250



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**Application Recommended for Approval**

**APP/2018/0446**

Gawthorpe Ward

Full Planning application

Proposed construction of terrace of 5no. two storey dwellings with forecourt parking  
LAND AT GROVE LANE & HIGH STREET PADIHAM

**Background:**

The application was first considered at a meeting of the DC Committee on 14 February 2019 and was deferred to allow further negotiation with the applicant on an education contribution and the separation distance between the front of the proposed houses on High Street and existing houses. Following discussions with the applicant, the scheme has been amended by removing the parcel of development at High Street from the proposal. This will allow the applicant to reconsider a development on the High Street part of the proposal at a later stage.

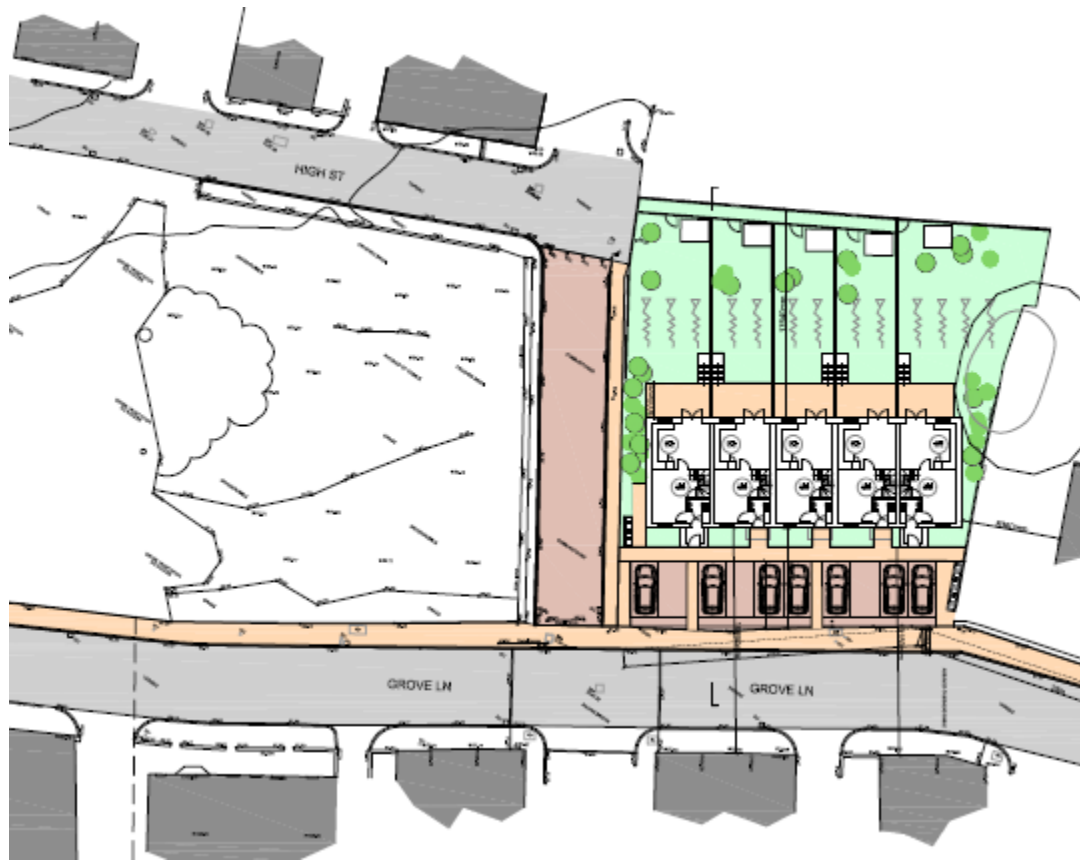
The amended proposal is to erect a terraces of five houses on land fronting Grove Lane.

*Land at Grove Lane*



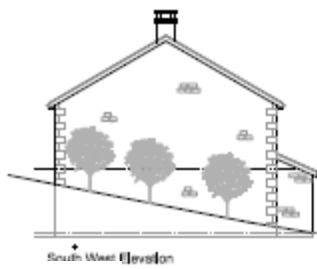
The plot is a regular shape and has become overgrown with vegetation and unused. The site is situated on a steep slope between Grove Lane on its south side and allotments off High Street to the north side. The land was historically occupied by housing but has been open land for a significant time and has naturalised. The land has also in the past been used as allotments but this use was abandoned due to the difficulties of working with the gradient of the land.

The proposed scheme involves a single terraced block to be built on the less steep part of the hillside with plots and frontage parking onto Grove Lane:



Proposed terrace to Grove Lane

Front:



South West Elevation



South East Elevation  
1:100 Scale

Rear:



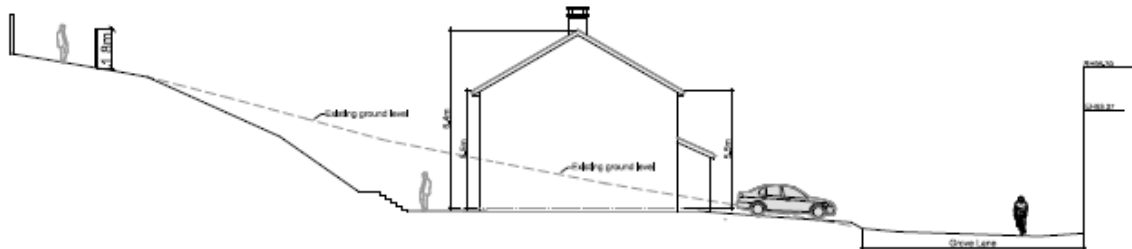
North East Elevation  
1:100 Scale



North West Elevation  
1:100 Scale

The front and gable side facing Cliff Street would be constructed in coursed stone whilst the gable adjacent to the neighbouring property at no. 1 Grove Lane would be rendered.

Cross section – proposed houses fronting Grove Lane



The dotted line on the cross section above indicates the existing ground level which would be excavated to provide level ground for the proposed terrace.

All dwellings would be three bedroom and have two in-curtilage parking spaces to the front.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable transport
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS4 – Housing developments
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- IC1 – Sustainable travel
- IC3 – Car parking standards
- IC4 – Infrastructure and Planning Contributions

The National Planning Policy Framework2

**Site History:**

APP/2005/0819 - Proposed erection of three 3-storey and three 2-storey houses. Withdrawn.

APP/2008/0400 - Proposed erection of 8no. three storey dwellings and extension to public open space. Refused August 2008. [The reasons refusal stated that the site was a greenfield site and was contrary to housing related policies and that the development and would be out of keeping with its surroundings].

**Consultation Responses:**

LCC Highways

Following the submission of amended plans to improve the car park layout, LCC Highways have no objections subject to conditions relating to a Construction Management Plan and off-site works to alter the existing street lighting.

#### Coal Authority

Following an initial objection and the submission of further information, the Coal Authority has no objection subject to the imposition of a suitable condition to require intrusive site investigations prior to the commencement of development.

#### Land Contaminated Officer

Recommend a condition to require a contaminated land assessment is carried out.

#### Environmental Health Officer

No objections subject to conditions relating to construction work, noise and the provision of electric charging points.

#### Greater Manchester ecology Unit (GMEU)

No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to nesting birds and Japanese Knotweed can be resolved by condition. Mitigation should be provided for the loss of semi-natural habitats. Conditions are recommended to restrict work within the bird nesting season, to control Japanese Knotweed and to require a landscape plan to include native tree, shrub and hedge planting and the provision of nest boxes.

#### Publicity

Three letters of objection have been received from neighbouring properties (one of these is from a resident on Grove Lane). A summary of their comments is provided below:-

- Impact on highway safety from extra traffic, parking and construction vehicles
- High Street is very narrow and has a 90 degree turn onto Cliff Street
- Narrow streets are already full to capacity
- Insufficient space for parked cars on High Street
- Rear access to the Grove Lane properties would be a problem
- Inadequate access for fire engines, emergency vehicles and bin wagons
- Impact of vibrations on underground mine workings and potential subsidence
- Negative impact on local environment from loss of two green areas
- Many trees and bushes have already been removed
- Will greatly reduce the natural habitat of various wildlife
- The ecology survey has insufficient regard to the fact that there are bats which live within the area
- Planning permission has been previously refused
- Impact of noise
- Will overshadow the houses on High Street, reduce sunlight to south facing properties
- Too close to existing properties and packed in
- The new houses will appear alien and out of place adjacent to houses built in 1873
- Conflict with new family housing and the lower levels of activity/noise associated with the older people who live in this area

### Principle of proposal

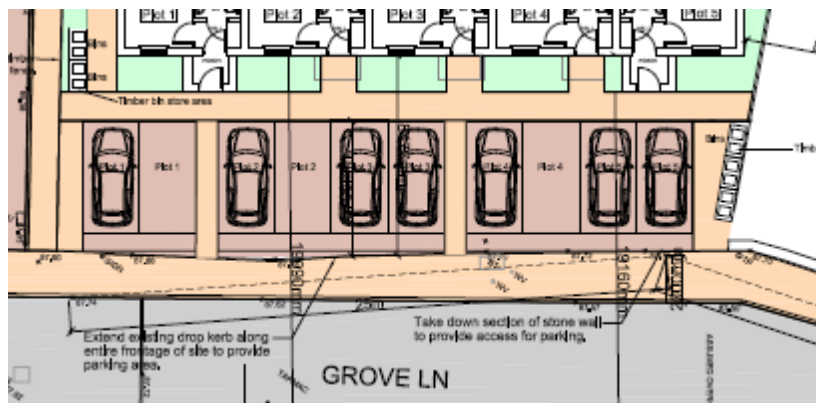
Policy SP4 identifies Padiham as a Key Service Centre at the second tier in the settlement hierarchy where it is expected that large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Other factors to take into account include the site's accessibility (by walking, cycle and public transport), its impact on residential amenity and any benefits from the appropriate re-use of existing buildings and infrastructure. The accessibility of the site within the existing urban area of Padiham and its close relationship with the existing residential area would indicate that the proposal would, in principle, comply with Policy SP4. Consideration should also be given to the impacts of the development, particularly in respect of parking and highway safety, residential amenities and the effect on the character and appearance of the local area.

### Impact on parking and highway safety

Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, requiring two car parking spaces for each 3no. bedroom dwelling.

The concerns expressed by residents relate to the increased use of the narrow streets and potential affect on parking. The proposed layout provides all car parking (two spaces per dwelling) within the site curtilage.

### Proposed parking layout – Grove Lane



Given that sufficient car parking has been provided to comply with Policy IC3, the proposal is unlikely to significantly affect on-street parking. A condition is necessary to ensure that this is carried out appropriately using porous and bound materials.

The proposed scheme has therefore made sufficient allowance for parking to meet the needs of the development and can be accommodated on the existing highway network. In respect of the impacts from the construction phase, it is acknowledged that this is likely to cause some short term disruption but this can be adequately mitigated by a condition to require a Construction Management Plan. No objections have been received from LCC Highways.

### Impact on residential amenities

Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development. Policy SP4 also states that new development will be supported within Development Boundaries where, amongst other things, it would not have an unacceptably detrimental impact on residential amenity or other existing land users.

Policy HS4 requires appropriate outlook and privacy distances between habitable rooms; this requires a minimum distance of 20m between habitable rooms or 15m where habitable rooms face blank gables or gables with non-habitable rooms. The fronts of the proposed houses would face onto the mainly blank gables of end terraced houses at a distance of approximately 19m. This would therefore be sufficient to protect outlook and privacy. Any increase in levels of general noise and activity would be modest and consistent with a primarily residential area.

The impact of the proposal on the residential amenities of residents is therefore acceptable and would not conflict with Policies HS4 or SP5.

#### Impact on visual amenities

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5 which requires development to respect locally characteristic street layouts, scale and massing, as well as have regard to landscaping and high quality materials appropriate to the site's context.

The dwellings would be prominent on a hillside position but have been designed in a form that reflects the terraced traditions of the local area. Attention has been given to the use of coursed stone to the principal elevations, chimneys, window and door surrounds. Conditions are necessary to require samples of materials and detailed design of all boundary treatment. A landscaping scheme should be required by condition.

The visual impact would be appropriate within its context and respect the local area.

#### Impact on 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. Some small trees and overgrown bushes that had no protection have already been cleared from the site. The site has no ecological designation but it is acknowledged that the site provides conditions that allow wildlife to thrive. GMEU recommend conditions to ensure that adequate protection is given to birds and to require the control of an invasive plant and a scheme for appropriate landscaping that will provide for mitigation. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species.

#### 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. A pre-commencement condition is necessary to ensure that this is carried out.

#### Section 106 Contribution

Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it. Education provision is an appropriate matter to contribute to but given that the proposal has been reduced to 5no. dwellings, the education contribution that was previously requested is no longer required. This is because Lancashire County Council do not make requests for education contributions for less than 10 dwellings.

#### Other issues

Policy NE5 states that on sites that are known to be contaminated, applicants will be expected to carry out an appropriate survey. The site has the potential to be affected by past farm uses and by local landfill sites. A condition is necessary therefore to require a desk top study and where necessary, a remediation strategy prior to the commencement of the development.

Policy CC4 seeks to ensure that development does not result in increased flooding either on the development site or elsewhere. In this case, the site falls within Flood Zone 1 where there is the least risk to flooding. Due to the minor scale of the development, no further assessment on drainage is required and no comments have been received from United Utilities. On this basis, the proposal would not significantly affect flooding.

#### Conclusion

The proposal would contribute to the supply of new housing within existing Development Boundaries at a sustainable location in the urban area of Padiham. The development is of an appropriate scale, massing and design to respect the existing distinctive street character and is adequately spaced to safeguard residential amenities. The proposal would comply with the development plan and there are no material considerations which outweigh this finding.

#### **Recommendation: Approve with 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: 5668-003, received on 14 September 2018; 5668-004B, received on 19 November 2018; 5668-002E, received on 5 December 2018; and, Loc1 (1:1250 location plan) and 5668-007E, received on 7 March 2019.
3. Prior to construction work commencing on the approved dwellings, details and representative samples of the 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.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) measures to control noise during construction;
  - vii) wheel washing facilities;
  - viii) details of working hours;
  - ix) details of phasing of the development and timescales for completion of stages of the development;
  - x) routing of delivery vehicles to/from the site; and,
  - xi) contact details for the site manager.
  
5. No construction of the approved dwellings shall be commenced until a scheme of off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for any necessary alterations to the highway resulting from the proposal including changes to street lighting. No dwelling shall be first occupied until the approved scheme has been carried out and completed in accordance with the approved details.
  
6. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - a) A desktop study to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.
  - b) If necessary following the recommendations of a) above, a site investigation designed for the site using the information obtained from (a) above; and,
  - c) a site investigation and associated risk assessment; and,
  - d) a Method Statement and remediation strategy, based on the Information obtained from c) above.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale which shall be agreed in writing by the Local Planning Authority.
  
