

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 30th May, 2019  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 30th May, 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.

### AGENDA

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 8

To approve as a correct record the Minutes of the previous meeting.

**3. Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

**4. Declaration of Interest**

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

**5. Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

**6. List of Deposited Plans and Applications**

9 - 10

To consider reports on planning applications for development permission:

a) **a. APP/2018/0397 - Former Padiham County Primary School, Victoria Road, Padiham**

11 - 26

Proposed new petrol filling station and shop.

- b) **b. APP/2019/0009 - 106 Wellfield Drive, Burnley** 27 - 36  
 Subdivision of existing site into two curtilages with new dwelling on the new plot.
- c) **c. APP/2019/0150 - 113 Lyndhurst Road, Burnley** 37 - 46  
 Refurbishment of existing ground floor fish and chip shop unit and first floor residential unit with single storey flat roof extension, together with new shop fronts and roller shutters to both front and side elevations.
- d) **d. APP/2018/0489 - Hunters Oak Farm, Ightenhill Park Lane, Burnley** 47 - 54  
 Proposed change of use from agricultural to equestrian, formation of riding arena and erection of stables.

**7. Decisions taken under the Scheme of Delegation** 55 - 60

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

**MEMBERSHIP OF COMMITTEE**

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

**PUBLISHED**

Tuesday, 21 May 2019

This page is intentionally left blank



## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Tuesday, 30th April, 2019 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Khan (Chair), A Anwar, G Birtwistle, M Brindle, S Chaudhary, S Graham, J Harbour, A Hosker, N Mottershead, M Payne and C Towneley

### OFFICERS

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

#### 106. Apologies

Apologies for absence were received from Councillors Cant, Johnstone, Raja and Sumner.

#### 107. Minutes

The Minutes of the last meeting held on 21<sup>st</sup> March 2019 were approved as a correct record and signed by the Chair.

#### 108. 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:

Terry Ford                      APP/2018/0524 – Land adjacent 95 Plumbe Street

**RESOLVED**

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

<b>109. APP/2018/0524 - Land adjacent 95 Plumbe Street, Burnley</b>
---

**Full Planning Application**  
**Proposed erection of 2no. terraced dwellings**  
**LAND ADJACENT 95 PLUMBE STREET**

**Decision:**

**That planning permission should be refused.**

**As this decision was contrary to officer recommendation, a named vote was taken as follows:**

<b>To refuse APP/2018/0524 Land adj 95 Plumbe Street Burnley (Motion)</b>	
Councillor Arif Khan	For
Councillor Afrasiab Anwar	For
Councillor Gordon Birtwistle	For
Councillor Margaret Brindle	For
Councillor Saeed Chaudhary	Abstain
Councillor Sue Graham	For
Councillor John Harbour	For
Councillor Alan Hosker	Abstain
Councillor Neil Mottershead	For
Councillor Mark Payne	For
Councillor Cosima Towneley	For
<b>Carried</b>	

**Reason**

The proposed development would lead to new housing in close proximity to established industrial premises which as a result of the associated noise and disturbance is likely to lead to poor levels of amenity for future occupiers which would fail to produce the levels of quality that is expected from new development, in accordance with Policies SP4 and SP5 of Burnley's Local Plan (July 2018).

<b>110. APP/2019/0014 - 56 Moseley Road, Burnley</b>
--

**Full Planning Application**

**Sitting room extension and balcony to rear (part retrospective)  
56 MOSELEY ROAD BURNLEY**

**Decision**

**That planning permission be granted subject to the following conditions**

**Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Detailed drawing Revision A received 17 April 2019.
3. Before the balcony is brought into use it shall be provided with privacy screens (as shown on the application drawing) which shall be kept in place at all times thereafter.
4. Within one month of the date of this permission the side door of the extension shall be glazed or otherwise treated in obscure material as shown on the application drawing and the obscure treatment shall be so retained thereafter.

**Reason**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of the privacy of neighbouring residents, in accordance with Policy HS5 of the Burnley's Local Plan (2018).
4. In the interests of the privacy of neighbouring residents, in accordance with Policy HS5 of the Burnley's Local Plan (2018).