7. Prior to the commencement of development, a scheme of intrusive site investigations to assess the ground conditions and the potential risks posed to the development by past coal mining activity together with report findings and recommendations for remedial works shall be submitted to and approved in writing by the Local Planning Authority. The remedial works contained within the approved scheme shall thereafter be implemented in their entirety and completed prior to any dwelling being first occupied.



8. Prior to the construction of any dwellings, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and details of new planting to include native tree, shrub and hedge planting and provision of nest boxes adequate to provide mitigation for loss of the existing semi-natural habitats on the site, shall be submitted to and approved in writing by the Local Planning Authority.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
10. No works to trees or shrubs shall be carried out between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
11. Prior to any earthworks taking place, a method statement detailing eradication and/or control and/or avoidance measures for japanese knotweed should be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be implemented and adhered to in full throughout the course of the development.
12. 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.
13. No dwelling shall be first occupied until details of a management and maintenance plan for the sustainable drainage system required by condition 13 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.
14. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
15. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a

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

16. During the site works and 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 other than between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays.
17. No dwelling hereby approved shall be first occupied until their associated screened refuse and recycling storage facilities have been constructed, completed and are available for use in accordance with the approved plans. The approved refuse and recycling storage facility shall thereafter be retained and remain available at all times for use by the approved dwellings.
18. Prior to the commencement of the construction of any dwelling, a scheme of boundary treatment which shall include design and material specifications, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out and completed prior to the first occupation of any dwelling to which that part of the approved boundary treatment relates and shall be retained at all times thereafter.
19. No dwelling shall be first occupied until its associated stepped access to the rear elevations has been constructed, completed and is 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. To ensure a satisfactory appearance to the development, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
4. To ensure that the safety and amenities of residents in the surrounding area are satisfactorily protected and disturbance is minimised, in accordance with Policies NE5 and IC1 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.
5. To ensure the minor changes to the highway that are necessitated by the development are agreed and carried out in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
6. To ensure the site is made suitable for residential use, in accordance with Policy NE5 of the Burnley's Local Plan (July 2018). The investigation and report is required prior to the commencement of development to ensure that

measures that are necessary to make the development acceptable can be carried out at an appropriate stage in the development.

7. To ensure adequate precautions are carried out to take account of the ground conditions and past mining operations on the site, in accordance with the Policy NE5 and the National Planning Policy Framework. The intrusive investigations and remedial work details are required prior to the commencement of development to ensure that the appropriate precautions, including any mitigation measures, can be carried out at the appropriate stage in the development of the site, in the interests of public safety.
8. In the interests of the visual amenities and the ecology of the site, to ensure adequate mitigation for the loss of semi-natural habitat, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
9. To ensure the satisfactory implementation of the approved landscaping scheme, to ensure a satisfactory appearance to the development and the effective mitigation against the loss of habitat for birds and wildlife, in accordance with Policies HS4, SP5 and NE1 of Burnley's Local Plan (July 2018).
10. 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).
11. In order to prevent the spread of an invasive species, in accordance with the Wildlife and Countryside Act 1981 and Policy NE1 of Burnley's Local Plan (July 2018).
12. 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.
13. 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).
14. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
15. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018), the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
16. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

17. To ensure adequate refuse and recycling storage for the approved dwellings in order to cater for the needs of the development and to protect the visual amenities of the area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
18. To ensure a satisfactory edge to the development and a satisfactory appearance within the street scene, in accordance with Policies HS4 and SP5 of Burnley's Local Plan (July 2018).
19. To ensure adequate access from the rear gardens of the approved dwellings, to ensure adequate accessibility, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

JF  
12.3.2019

Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2018/0537

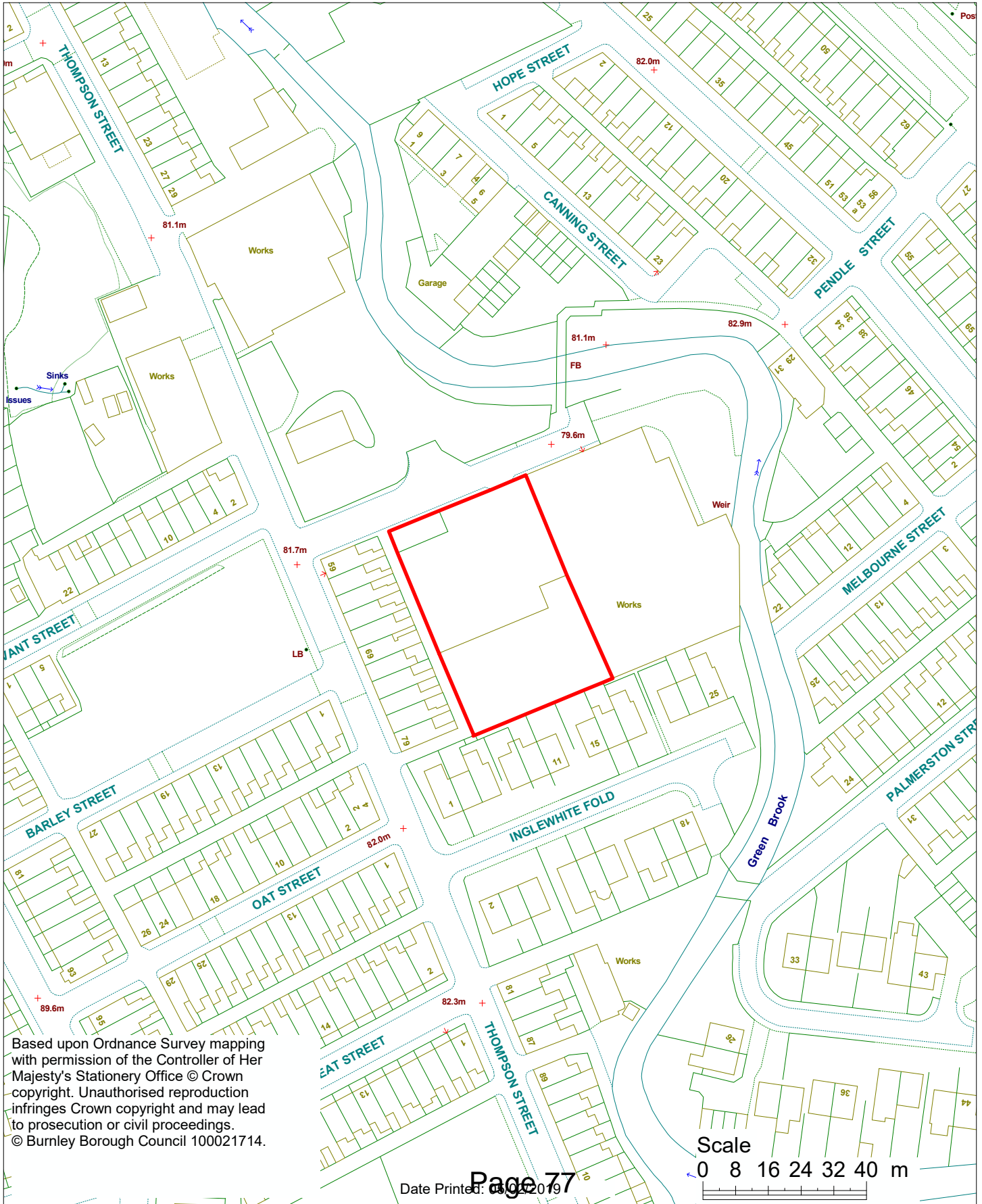
Paul Gatrell Head of Housing and Development

Location:



## Thompson Street Works, Thompson Street, Padiham

1:1250



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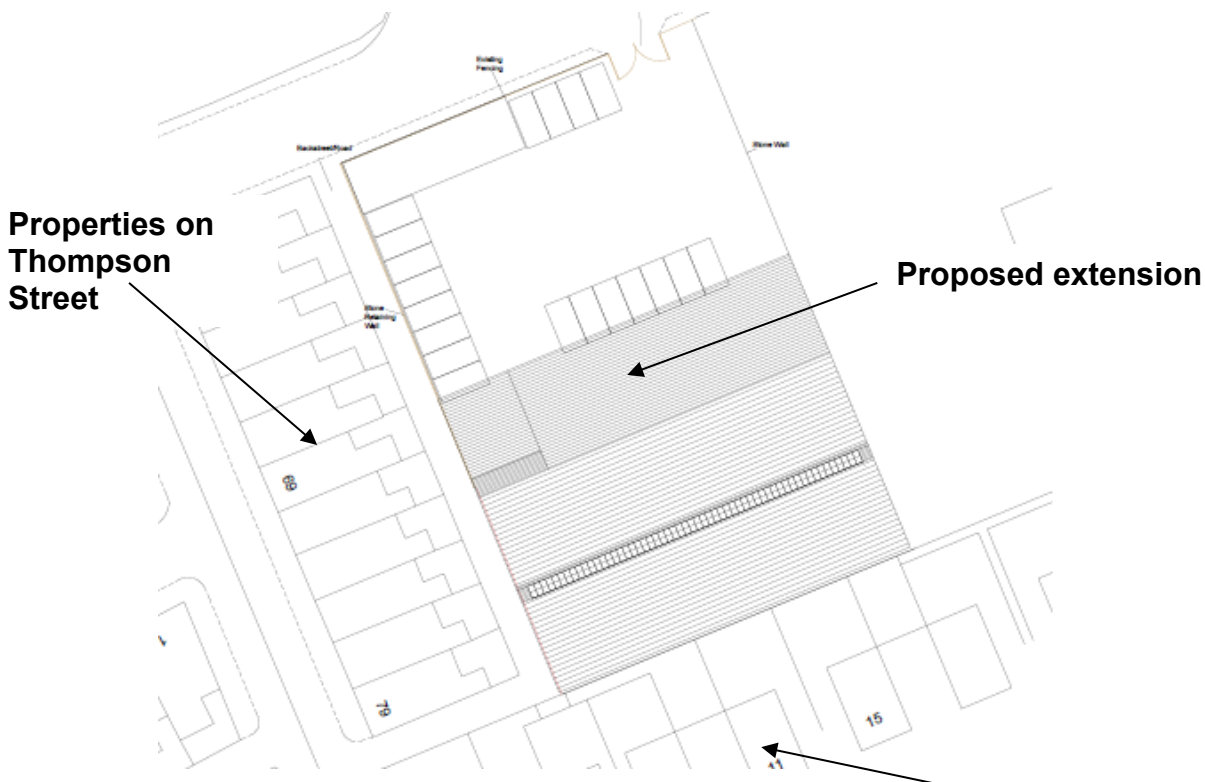
Full Planning Application  
Proposed extension to workshop (partial demolition of existing building)  
THOMPSON STREET WORKS THOMPSON STREET PADIHAM

**Background:**

The proposal is to erect a lean-to extension to a former mill building which is used for the manufacture of vehicle parts and accessories.

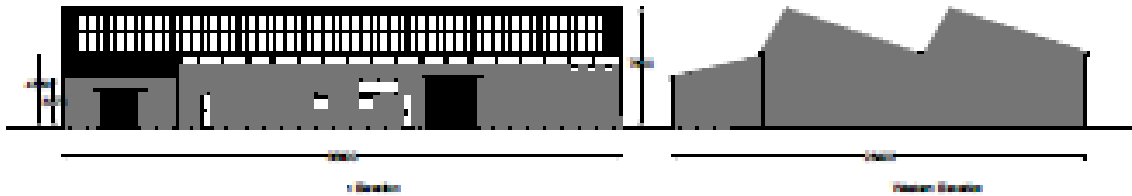


The proposal involves demolishing a small lean-to extension to the north facing elevation and erecting a single storey extension across the full length of this elevation.



The design of the proposed extension has been amended since the application was submitted to reduce the height of the roof at its western side which is closest to the existing terraced houses on Thompson Street.

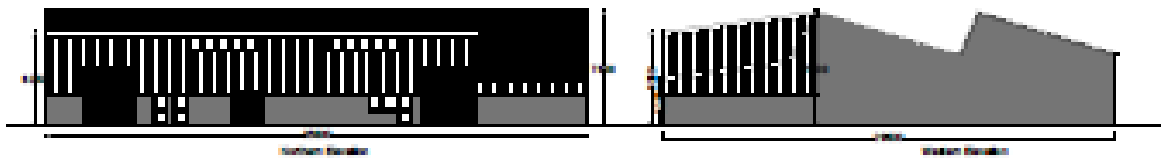
## EXISTING



## PROPOSED

Rear Elevation (north)

Side Elevation (west)



The proposed extension measures approximately 35.6m long x 10.0m wide up to the existing height of the roof (7.6m high) and lowering to 6.2m with the exception of the north west corner section where the roof would be lowered to an eaves level of 3.2m in order to protect the outlook from the rear of the adjoining terraced houses.

The proposed extension would be constructed with red brick to the lower walls, cladding to the upper walls and roof panels above.

### Relevant Policies:

Burnley's Local Plan (July 2018)

SP4 – Development strategy

SP5 – Development quality and sustainability

EMP3 – Supporting employment development

NE5 – Environmental protection

CC4 – Development and flood risk

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

The National Planning Policy Framework

### Site History:

None relevant to this building.

### Consultation Responses:

LCC Highways

No objection. Recommend a condition to require a car park layout with the car parking spaces and manoeuvring areas marked on.



### Environment Agency

No objections. We have reviewed the Flood Risk Assessment (FRA), produced by UK Flood Risk Consultants, referenced QFRA 1164 v1.0 and dated 2 November 2018, and we are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

### Environmental Health

No objection; recommend a condition to restrict construction working hours.

### Publicity

One letter of objection has been received from a neighbouring property which bounds the south side of the site; their comments are summarised below:-

- Already endure noise and vibration
- Sound of revving engines and additional volume of site based activity will make this worse
- An increase in noise and vibration would impact on own personal environment

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

#### Principle of proposal

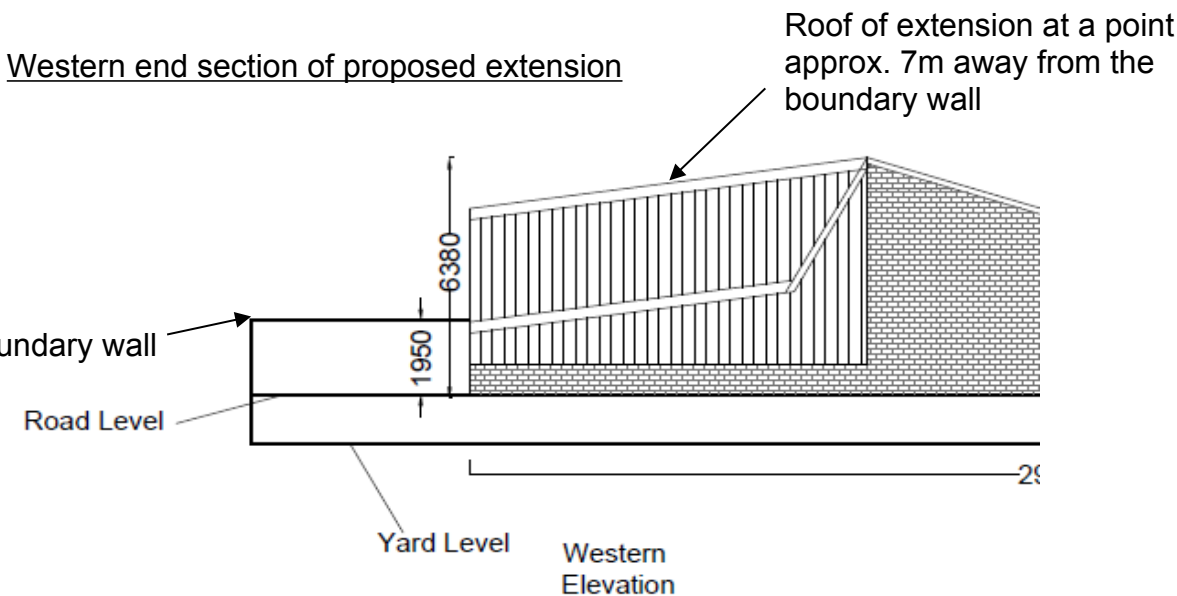
The site is located within the urban area of Padiham and seeks to improve an existing site in which case the proposal would, in principle, comply with the development strategy for locating development in Policy SP4. Policy EMP3 states that the expansion and upgrading or establishment of new business premises within Development Boundaries will be supported where they comply with other relevant policies in the Plan and do not unacceptably affect surrounding uses, amenity or the environment or have an unacceptable impact on the landscape or townscape. The existing premises are part of Mini Sport and comprise a former mill building that is in use for the manufacture of vehicle parts and accessories. The proposal seeks to improve the current premises with an extension that is in proportion to the existing building in order to make improvements to the business. This would accord with Policy EMP3 subject to detailed considerations below.

#### Impact on residential amenities

In dealing with proposals for improving business premises, Policy EMP3 requires consideration to be given to the impact on residential amenities. Policy SP5 also requires new development to ensure that there is no adverse impact on the amenity of neighbouring occupants or adjacent land users.

The proposed extension would be built up to the site's boundary which bounds Back Thompson Street adjacent to the rear of terraced properties with projecting rear extensions up to the back street.

The applicant has amended the proposals to reduce the height of the nearest 7m of the extension. Notably, the back street is approximately one metre higher than the yard level where the extension would be sited. As such, only a small part of the extension would project above the existing boundary mill wall.



The distance between the higher element of the extension and the rear yard boundary of the adjacent terrace houses would be approximately 7m. This would avoid a dominating side wall and safeguard the immediate outlook from the adjacent properties.

A neighbour objection has been received from a property on the south elevation of the premises based upon an increase in noise and vibration from increased capacity and levels of activity that could potentially be generated by the proposal. The proposal would continue the current use of the premises which is for the manufacture of vehicle parts and accessories, operating during normal working hours. The proposed extension would enable improvements to be carried out internally which may include a new piece of equipment but also includes some storage and office space. Improvements and the use of some new equipment provide the opportunity to reduce internal noise. The amenities of neighbouring occupiers is unlikely to be significantly be affected by the improvements to the premises. The Council's Environmental

Health Officer has no objections to the proposal and recommends a condition to restrict construction hours.

The proposed extension would therefore reasonably safeguard residential amenities.

#### Access considerations

Policy EMP3 also requires account to be taken of vehicle access arrangements and Policy IC3 requires adequate parking provision. The application building is served by a large yard which is contained within the former mill walls. This provides adequate space for the manoeuvring of large vehicle and the parking of employees' cars. The proposed extension would remove a relatively small proportion of this and as such, to ensure that the space is used effectively, LCC Highways recommends a condition to require a car park layout to be agreed and carried out. With this provision, the proposal would maintain adequate access and parking.

#### Impact on flooding

Policy CC4 states that the Council will ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere. The site falls within Flood Zones 2 and 3 where there is a moderate and high risk of flooding. The Environment Agency has assessed the Flood Risk Assessment submitted by the applicant and is satisfied that the level of risk would be acceptable subject to being carried out in accordance with the details in that statement. A condition is therefore recommended to adequately deal with this.

#### Conclusion

The proposed extension would support an existing business within the urban area of Padiham and whilst within an area that also sits amongst residential properties, it has been designed to minimise its impact on the outlook of neighbouring properties and is unlikely to lead to any significant increase in noise or disturbance. Consideration has also been given to parking and the risk of flooding but these can be satisfactorily dealt with by conditions. The proposed development complies with the development plan and there are no material considerations which 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: Harper/06Dwg02; and, Harper/06-Dwg09A, Harper/06Dwg05A, Harper/06Dwg07B and Harper/06Dwg06A, received on 31 January 2019.
3. The development shall be carried out and completed in full accordance with all the recommendations contained within the Flood Risk Assessment submitted with the application, prepared by UK Flood Risk Consultants, referenced QFRA 1164 v1.0, dated 2 November 2018.

4. The approved extension shall not be first brought into use until the car park has been laid out with car parking spaces and manoeuvring areas in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved car parking spaces and manoeuvring areas shall thereafter be retained at all times.
5. 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.
6. Prior to any built construction, details and representative samples of the 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.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that the development does not pose an unacceptable risk to flooding for occupiers of the development or elsewhere, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
4. To ensure adequate operational space and parking spaces to serve the needs of the business, in the interests of safety, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
5. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
6. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

JF  
12.3.2019

Ref.

Housing & Development  
Town Hall, Manchester Road

## APP/2018/0564

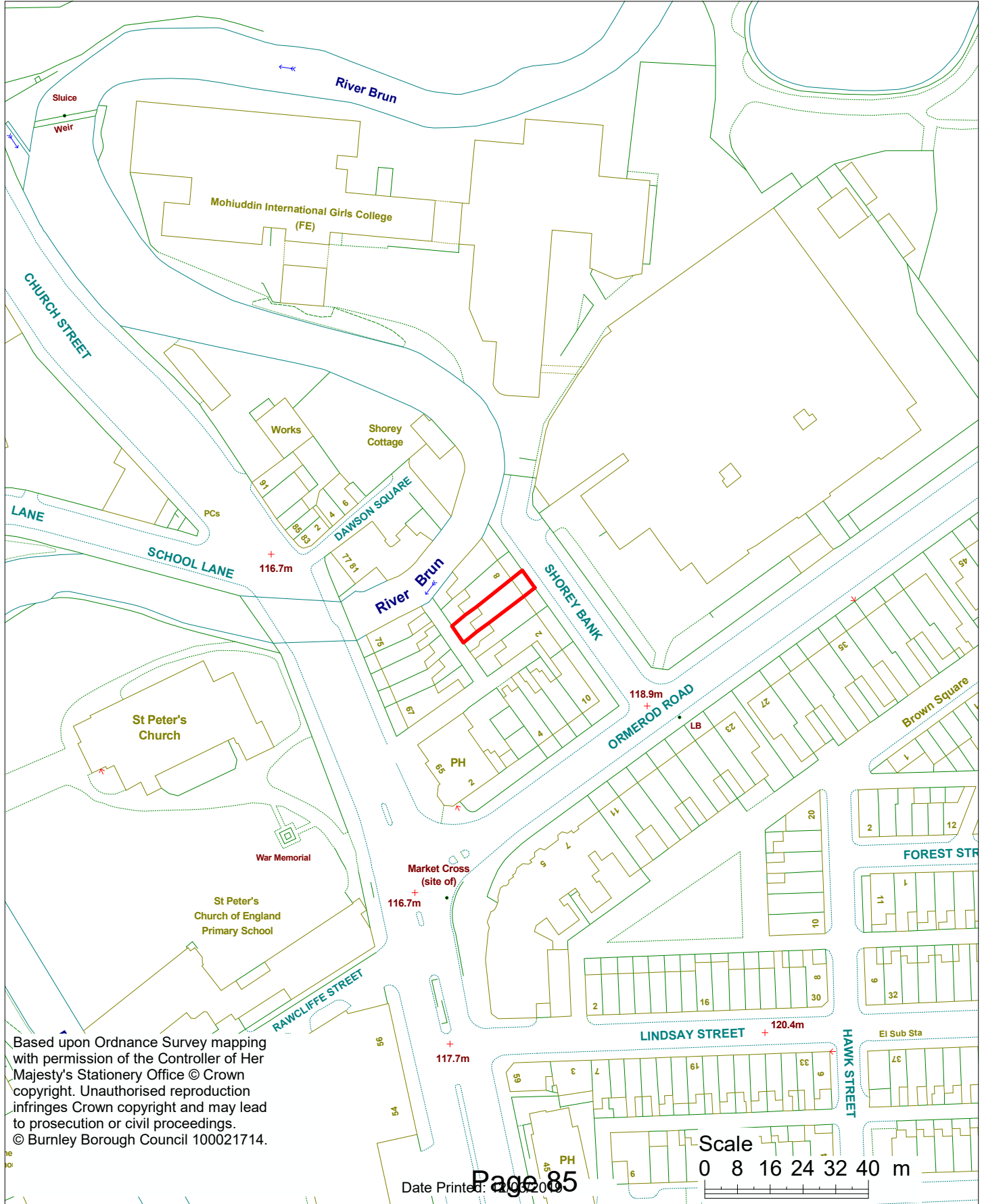
Paul Gatrell Head of Housing and Development

Location:



## 6 Shorey Bank, Burnley

1:1250



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Full Planning Application  
Proposed kitchen extension  
6 SHOREY BANK, BURNLEY

**Background:**

The proposal involves the erection of a single-storey extension to the kitchen at the rear of the property.

An objection has been received.

**Relevant Policies:**

Burnley Local Plan

HS5 – House Extensions and Alterations

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HE2 - Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

**Site History:**

None

**Consultation Responses:**

*Neighbour (4 Shorey Bank)* – States that in principle that he has no objections to this, however has some concerns;

- Loss of sunlight/daylight – the extension will be at the same height as the current kitchen and it may cut out a lot of light creating a shadow on my property as well as my garden; thus darkening the back room of my property.
- Visual impact – it looks as though the extension will be very close to my side of the property and it would be overpowering. Looking at a high wall is something that would not be pleasant.
- Please can you ensure that the neighbour's kitchen extension windows are on their side and not overlooking on my yard as privacy is very important to me.

**Planning and Environmental Considerations:**

The property is a mid-terraced residential dwelling located on Shorey Bank which is situated within the Top O' the Town Conservation Area. The proposal involves the erection of an extension at the rear of the existing kitchen to provide an extension of the existing kitchen, a utility room and a WC.

The main considerations are design/materials and privacy/outlook/daylight and whether the proposal would have an adverse effect on the character or appearance of the Conservation Area.



rear of no.8

rear of no.6 Shorey Bank

rear of no.4

### *Design/materials*

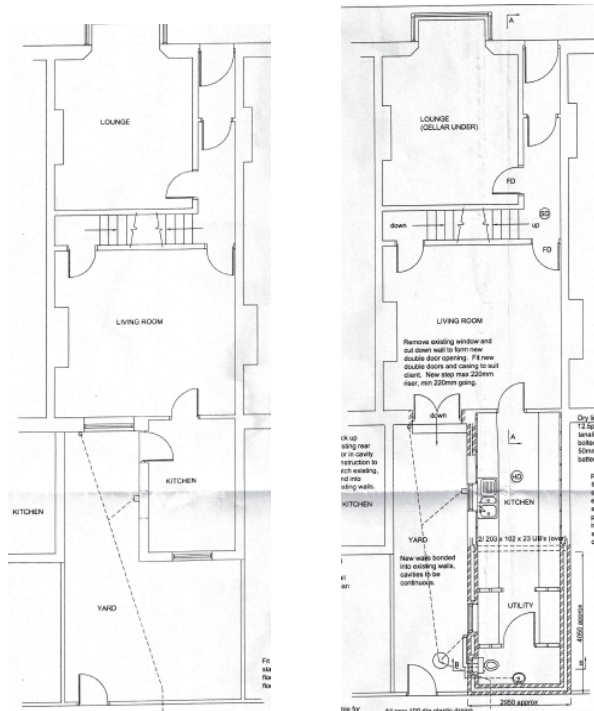
The proposed single-storey extension would be the same width of the existing kitchen i.e. 2.95m and would extend out as far as the back yard wall i.e. by 4.05m. The extension would be 3.45m in height to the eaves and 4.2m to the ridge of the pitched/gabled roof.

The proposed materials are facing bricks for the elevations to match the existing kitchen and blue slate for the roof to match the existing roof.

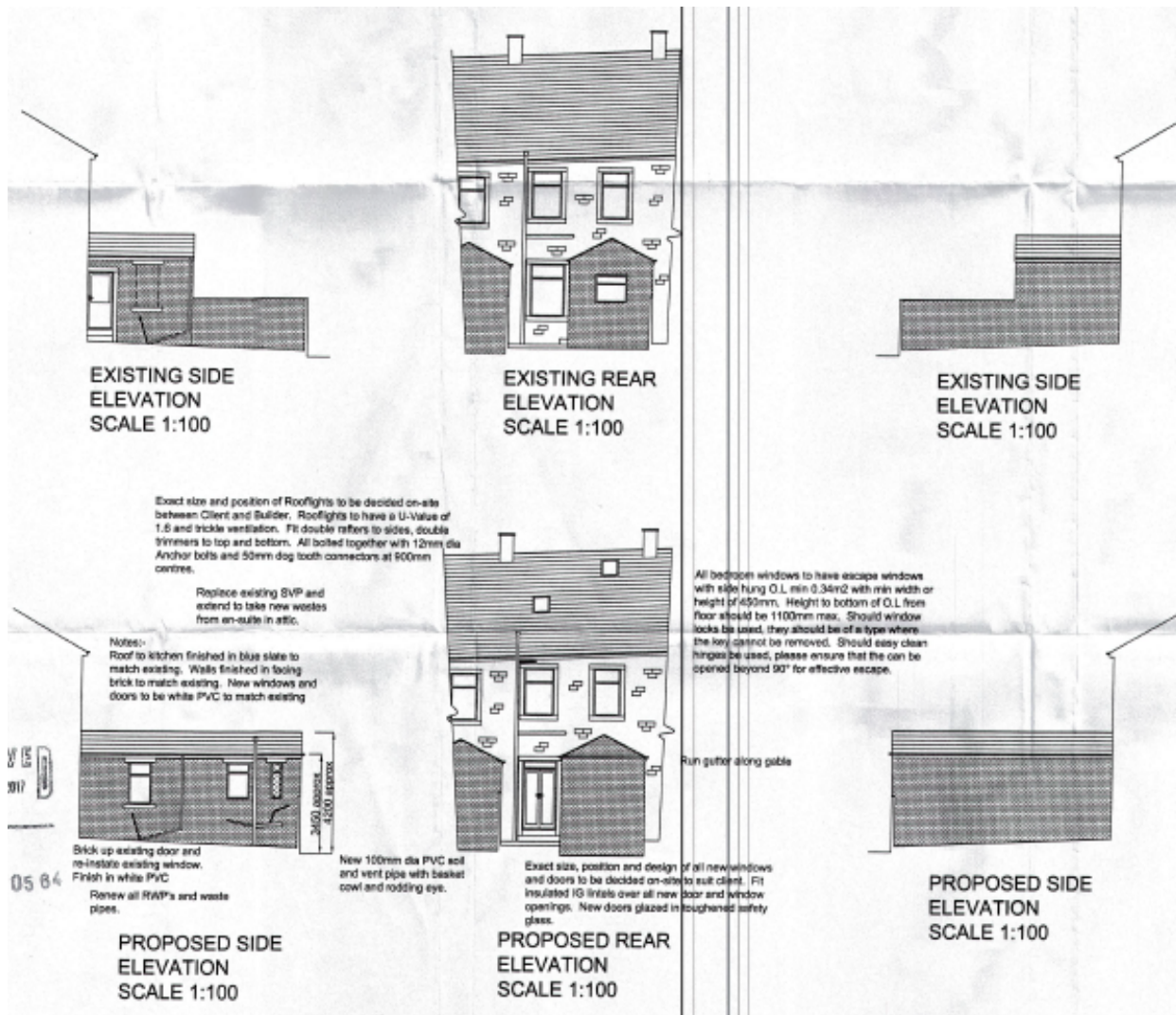
Three windows are proposed in the side elevation (no door); the existing window in the rear elevation of the property is to be altered to form a door.