**111. APP/2019/0078 - 116 St. James's Street, Burnley**

**Full Planning Application**

**Alteration of existing shop front to provide individual fronts to 2no retail units formed on the ground floor; together with change of use providing gym/fitness studio in rear ground floor room and dance studio on first floor.  
116 ST JAMESS STREET, BURNLEY**

## **Decision**

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

## **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Drawings number: 813117/A3/1.002 (Proposed Location and Site Plans); 813117/A3/1.001 (Existing Elevation); 813117/A3/2.001 (Proposed Elevation); 813117/A3/1.000 (Existing Layout Plans); 813117/A3/2.000A (Proposed Layout Plans), received 8 February 2019.
3. Within one month from the date of this permission, lighting shall be provided sufficient to illuminate the exterior area of the passage between buildings on the approach to the rear doorway of the premises which shall thereafter be operated and remain in use at all times the use(s) are operated after dark.

## **Reason**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of the convenience and security of users of the entrance in accordance with Policy IC1 of the Burnley's Local Plan (2018).

<b>112. Decisions taken under the Scheme of Delegation</b>
--

Members received for information a list of decision taken under delegation for the period 4<sup>th</sup> March to 14<sup>th</sup> April 2019.



BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

30<sup>th</sup> May 2019

Housing and Development

This page is intentionally left blank

# Part One Plan

# Agenda Item 6a

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2018/0397**

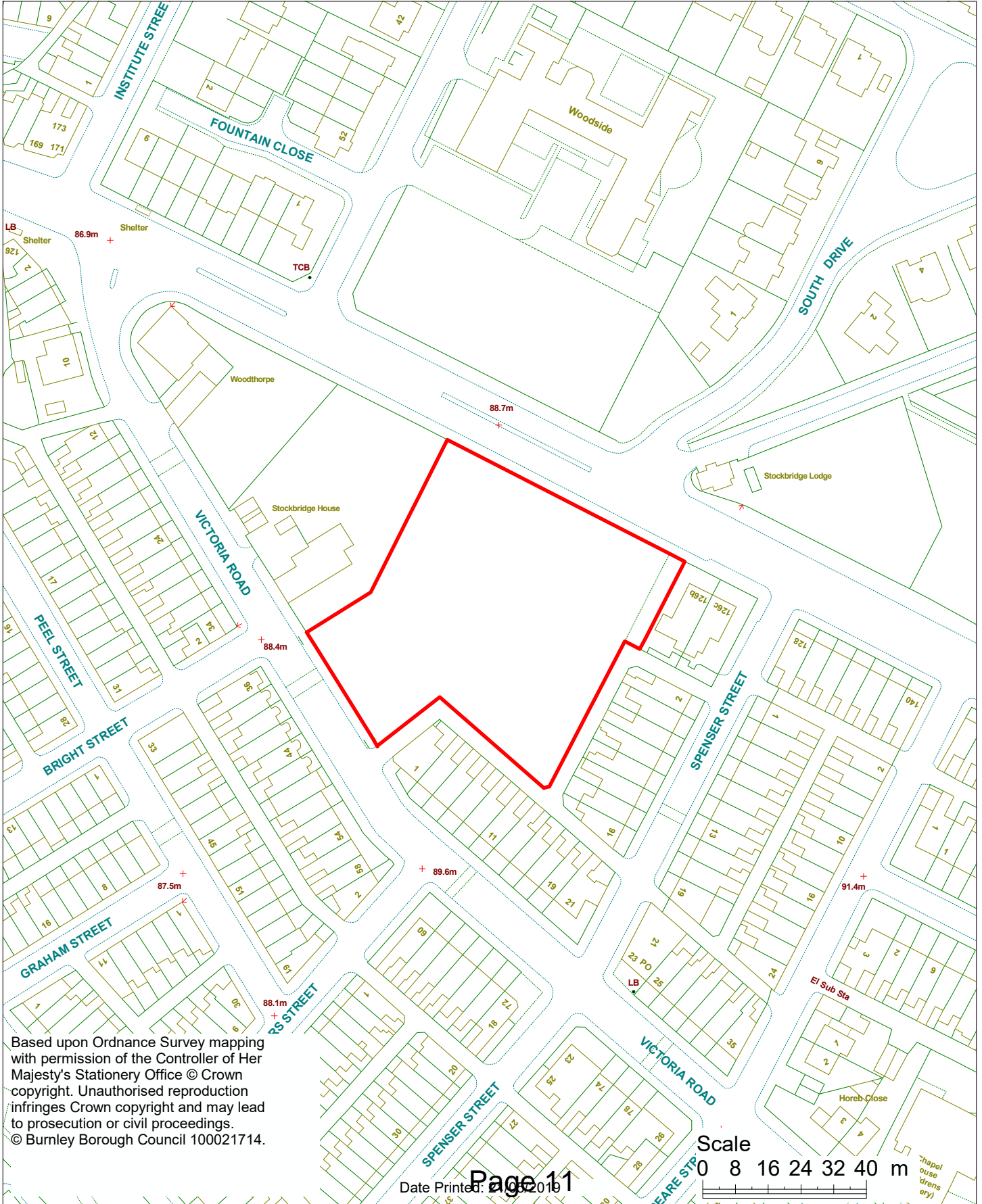
Paul Gatrell Head of Housing and Development