Design and materials are considered to be acceptable.





**existing and proposed ground floor layout**



**existing and proposed elevations**

*Privacy/outlook/daylight*

There are no windows proposed on the rear elevation facing onto the back street or the side elevation facing no.4 Shorey Bank. There are three windows proposed on the side elevation facing into the applicants back yard area which will not cause a privacy issue.

The extension extends out as far as the back street; however, it is considered that outlook for the attached properties will not be adversely affected. With regard to the effect on daylight for the adjoining properties; daylight would not be adversely affected for the occupiers of no.8 as their outbuildings already extend as far as the back street and the extension is on the boundary with no.4. There would be a slight effect on daylight to the rear ground floor of no.4 Shorey Bank; however, this would not be significant enough to warrant a refusal.

*Effect on Conservation Area*

The extension is at the rear of the property where it would not appear out of keeping with the back street appearance of Shorey Bank and would not have a detrimental effect on the character or appearance of the Conservation area.

*Conclusion*

The proposed extension is considered to be acceptable and in accordance with the Local Plan policies listed above.

**Recommendation:**

Grant subject to the following conditions:

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: S.B 6/1, S.B 6/2, and S.B 6/3 (location plan), S.B 6/4, S.B 6/5 received 6 December 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.

Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2018/0573

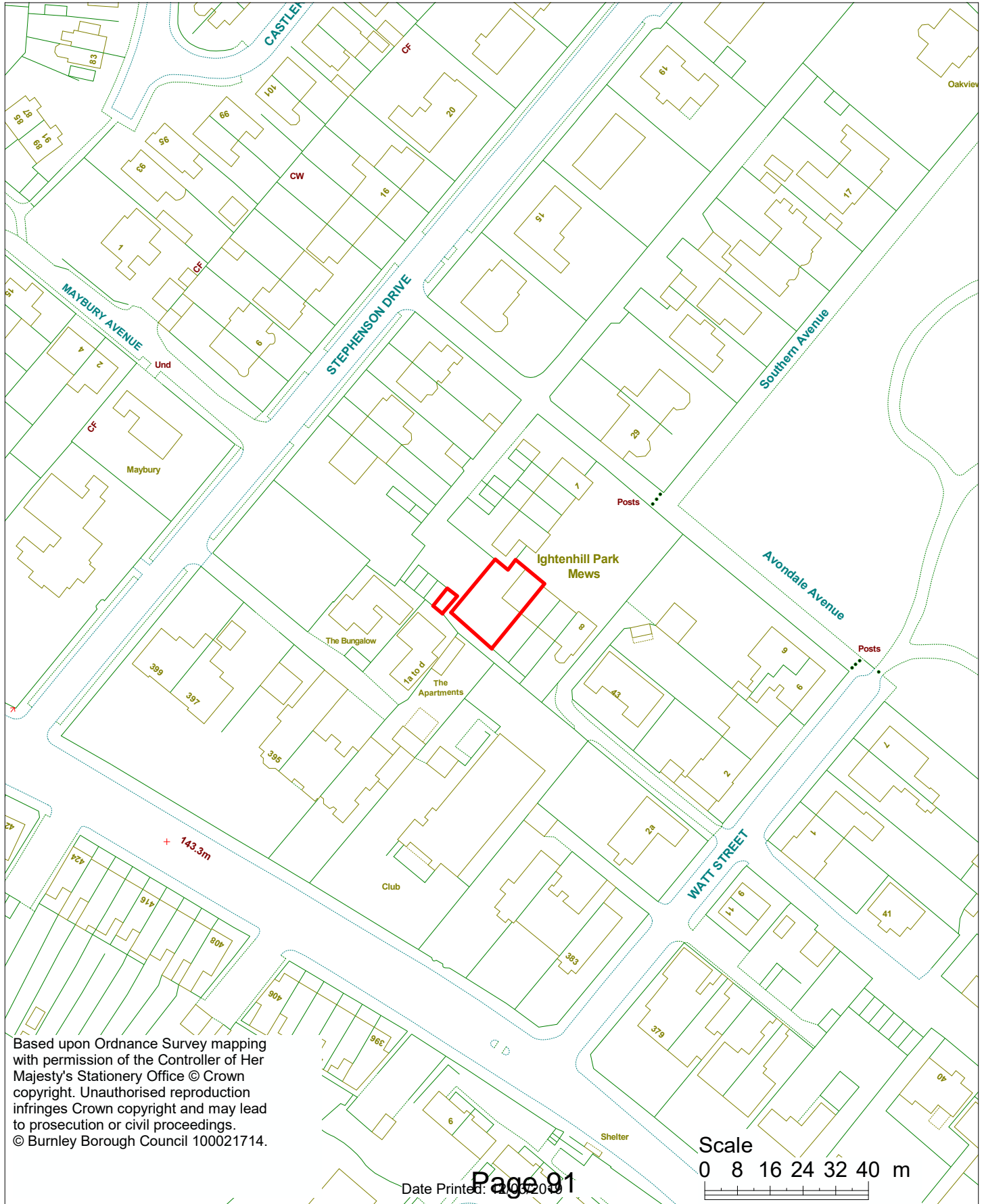
Paul Gatrell Head of Housing and Development

Location:

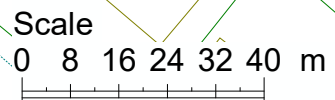


## 5 Ightenhill Park Mews, Avondale Avenue, Burnley

1:1250



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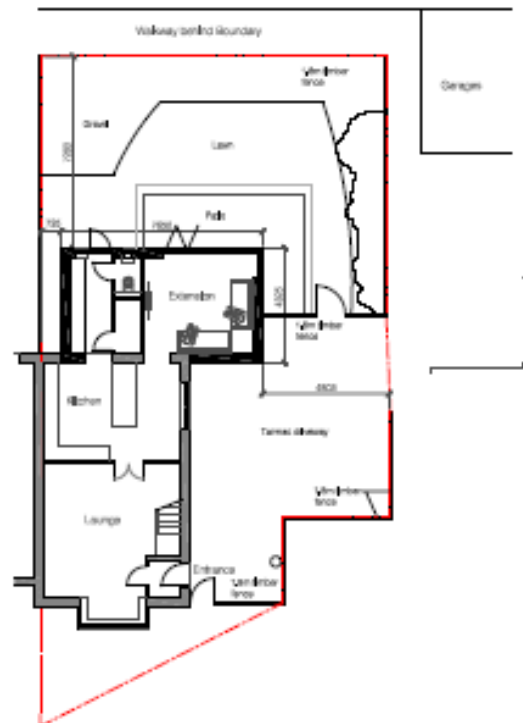
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Full Planning Application  
Single storey pitched roof rear/side extension  
5 IGHTEHILL PARK MEWS AVONDALE AVENUE BURNLEY

**Background:**

The proposal is for the erection of a single storey extension with pitched roof to the side and rear of the property. The extension would form a sun room/lounge together with a utility and toilet.

The proposed single storey projects 4.3m from the rear of the property and has a width of 7.6m. It would have a sloping roof with a ridge height of 3.6m and 2.4m to the eaves. The extension would be setback by 0.7m from the neighbour's boundary line and would have no windows on the wall facing this property.



**Relevant Policies:**

Burnley's Local Plan (July 2018)

SP5 Development Quality and Sustainability

HS5 House Extensions and Alterations

**Site History:**

No Relevant History

**Consultation Responses:**

LCC Highways

No objections.

Publicity

One letter of objection received from a neighbouring property. The main points of objection are listed below:-

- The extension would be too close to our property (no.6 Ightenhill Park Mews) and would be too long
- It would impact on privacy
- It would cause overshadowing, particularly given its roof height, causing a loss of sunlight and daylight
- Size of extension unsuitable for a terraced property
- Impact on noise and disturbance
- Effect on boundary fence and property
- Effect on the symmetry of the properties

**Planning and Environmental Considerations:**

*The property is an end property within a terrace of four houses situated within a development enveloped by Ightenhill Parkland.*

**Principle of Proposal**

The application site lies within the built up area and the principle of extensions to existing dwellings is acceptable under Policy HS5 of the Local Plan, subject to ensuring compatibility with the existing dwelling, character of the area and neighbouring amenity.

**Design/Materials**

Policy HS5 allows for extension to existing dwellings providing they are in keeping with the property and surrounding area, do not affect residential amenity or highway safety.

The proposed extension to the rear /side is considered to be proportionate to the size and scale of the property. It is considered that the proposal would not be harmful to the appearance of the property.

The proposed extension would be sympathetic to the original dwelling and would be of an appropriate scale in relation to the existing dwelling. As such the simple design is considered to be acceptable which utilises some matching materials (facing brickwork and interlocking roof tiles) to the existing property.

**Outlook/Privacy**

The proposed extension would be set back by 0.73m from the boundary line. At a

length of 4.3m it would not unacceptably affect the outlook of the adjoining occupier. However there may be some loss of afternoon sunlight, though the impact would be minimal based on the orientation of the extension and the application of the 45 degree rule. The proposal would also have no impact of privacy as there would be no windows/doors facing the neighbours directly.

Overall there would be no breach or any 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 HS5.

### **Amenity**

The proposal would not have any impact on the street scene, residential or visual amenities of adjacent property, in terms of being overly dominant or overbearing.

### **Parking**

The proposed extension would have no impact on parking.

### **Conclusion**

The size, scale and design the proposed extension would be compatible with the residential area and would not significantly impact on the outlook or sunlight/daylight of neighbouring occupiers. The proposal is therefore acceptable and complies with development plan policies.

### **Recommendation:**

Approve 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: 1830 - LP01 (location plan), 1830 - PL11, 1830 - LP10, 1830 - PL01, 1830 - PL01, 1830 - PL10 and 1830 - PL02, received on 23 November 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.

MW  
13.3.2019

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Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2019/0021

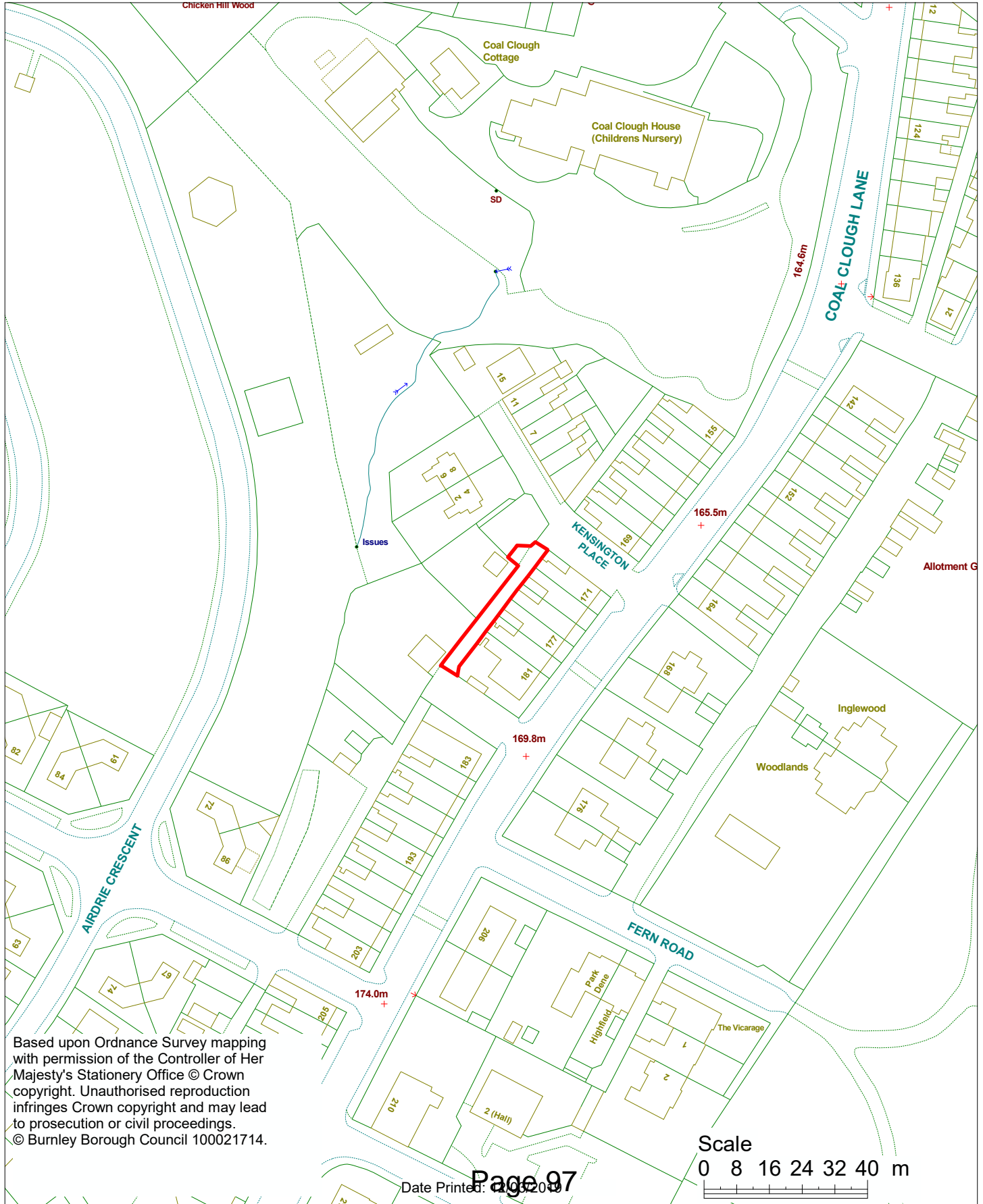
Paul Gatrell Head of Housing and Development

Location:

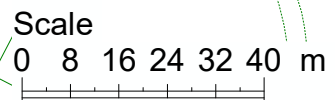


## Rear 171-181 Coal Clough Lane, Burnley

1:1250



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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0022**

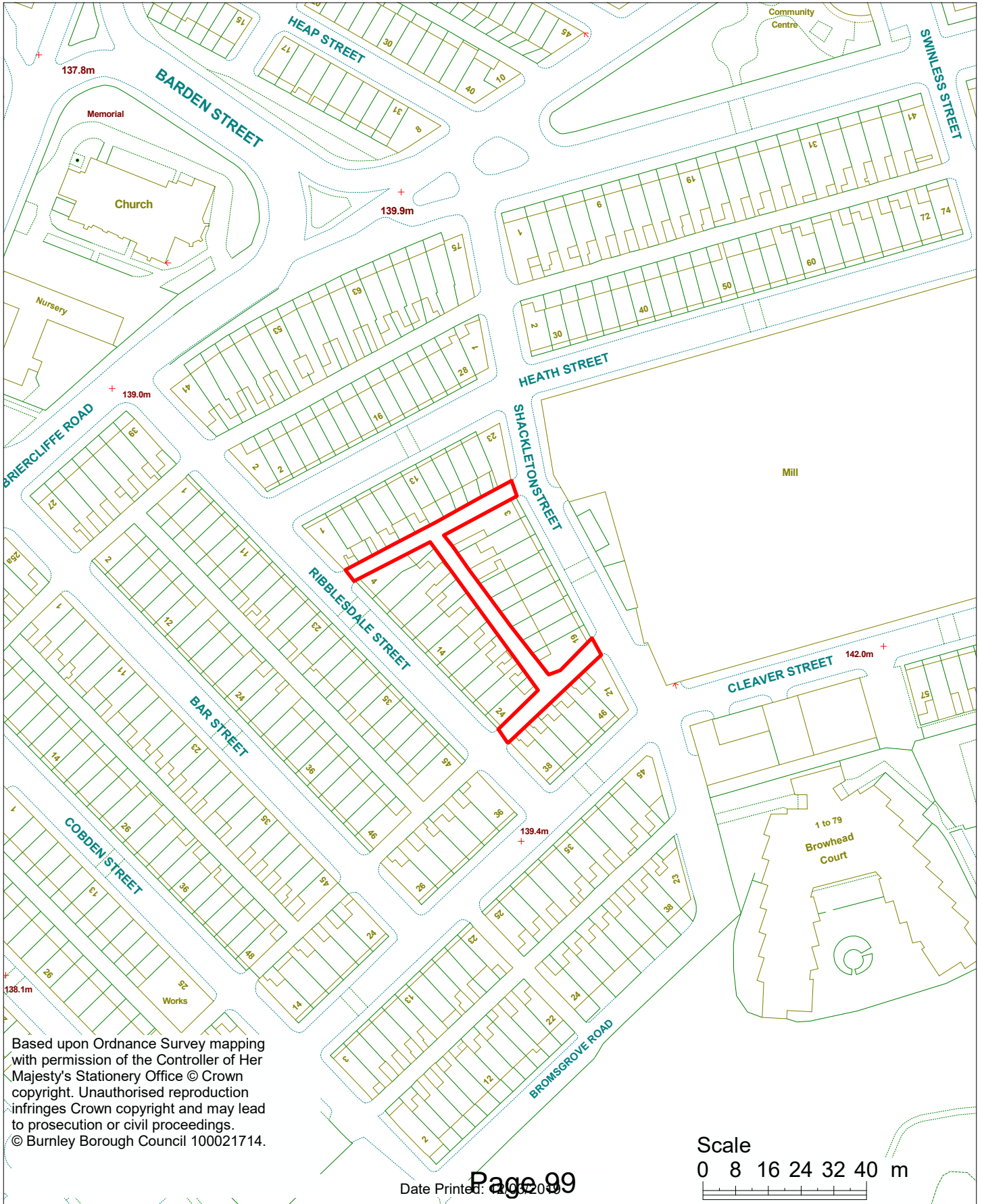
Paul Gatrell Head of Housing and Development

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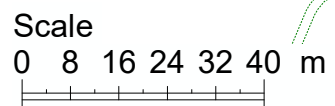


## Ribblesdale St/Shackleton St/Heath St/Cleaver St, Burnley

1:1250



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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0023**

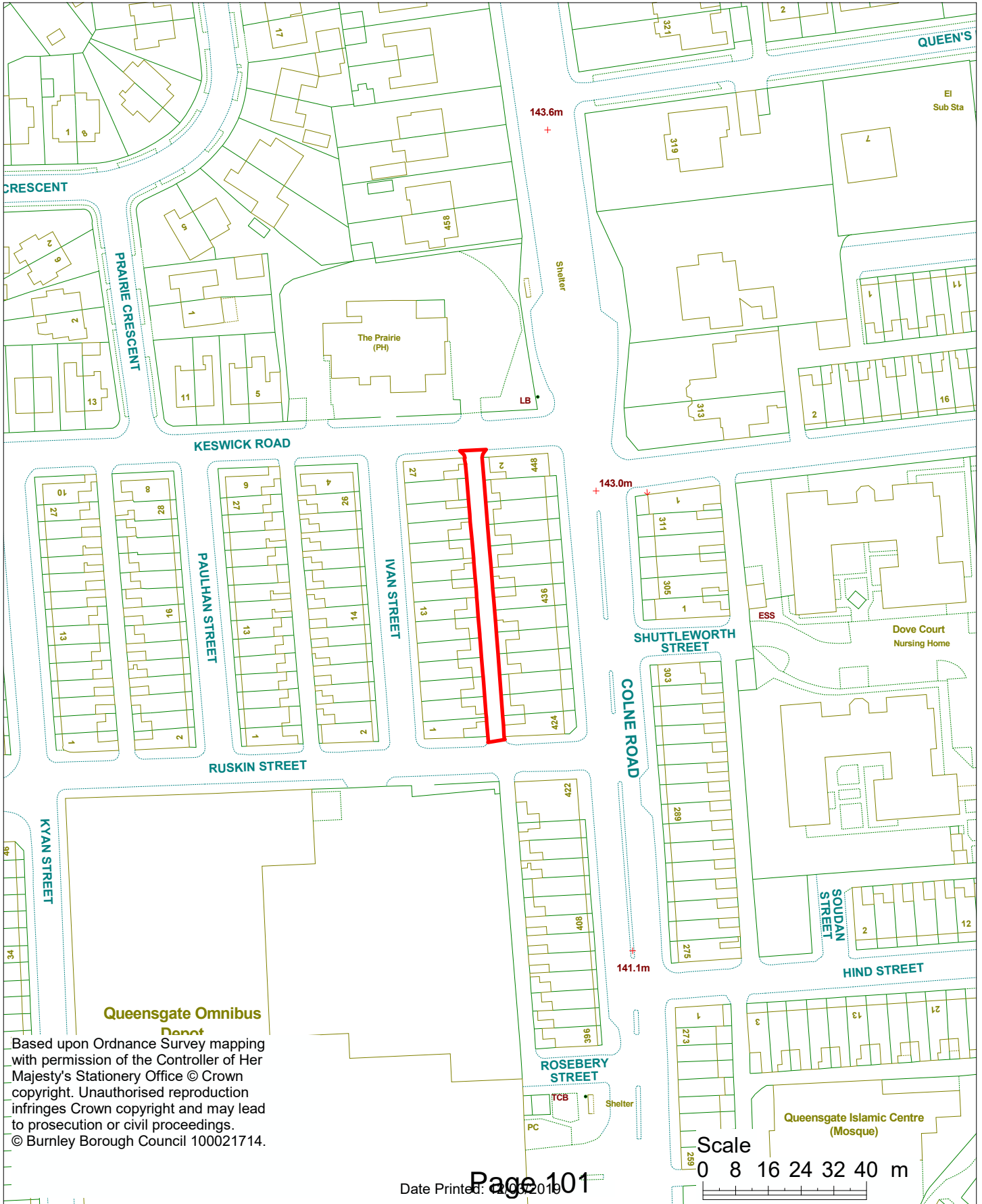
Paul Gatrell Head of Housing and Development

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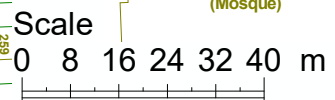


**Rear 1-27 Ivan St/424-448 Colne Road, Burnley**

**1:1250**



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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0024**

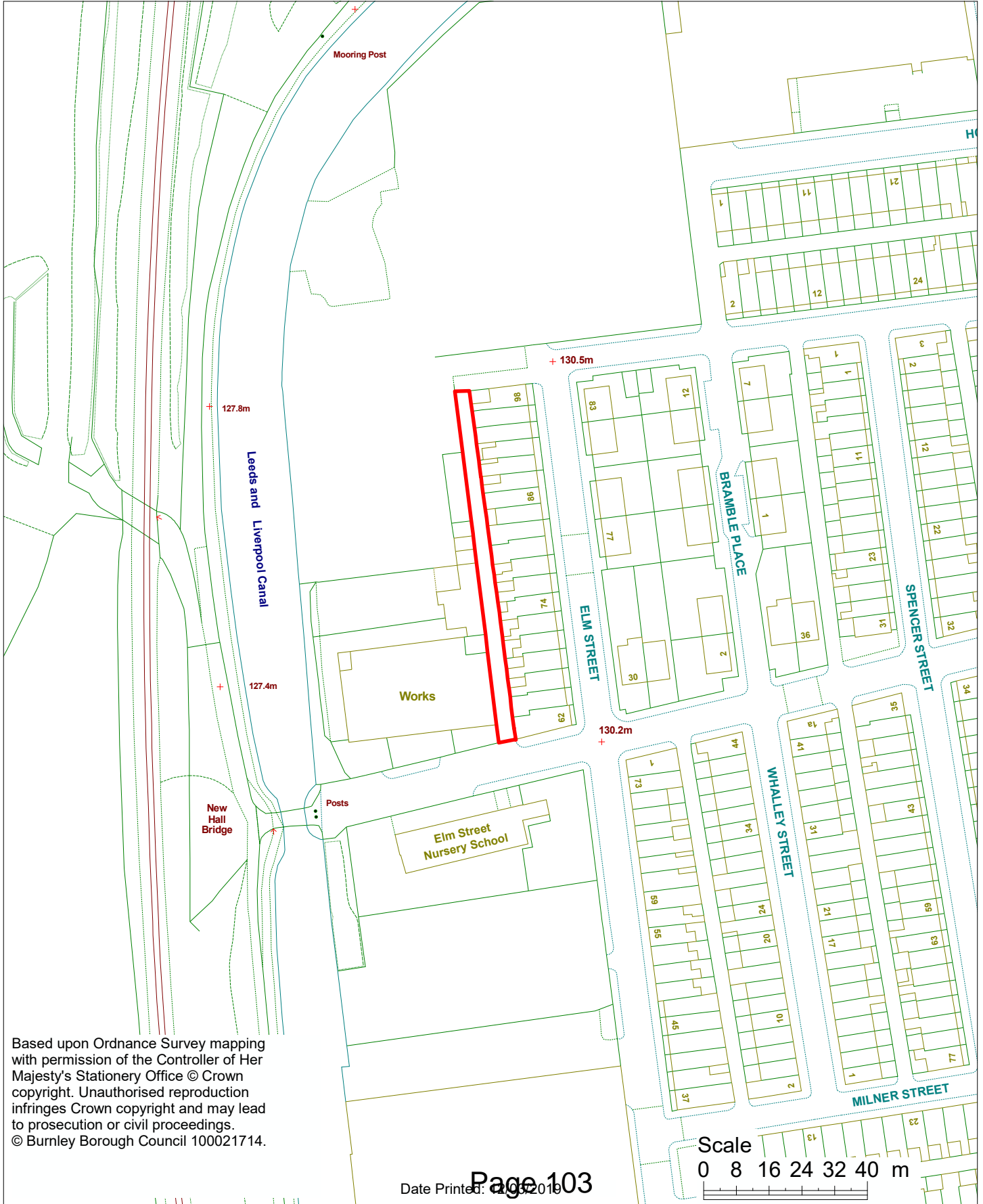
Paul Gatrell Head of Housing and Development

Location:



**Rear 62-98 Elm Street, Burnley**

**1:1250**



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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0025**

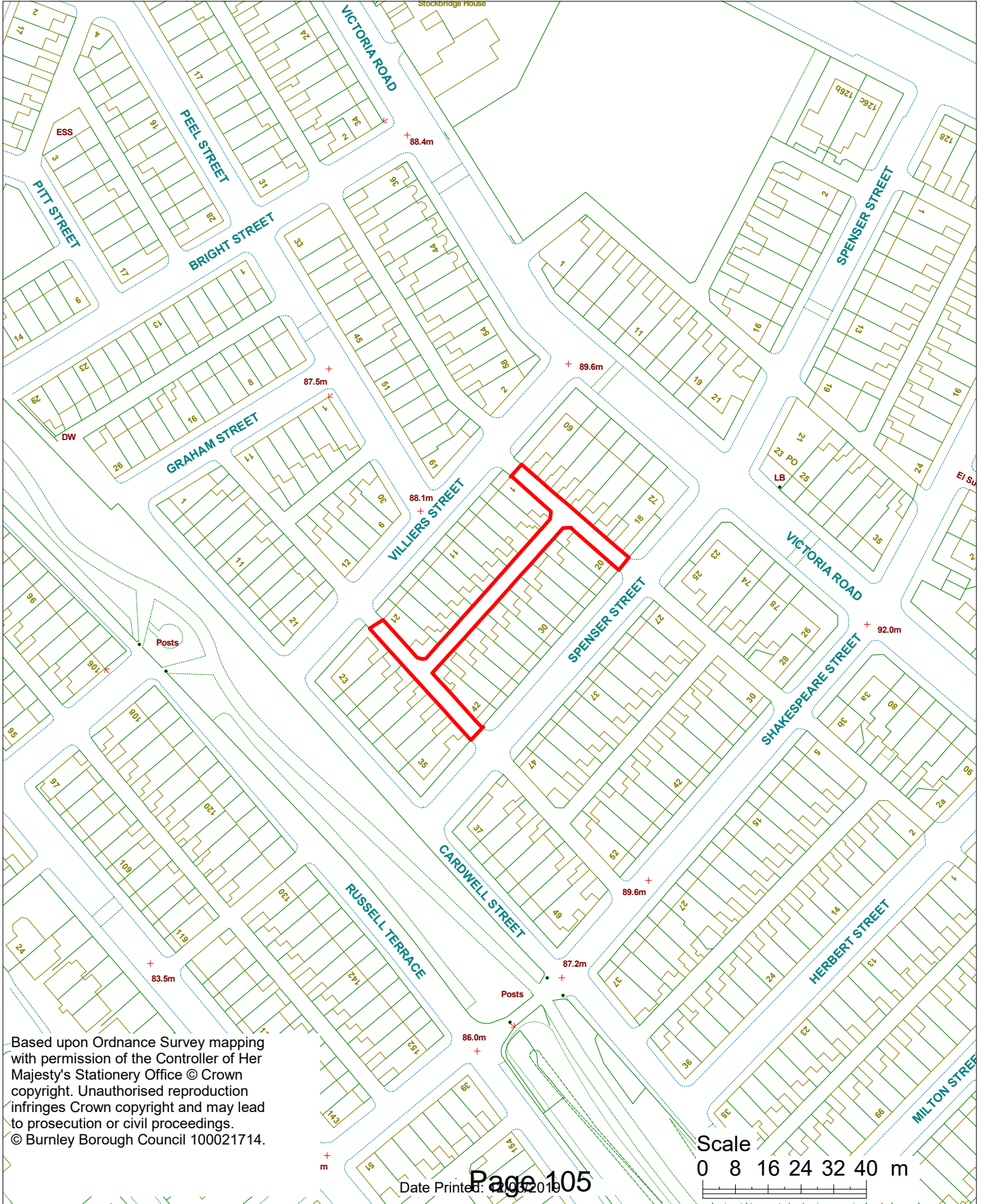
Paul Gatrell Head of Housing and Development