Location:

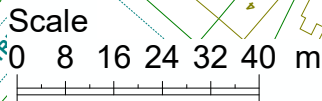


## Former Padiham County Primary School, Victoria Road, Padiham

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Burnley Borough Council 100021714.



This page is intentionally left blank

Full Planning Application

Proposed new petrol filling station, shop, forecourt parking, service bay/wash bay and community garden at

FORMER PADIHAM COUNTY PRIMARY SCHOOL VICTORIA ROAD PADIHAM

**Background:**

The proposal is to erect a petrol filling station (PFS) with associated shop, forecourt parking and service bay/wash bay and community garden on the cleared but former site of the Padiham Primary School which amounts to approximately 0.4ha. The site is located approximately 118m to the south side of the edge of Padiham town centre. View of site from Back Victoria Road



The site remains hard surfaced in large areas and is bound by Burnley Road on its north side and Victoria Road to its south side. Stockbridge Lodge which stands at the entrance to Gawthorpe Hall is a Grade II listed building and is situated opposite to the site. The site is bound on its western side by Stockbridge House which is a Grade II\* listed building which also has a number of protected trees close to the site's boundary.



### Site's frontage to Burnley Road



Vehicular access to the site would be from an in and out arrangement on Burnley Road either side of a canopy measuring approximately 19.8 m x 17.0m over 4no.pump islands. Two large sections of the existing stone frontage wall would need to be removed (9.4m at the entry and 13.6m at the exit) and a smaller section (2m) for a pedestrian access and the remaining sections (amounting to 37m) would be retained. In addition to the PFS canopy, a single service bay and wash bay are proposed and forecourt parking for 20 cars. A retail shop measuring approximately 23m x 17m is proposed to operate in association with the petrol filling station and would be located proposed towards the south side of the site. The proposed PFS would be set in landscaped surroundings with screen planting to the rear of Victoria Street and Spencer Street properties. Part of the application site also fronts Victoria Road where 2no. mature trees sit behind a stone wall with railings.