Location:



**Rear Victoria Rd/Spenser St/Villiers St/Cardwell St, Padiham**

**1:1250**



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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0026**

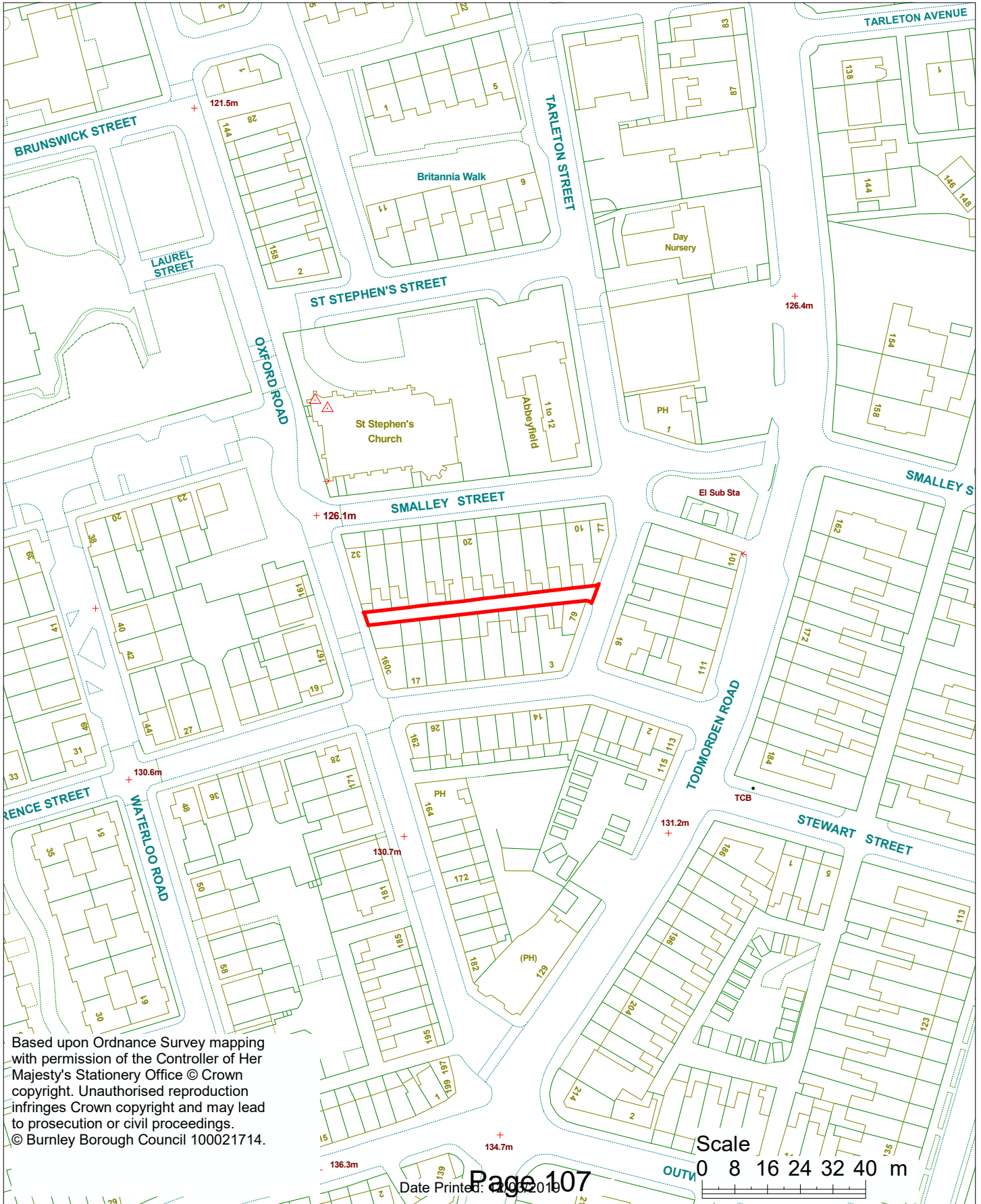
Paul Gatrell Head of Housing and Development

Location:



**Rear 3-17 Clarence St/10-32 Smalley St, Burnley**

**1:1250**



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Scale  
0 8 16 24 32 40 m

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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0027**

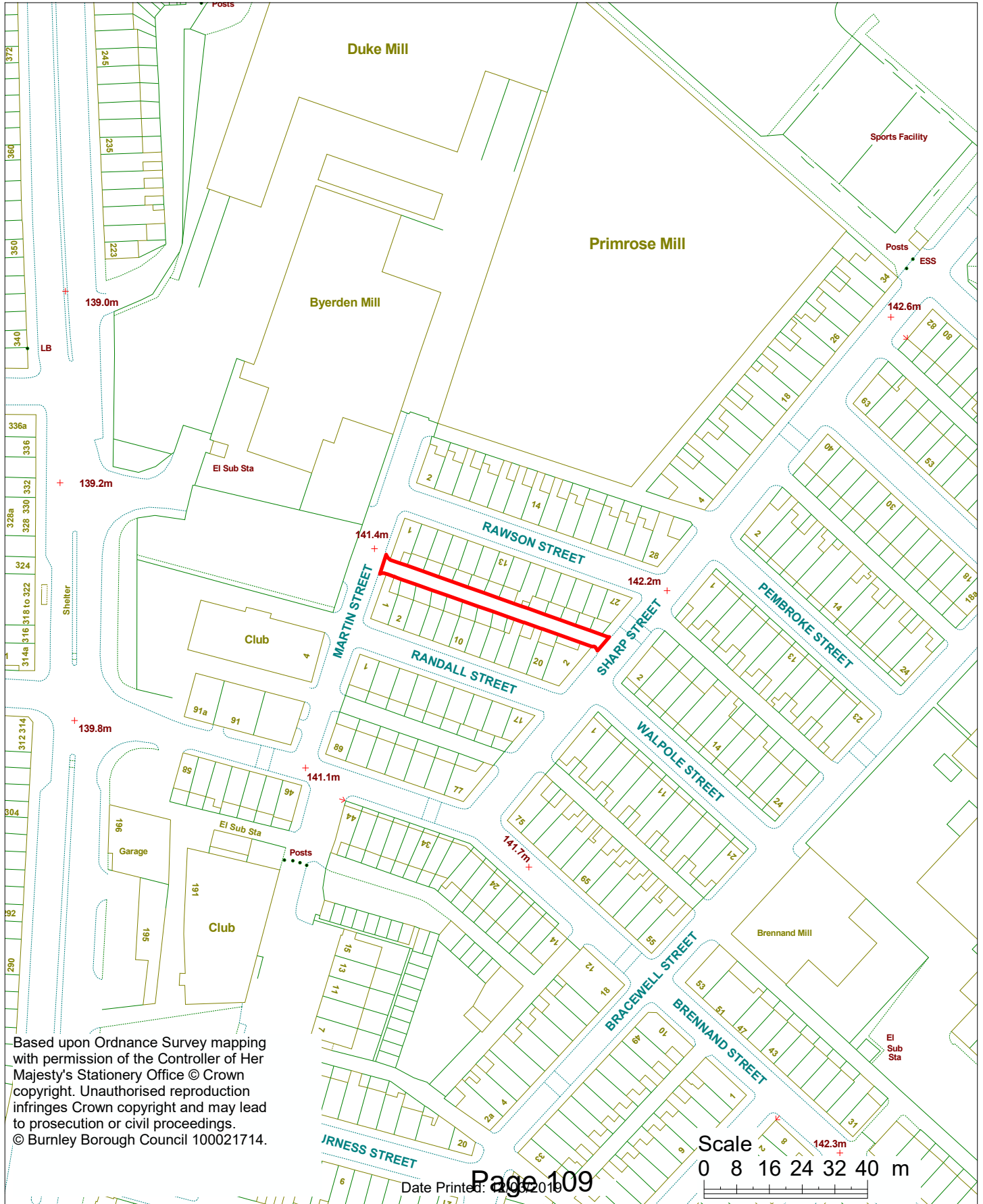
Paul Gatrell Head of Housing and Development

Location:



**Rear 2-20 Randall St/1-27 Rawson St, Burnley**

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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0028**

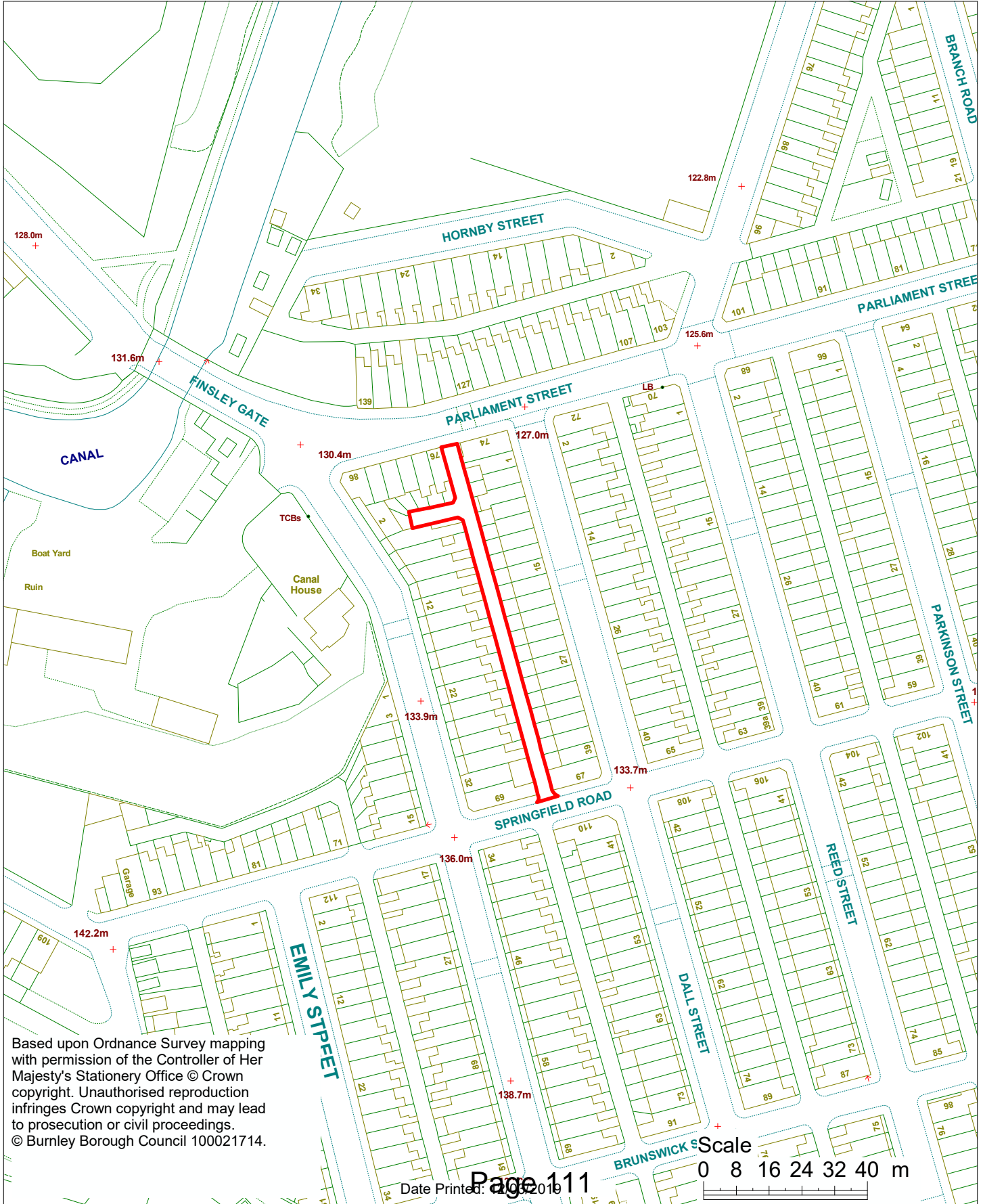
Paul Gatrell Head of Housing and Development

Location:



## Rear Dall St/Hollingreave Rd/Parliament St, Burnley

1:1250



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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0029**

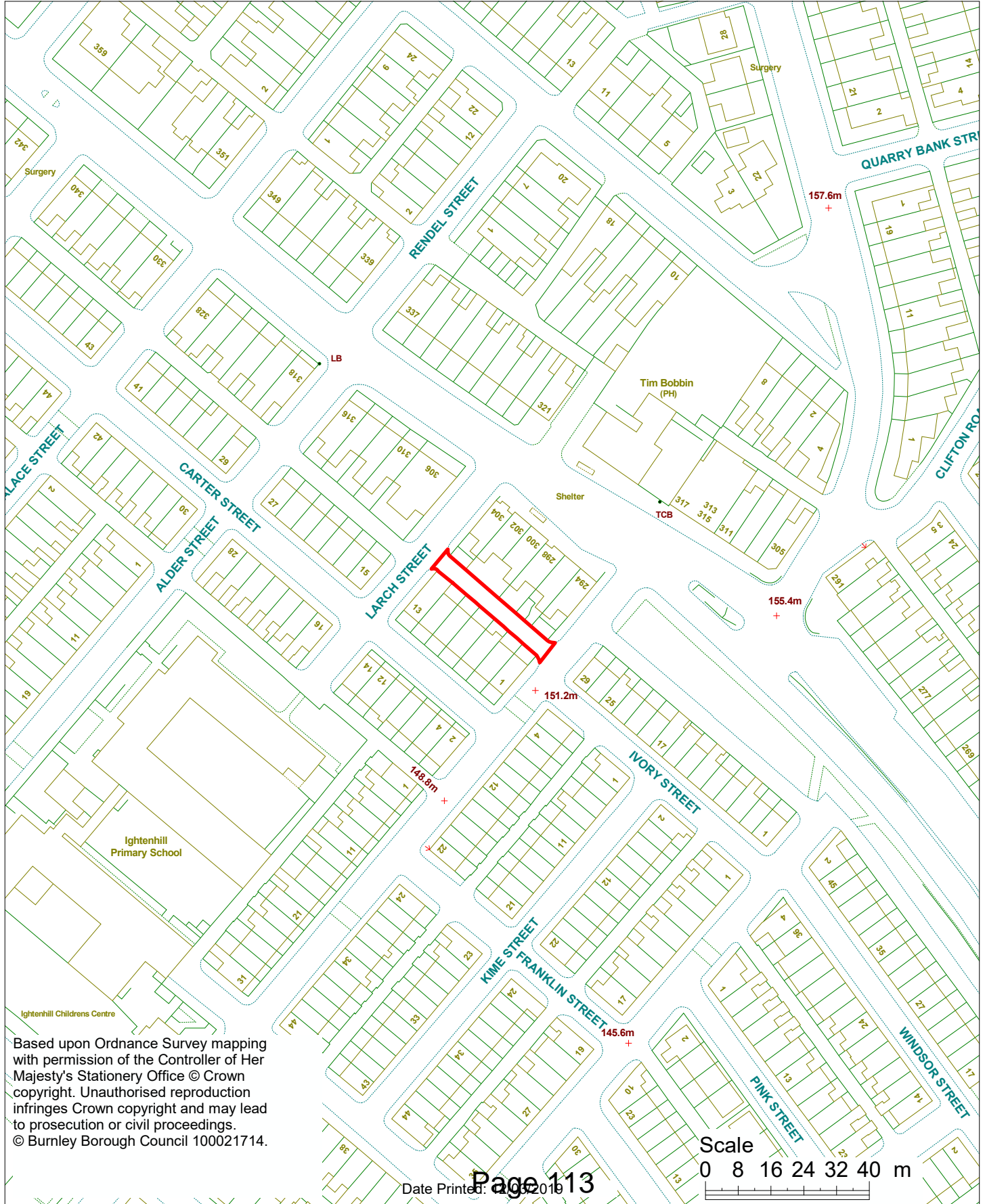
Paul Gatrell Head of Housing and Development