### Frontage to Victoria Road

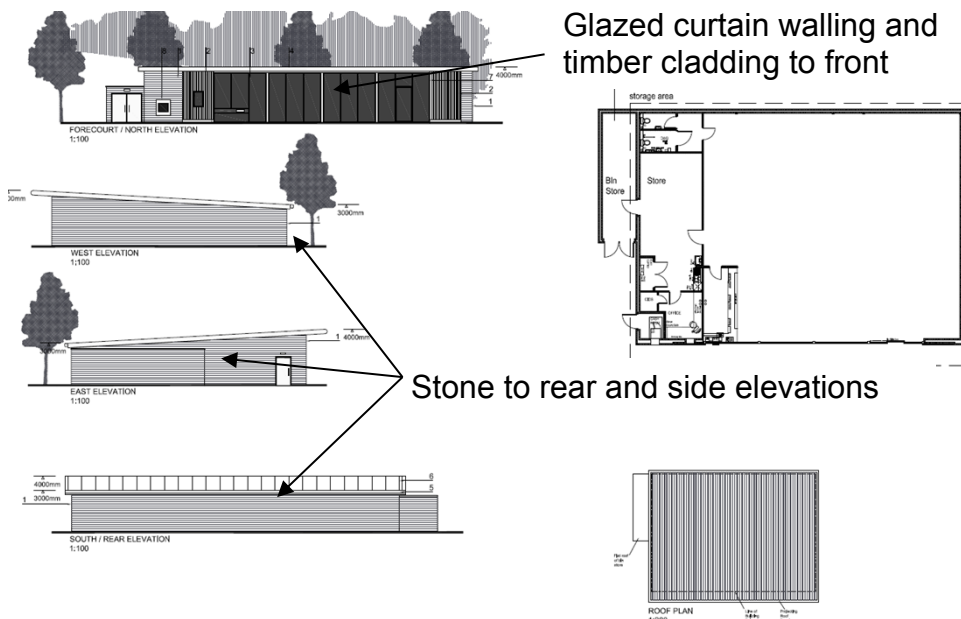


The proposal indicates that these trees would be retained and the two existing gates re-opened into a new community garden which would be landscaped and have paths connecting to Burnley Road.

Proposed site layout



The proposed retail shop would be for the sale of convenience goods ancillary to the main activity of fuel retail such as newspapers, magazines, cigarettes, snacks, cold drinks, dairy products and associated car accessories.



The design of the retail shop has been altered since first submitted to reduce its roof height and provide better spacing with the rear of properties on Spenser Street and Victoria Road. The proposed canopy height is approximately 5m.

A lighting study, noise assessment, heritage statement, transport statement and design and access statement have been submitted with the application. Visual impressions have also been received which will be presented at Committee.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- TC1 – Retail hierarchy
- TC2 – Development within Burnley and Padiham town centres
- HE2 – Designated heritage assets
- NE1 – Biodiversity and ecological networks
- NE4 – Trees, hedgerows and woodland
- NE5 – Environmental protection
- CC4 – Development and flood risk
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards

The National Planning Policy Framework (2019)

**Site History:**

Former school was demolished in 2013. No relevant application history.

**Consultation Responses:**

LCC Highways

No objections following the revision of plans but states that the provision of low level lighting bollards as a standalone lighting scheme for the community garden poses some issues, in respect the adequacy of the level of lighting to give facial recognition [a condition would be required to provide an improved lighting design]. Conditions are recommended relating to the construction of the site access and off-site works of highway improvement; to require any external source of lighting to be screened from drivers and pedestrians; to prohibit deliveries between 08:00 and 09:00 and between 15:00 and 17:30 hours; and to require a Construction Method Statement.

Environmental Health

No objections. Noise mitigation measures should be implemented for each potential noise source associated with the operation of the development in accordance with the Noise Impact Assessment report. A full proposal of mitigation measures should be submitted. Other conditions are recommended relating to the hours of construction and a Construction Method Statement.

United Utilities



Recommend conditions to require foul and surface water to be drained on separate systems, a surface water drainage scheme and a sustainable drainage management and maintenance plan.

#### Padiham Town Council

Whilst the amendments to the scheme are welcomed, there are still concerns with the amount of traffic that will be entering and leaving Burnley Road in close proximity to the school. Also want to ensure that any retail outlets would abide by restricted sales policies due to the proximity of the school.

#### Designing Out Crime Officer

Petrol filling stations are vulnerable to various crimes including driving off where fuel was not paid for, criminal damage and burglary of business premises. Adequate security measure must be implemented to reduce the opportunity for these types of crimes. Advise on security measures including lighting, CCTV, use of ANPR.

#### Publicity

Neighbours have been notified of amended plans since the original application was made. A total of 32 letters of objection have been received from a total of 17no. properties on Victoria Road, Burnley Road, South Drive and Valley Drive. A summary of the points of objection is provided below:-