Location:



## Rear 1-13 Carter St/294-304 Padiham Rd, Burnley

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# Part One Plan

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2019/0032**

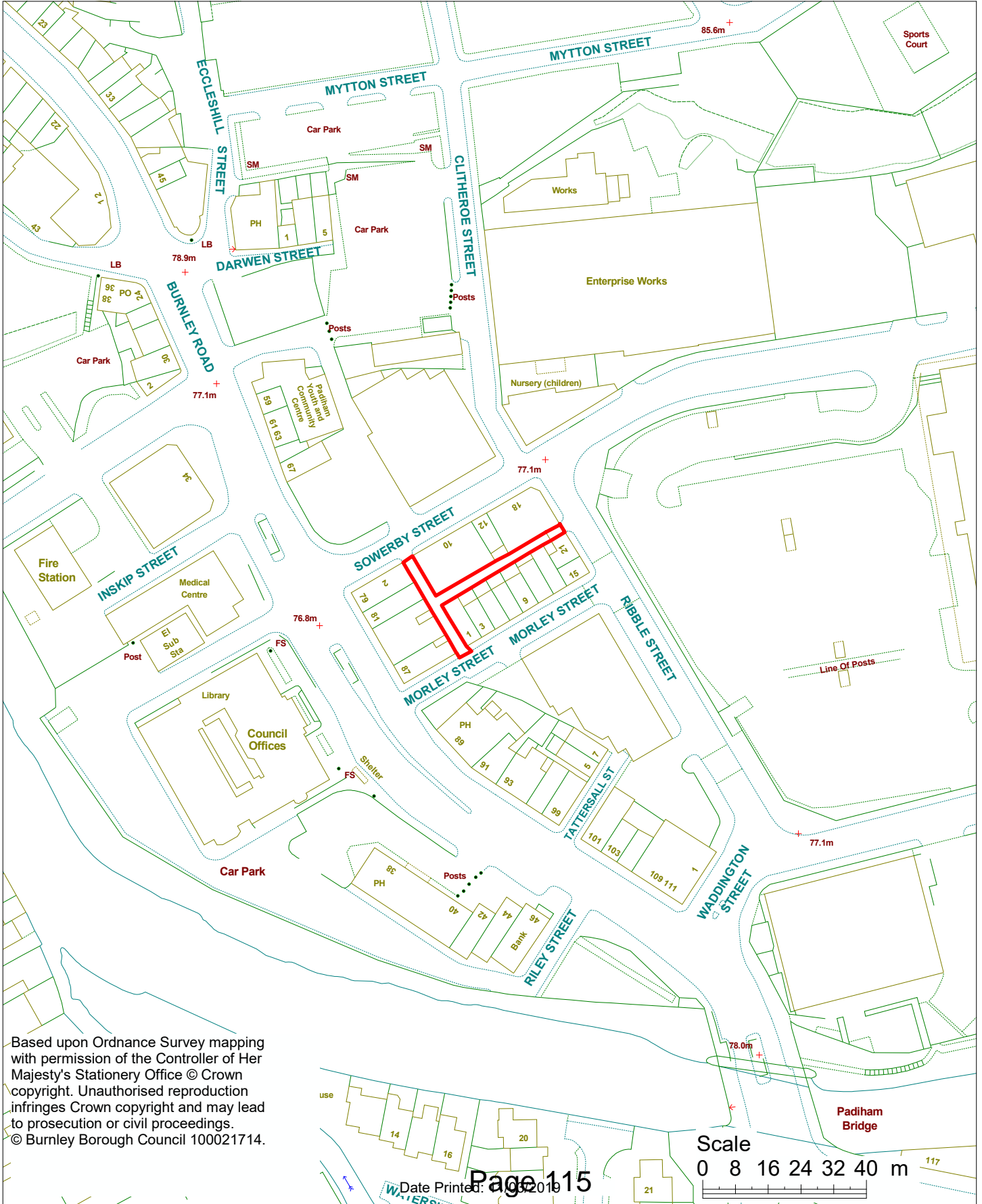
Paul Gatrell Head of Housing and Development

Location:

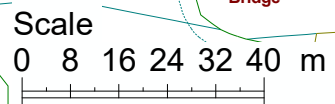


## Rear Morley Street/Sowerby Street/Burnley Road, Padiham

1:1250



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**Application Recommended for APPROVAL**

**APP/2019/0021**

Ward(s) Coal Clough with Deerplay, Bank Hall,  
Queensgate, Daneshouse with Stoneyholme,  
Gawthorpe, Rosehill with Burnley Wood,  
Gannow,

**Regulation 3 Application**

**Installation of alleygates**

REAR OF 171-181 COAL CLOUGH LANE  
2no. sets of 2 metre high Alleygates

*Full Planning Applications for various alleygating schemes*

APP/2019/0022 – 4no. sets of 2 metre high Alleygates  
R/O 1-24 RIBBLESDALE ST, 3-19 SHACKLETON ST, 1-23 HEATH ST, 38-46  
CLEAVER ST

APP/2019/0023 – 2no. sets of 2 metre high Alleygates  
R/O 1-27 IVAN ST, 424-448 COLNE ROAD

APP/2019/0024 – 2no. sets of 2 metre high Alleygates  
R/O 62-98 ELM STREET

APP/2019/0025 – 4no. sets of 2 metre high Alleygates  
R/O 60-75 VICTORIA RD, 18-42 SPENSER ST, 1-21 VILLERS ST,  
25 CARDWELL ST

APP/2019/0026 – 2no sets of 2 metre high Alleygates  
R/O 3-17 CLARENCE ST & 10-32 SMALLEY ST

APP/2019/0027 – 2no. sets of 2 metre high Alleygates  
R/O 2-20 RANDALL ST, 1-27 RAWSON ST

APP/2019/0028 – 2no. sets of 2 metre high Alleygates  
R/O 1-39 DALL ST, 2-32 HOLLINGREAVE RD

APP/2019/0029 – 2no. sets of 2 metre high Alleygates  
R/O 1-13 CARTER ST, 292-304 PADIHAM RD

APP/2019/0032 – 3no. sets of 2 metre high Alleygates  
R/O 1-5 MORLEY ST, 79-87 BURNLEY RD, 10-18 SOWERBY ST

**Background:**

Self-locking gates no higher than 2m in galvanised powder coated steel will be installed at both ends of the highways to prevent access to them for those not living in the immediate vicinity.

Alleygating refers to the closure of an alley by the installation of a removable barrier to access (e.g. a locked gate) and/or the installation of a permanent structure.

These applications relate to further gates being erected under the Council's alleygating programme. Under this programme, the back street does not become a private way or legal enclosure. Each resident is given a key to gain access and utility companies will also have access. The gates will be opened by the residents on bin collection days.

Alleygating schemes aim to prevent potential burglars and other trespassers from accessing the rear and side of properties by erecting lockable metal gates in alleyways or footpaths shared by a number of houses.

The applications are on the agenda as the Council is the applicant.

No objections have been received.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

SP5 – Development Quality and Sustainability

**Site History:**

No relevant history

**Consultation Responses:**LCC Highways

In respect of the alley gating applications in various locations & subject to the correct consultation procedures having been carried out, the highway authority raises no objections to the proposal on highway grounds.

Designing Out Crime Officer, Lancashire Constabulary

*Open alleys are unregulated spaces where signs of disorder are produced, creating a permissive environment for crime. By gating the alleys and creating orderly and clean spaces, cues are provided suggesting that this is not a suitable place to offend, and that the risk of detection is high.*

*As an evidence based security measure, alley-gate schemes can provide defensible space and additional security to the rear of dwellings, which is especially effective in relation to terraced properties.*

*A large proportion of burglaries occur whereby the intruder gains access to a property via the rear or side of a dwelling. Based on this fact, and local policing knowledge of area, alley-gating schemes in each of these locations would be a benefit to the community in preventing crime and keeping people safe and feeling safe.*

*As a burglary prevention tool, lockable alley-gates reduce easy unauthorised access to the rear of properties, which impacts on the reduction of crimes, such as burglary, criminal damage, illicit drug use or dealing and anti-social behaviour issues, such as fly-tipping, litter or nuisance.*

*Alley-gates are physical barriers designed to prevent access to alleys and connected properties, and are difficult to climb over or crawl under. Therefore, they might decrease crime by increasing the effort required for offenders to commit burglary (and other crimes). Offenders can also no longer use the excuse that they did not realise access was prohibited, as gates physically mark the boundaries to where they can, cannot act, and are often accompanied by signage.*

*Alley-gates may also reduce the rewards to offenders by limiting the items, which are possible to remove during offences. If an offender can no longer easily access, and escape from alleys, they are no longer able to remove large items or those not easily concealed and carried.*

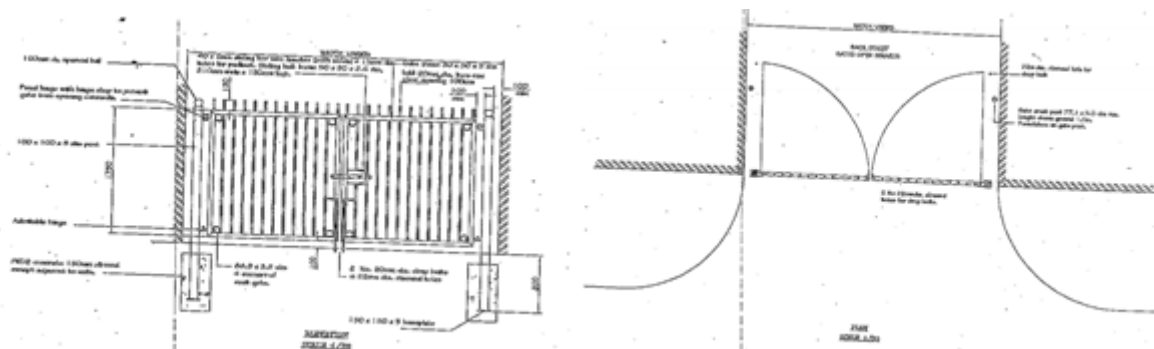
*Residents are encouraged to see the alley as their territory and take an interest in the behaviour of people who access it. However, the gates must be tall enough and robust enough to repel offenders, as well as self-locking. If they are flimsy, easily scalable or often or easily left open then they may not be effective for their intended purpose.*

*There is a real need for active resident and community investment in the alley-gating schemes. If residents are willing to come together and use alley-gates effectively and efficiently, they are more likely to see the desired reductions in crime than if there is disagreement about their implementation and usage.*

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

The main consideration is the design and appearance of the gates. All are proposed to be galvanised steel, powder coated in black. They are designed in a simple style, with vertical railings but without horizontal bars in order to prevent unauthorised access (see drawing below). The gates are designed to prevent them being opened outwards over the adjacent highway.

The gates will be in line with the buildings to either side so will not be visible from the wider area and are of a traditional design, so will not affect the character of the area



### **Recommendation:**

That the applications be approved subject to the following conditions:

### **Conditions:**

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

2. The development shall be carried out in accordance with the submitted drawing.

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

*A Ahmed*



Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2019/0018

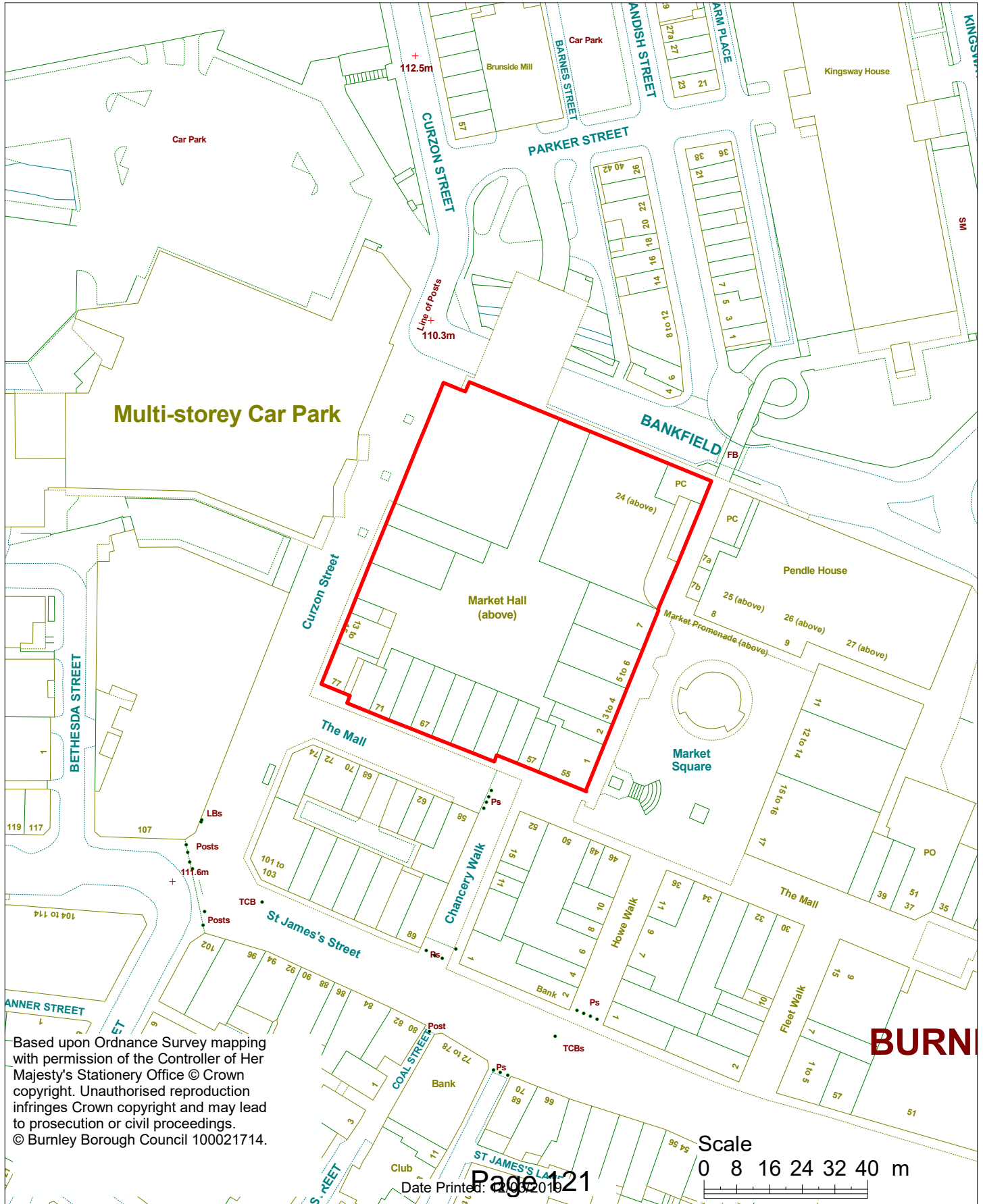
Paul Gatrell Head of Housing and Development