- Increase in traffic will exacerbate traffic problems
- There is already traffic mayhem at a complicated and congested junction, particularly with the single width access to Gawthorpe Hall and the Burnley FC training ground which results in vehicles reversing into the main road
- Too many exits and entrances to this part of Burnley Road
- Cars and bike speeding on Burnley Road has been increasing
- Safety issues with increased traffic next to a primary school and near to Shuttleworth College and opposite a home for the elderly
- Cars will need to cross a cycle lane to enter the site
- Will lead to increased traffic on Victoria Road
- Will lead to parking on Victoria Road where customers walk through to the retail shop which will remove parking for residents
- Will have a severe impact on living standards, health and well-being of neighbours
- Increased vehicle noise
- Pollution from exhaust fumes
- Noise from the revving of engines, doors slamming, car wash, air conditioning units, refrigeration equipment and human activity
- Impact of noise on a daily basis
- There are residential properties to three sides of the site and a home for the elderly
- Will increase noise and anti-social behaviour from groups of young people congregating by the site
- Community garden would also lead to anti-social behaviour
- Impact of light pollution on residents
- Bedroom windows face onto the site
- Loss of light and overshadowing from buildings and tree planting
- Impact on privacy
- Deliveries would further increase noise and disturbance at unspecified times

- Object to the initially proposed 24 hour opening – will cause noise day and night [the applicant has amended opening hours to 6am -11pm every day for the PFS including shop and 9am – 8pm every day for the car wash bay]
- Excessive canopy height
- Health effects from the proposal.
- Fumes of petrol/diesel would constantly affect neighbours
- Additional fumes from tanker spills
- Excessive canopy height
- Inappropriate design next to Victorian housing and two listed buildings, Stockbridge House (Grade II\*) and Stockbridge Lodge (Grade II)
- Would appear incongruous to its surroundings
- Impact on historic buildings and their settings
- Would irreversibly erode the significance of Stockbridge House
- The cumulative impact and degradation to the setting of the listed buildings has not been assessed
- Main windows face into the proposed site and garden area adjoins it. Windows cannot be changed to mitigate against noise. The views from the listed building also form part of the impact on the listed building
- Impact of vibration (from construction phase and from lorries/traffic using the PFS) on the foundations of a 17<sup>th</sup> Century house
- Concern over protected trees with the garden of Stockbridge House close to the site and lack of survey [a condition can require a survey and adequate protection]
- The proposal offers little public benefit
- Housing would be more suitable for the site or an area of open space
- Impact on ecological features
- Bats frequently fly over the site
- Already enough retail, impact on high street and small shops
- Outside of Padiham town centre, contrary to planning policies. Sequential assessment required
- No need for PFS's in the future due to electric cars
- Impact on the Townscape Heritage Initiative (THI) project to regenerate Padiham
- Effect on sale of property [not a planning consideration]
- No need for the development – effect on the existing PFS within half a mile of the proposed site

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

#### Principle of proposal

The site is within the development boundary as identified in the Policies Map of Burnley's Local Plan (July 2018). It sits on the main road (A671) between Burnley and Padiham, approximately 118m from the edge of the Padiham town centre defined boundary. The site is without an allocation in the new local plan but represents a sustainable location and a development opportunity.

The site is at a prominent roadside position at the edge of the town centre which in principle would make it suitable and a convenient location for drivers to refuel. There are no specific policies relating to a petrol filling station which are a 'sui generis' use and as such a proposal should be considered on its merits, having regard to the suitability of the location and its impacts on highway safety and its surroundings. The

proposed associated retail shop has a retail area of 290sqm which is a main town centre use and would in accordance with Policy TC2 and the National Planning Policy Framework (NPPF) require sequential assessment in order to assess whether there is an alternative available and suitable site for the proposal in the town centre. In this case, it is accepted that the primary purpose of the proposed shop is to provide kiosk services associated with a PFS. Its size is similar to other service station shops and is likely to generate only a low level of convenience goods sales, primarily by PFS customers. In these circumstances, the proposed PFS shop would not have a significant deviation from or impact on the retail hierarchy set out in Policy TC1 and would satisfy the tests on sequential assessment. As long as, therefore, the shop is operated and remains ancillary to the main use of the site as a PFS, then the proposal would not significantly affect the viability or vitality of Padiham town centre or deviate from the objectives of Policy TC2.

The main considerations relate to the impact of the proposal on highway conditions and safety, its impact on residential amenities, its visual impact and effect on the setting of two listed buildings.

#### Impact on highway conditions and traffic

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

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

A Transport Statement submitted with the application, based on TRICS data base sources, indicates that the development as a whole would generate up to a maximum of 150 movements (total of arrivals and departures) during the peak hours of the day ((between 8am to 9am and 5pm to 6pm) which equates to up to five vehicle movements vehicles every two minutes.