Location:

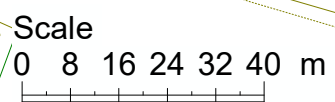


## Market Hall, Curzon Street, Burnley

1:1250



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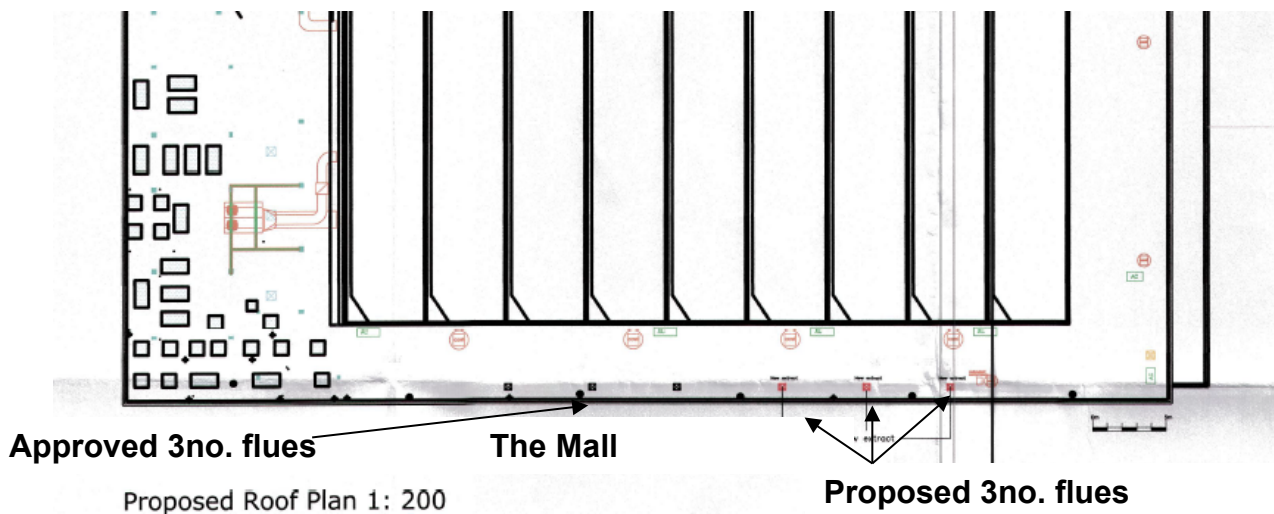
**Regulation 3 Application**

Proposed extract flues to market hall roof (3no.)  
MARKET HALL CURZON STREET

**Background:**

The proposal is for the installation of a further three, galvanised steel, extraction flues onto the Market Hall roof alongside the previously approved extraction systems in 2018. 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 (July 2018)

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

TC2 – Development within Burnley and Padiham Town Centres.

**Site History:**

APP/2018/0392 - Proposed 3no. extraction flues to Market Hall roof  
(Approved September 2018).

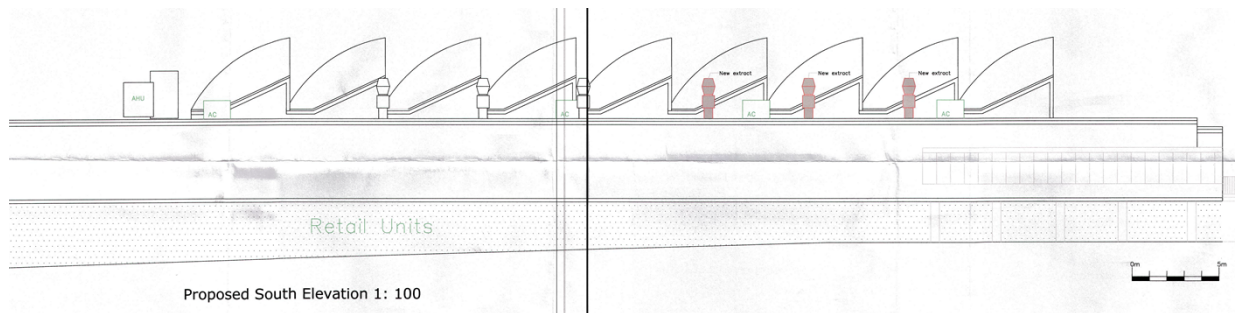
**Consultation Responses:**

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.



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:
  - **Drawing Number BMH 01/04, received 10 January 2019**
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.

A Ahmed

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

21<sup>st</sup> March 2019

Housing and Development

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## **Delegated Decisions from 04/02/19 to 03/03/19**

APPLICATION\_NO      LOCATION      PROPOSAL

### **Express Consent to Display an Advertisement**

#### **Advert Consent Granted**

|               |  |   |
|---------------|--|---|
| APP/2018/0535 | BRUNSHAW YOUTH CLUB<br>MORSE STREET    BURNLEY BB10<br>4PB | Display of 2no. fascia signage (non-illuminated)  |
| APP/2018/0563 | 42A THE MALL    BURNLEY BB11<br>1BA                        | Application for consent to display advertisements 1 no. fascia sign, internally illuminated and 1 no. other sign, non-illuminated |

### **Full Planning Application**

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

|               |  |   |
|---------------|--|---|
| APP/2017/0525 | 10 FLEETWOOD ROAD<br>BURNLEY BB10 3HD                      | Proposed erection of single storey extension to rear and side.                          |
| APP/2018/0421 | 4 TIVERTON DRIVE<br>BRIERCLIFFE BB10 2JT                   | Proposed porch  |
| APP/2018/0517 | SYSTEMS HOUSE ACCRINGTON<br>ROAD    BURNLEY BB11 5QD       | Proposed rebuilding works to building following partial collapse                        |
| APP/2018/0526 | 2 EBOR STREET    BURNLEY BB10<br>1ER                       | Proposed single storey extension  |
| APP/2018/0527 | LAND OFF    MAGNESIUM WAY<br>HAPTON                        | Proposed agricultural storage building  |
| APP/2018/0534 | BRUNSHAW YOUTH CLUB<br>MORSE STREET    BURNLEY BB10<br>4PB | Erection of a 2m high security fencing to the perimeter to match existing boundry fence |
| APP/2018/0549 | 11 CLIFF STREET PADIHAM<br>BURNLEY BB12 8PN                | Proposed single storey extension to rear elevation                                      |
| APP/2018/0559 | 72 SPENCER STREET    BURNLEY<br>BB10 1BU                   | Proposed single storey rear extension   |
| APP/2018/0565 | 23 ADAMSON STREET    PADIHAM<br>BB12 8NH                   | Proposed bedroom /wet room extension  |
| APP/2018/0571 | 61 WYCOLLER AVENUE<br>BURNLEY BB10 4LF                     | Proposed single storey extension  |

## **Delegated Decisions from 04/02/19 to 03/03/19**

| <u>APPLICATION_NO</u> | <u>LOCATION</u>   | <u>PROPOSAL</u>   |
|-----------------------|---|---|
| APP/2018/0584         | ROSEGROVE SERVICE STATION<br>LIVERPOOL ROAD BURNLEY<br>BB12 6HH | Change of use from a fuel sales forecourt to a hand car wash (opening hours of 09:00 to 18:00 Monday to Saturday and 10:00 to 17:00 Sunday and Bank Holidays) |
| APP/2018/0586         | 12 SELKIRK STREET BURNLEY<br>BB11 4DS                           | Proposed single storey extension to side elevation  |
| APP/2018/0587         | 35 RIVER DRIVE PADIHAM BB12<br>8SE                              | Proposed two storey side extension (re-submission APP/2018/0276)  |
| APP/2019/0017         | 3 MILL HILL LANE HAPTON BB11<br>5QU                             | Replacement garage  |

### **Withdrawn**

|               |   |  |
|---------------|---|--|
| APP/2018/0589 | 27 LINDALE CRESCENT<br>BURNLEY BB10 1EX | Proposed single storey kitchen extension to rear and conversion of garage to bedroom with minor internal alterations |
|---------------|---|--|

### **Listed Building Application**

### **Listed Building Consent Granted**

|               |  |  |
|---------------|--|--|
| APP/2018/0570 | OLD SCHOOL HOUSE<br>TRAFALGAR STREET BURNLEY<br>BB11 1TQ | Minor works to listed building being works additional to, and variations of, works granted consent under reference APP/2015/0570 relating to change of use to Children's Theatrical Productions Venue together with Restaurant and Drinking establishment granted under planning permission APP/2016/0512. |
|---------------|--|--|



BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions  
**For Information**

21<sup>st</sup> March 2019

Housing and Development

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## DEVELOPMENT CONTROL COMMITTEE

Date: 21<sup>st</sup> March 2019

### PART III

The Town and Country Planning Act 1990  
Appeal by Mr John McGauley

APP/2018/0177 – Appeal against refusal to remove conditions 3 and 14 of planning permission APP/2017/0123 for conversion of barn to dwelling at Clow Barn, Manchester Road, Dunnockshaw, Burnley

The appeal was dealt with by way of written representations and was ALLOWED on the 19<sup>th</sup> February 2019.

Estimate of Officer time: Janet Filbin

Officer Recommendation – Refused under the Council's Scheme of Delegation.

#### Background

The appeal concerned Condition 3 which required the replacement of uPVC windows and doors (which had been installed prior to the planning permission being granted for a change of use) with windows and doors of timber construction within six months of the approval (approval dated 11 July 2018) and Condition 14 that prohibited external lighting other than low level lighting.

#### Relevant Policy

##### Burnley's Local Plan (July 2018)

SP5 – Development quality and sustainability

EMP6 – Conversion of rural buildings

#### Inspector's Considerations

The Inspector identified the main issue as whether the disputed conditions are reasonable and necessary to preserve the character and appearance of the area.

The Inspector considered that the permitted scheme incorporates new openings and expanses of glazing which, regardless of the material, give the building a more domestic character. He considered that the window details and use of decorative horns are identifiable only at close range and are not readily discernible from distance. He stated that given the changes established by the planning permission that the use of uPVC would now have only a limited effect on the building's character and that the principal views of the building are from the road (Manchester Road) from where the building is seen in the context of the very close neighbouring properties which also have uPVC windows. At this distance, he judged that the window details are difficult to detect. He concluded that the visual effect of the uPVC windows

and doors on this building would be very limited and would not harm the character or appearance of the area.

In respect of Condition 14 (external lighting), he stated that whilst the absence of light at night is a particular characteristic of rural areas, he considered the site to be reasonably near to built-up areas of Manchester Road which has street lighting. He also considered that the site's low level position between the road and the hillside beyond the site would mean that the light from security lights [up to first floor level on the barn] would not come from a high level or conspicuous position. He also remarked that there would be light from first floor windows of the barn conversion and from the existing cottages. He stated that it is not uncommon for security lights to be installed on rural properties. He concluded that the high level security lights on the barn conversion do not harm the character or appearance of the area

#### Inspector's Conclusion

That the windows and doors as installed and external lighting, do not harm the character or appearance of the area. The appeal was allowed on this basis and a new permission issued without conditions 3 and 14.

#### Background Papers

Application file APP/2018/017, APP/2017/0123. The above papers are available for inspection from Housing and Development Control, Town Hall, Manchester Road, Burnley BB11 9SA (contact: 01282 425011 Ext 3216).

**BURNLEY BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

21<sup>st</sup> March 2019

**PART III**

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

1. Background

Application APP/2017/0454 to convert barn to two dwellings and shippon to one dwelling and APP/2017/0455 for Listed Building Consent to carry out internal and external alterations for conversion of barn to two dwellings and shippon to one dwelling at Rowley Farm, Rowley Lane, were considered by the Development Control Committee on the 25<sup>th</sup> January 2018 and then subsequently on the 26<sup>th</sup> April 2018 where the resolution to grant planning permission and listed building consent subject to a Section 106 Agreement or Unilateral Undertaking were modified to the following:-

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

The purpose of the Dedication Agreement which Lancashire County Council offered to prepare is to attain the consent from the applicant and owner(s) at land at Rowley Farm to re-dedicate the part of FP2 that crosses Rowley Farm from a Public Footpath to a Public Bridleway. This has now been completed and signed by the applicant and owner of Rowley Farm.

2. Purpose of report

To seek a variation to the above stated resolution of the Committee to take account of the fact that the signed document referred to above does not constitute an 'Agreement' as it has not yet been signed by Lancashire County Council.

3. Main issues

The purpose of making the agreement is to secure the consent of the applicant and landowner to the re-dedication of the footpath. Lancashire County Council has indicated that it will hold the Agreement on file until such time as the bridleway links

either end have been agreed with other relevant landowners. At that time, the authorised signatory from the County Council will complete the agreement and only after that date will the improvement works will be carried out as described in the Agreement. The applicant has therefore carried out their obligations under the terms of the resolution of the Committee on the 21<sup>st</sup> April 2018. This secures their agreement indefinitely and therefore satisfies the objectives of requiring the Agreement to be made. In view of this, planning permission and listed building consent can be approved without a requirement for a Section 25 Dedication Agreement.

#### 4. Recommendation

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

**“That planning permission and listed building consent be approved subject to conditions.”**

#### **Background Papers**

Planning application files APP/2017/0454 & 0455

The above papers are available for inspection at the Town Hall, Manchester Road, Burnley BB11 9SA. Contact Janet Filbin on 01282 425011 Ext 3216.