The proposals include works within the highway to provide a right turn lane into the site and changes to road markings to cater for the development. A swept path analysis has also been submitted to demonstrate that service vehicles can safely enter and leave the site. Notably, petrol filling stations normally attract passing traffic rather than being a destination for traffic and LCC Highways is satisfied that the amount of traffic entering and leaving the site can be accommodated at this location without a significant impact on the highway network. Some movements in and out of the site may be to use the proposed retail shop but the proportion of these trips is likely to be significantly lower than the main use as a PFS. There are a number of junctions with Burnley Road, including access to Gawthorpe Hall the Burnley FC training ground and a primary school nearby; notwithstanding this, LCC Highways is

also satisfied that the changes to the internal layout and the off-site works to allow for turning into and exiting the site, would be adequate to maintain traffic flow and highway safety.

Some residents on Victoria Road are concerned that customers to the PFS shop would park on Victoria Road and use the pedestrian access through the proposed community garden. The proposal does however provide 20no. convenient on-site spaces for customers which is sufficient in number to attract customers to park on-site.

The proposal is unlikely therefore to have an unacceptable impact on traffic or highway safety. Conditions are necessary to deal with off-site improvement works and for electric charging points and the provision of cycle parking to ensure the development achieves some sustainable features.

#### Impact on residential amenities

Policy SP5 requires development to ensure there is no unacceptable impact on the amenity of neighbouring occupants or adjacent land users. The site is surrounded by residential properties on Spenser Street, Victoria Road and on Burnley Road. A substantial level of objection has been received from these neighbouring properties, a summary of which is listed earlier in the report.

Changes have been made to the scheme since it was first submitted as an attempt to address concerns and mitigate against adverse impacts on these properties. The main objections relating to amenity are the amount and level of noise, disturbance, lighting and fumes and the overshadowing from the proposed buildings and tree planting.

Most of the anticipated noise would be from traffic entering and leaving the site. A noise assessment has been submitted with the application. This demonstrates that the level of noise and activity would not significantly increase existing background noise levels. The Council's Environmental Health Officer accepts these findings subject to the implementation of mitigation measures which should be imposed as a condition.

The amended layout has removed a proposed standalone car wash near to the garden boundary with Stockbridge House and removed jet wash bays close to 126b Burnley Road (leaving a service bay and wash bay which are screened from the rear of 126b Burnley Road and the rear of Spenser Street by a high stone wall). A broad strip of landscaping has been provided around the proposed forecourt and shop to provide relief from the comings and goings of vehicles and activity within the site. This would also give visual separation between windows and the forecourt and the proposed canopy. There would be a minimum distance of 31m between the nearest windows at 126b Burnley Road and the proposed canopy. The distance between the single wash bay and the nearest property on Spenser Street would be 10.7m. The proposed retail shop has been reduced in height and re-sited to improve the spacing with the rear of properties on Victoria Road and Spenser Street. The amended height at the rear of the proposed shop is 3.0m which rises to the front of the building up to 3.8m. The minimum distance from the rear yard boundary on Victoria Road and the proposed building would be 10.0m. The minimum distance between the rear of the yard walls on Spenser Street and the side elevation of the proposed building would also be 10.m. A high stone wall (approximately 1.9m) comes within this separation distance and screen planting is indicated within a landscaped area around the

proposed building. A landscaping scheme can be secured by condition to ensure the type and height of planting would be suitable. At these separation distances, the proposed structures on the site would satisfactorily safeguard the daylight/sunlight and amenities of neighbouring properties.

Neighbour objections are concerned with levels of lighting, particularly through the night. A lighting study was submitted with the application and amended to take into account some of the lux levels that would affect neighbouring properties. LCC Highways has commented that the low level of lighting proposed in the community garden may be inadequate. A new lighting plan is capable of taking this into account and ensuring that light elsewhere has minimal spillage into surrounding areas.

Whilst mitigation against noise and lighting is possible, it is also recognised that continued levels of noise and large areas of external lighting throughout the night is likely to have an adverse effect on amenity. These more sensitive times of the day should be reflected in the hours of operation. The applicant first sought opening on a 24 hour basis but as amended hours to between 6am and 11pm for the proposed PFS (including shop) and 9am to 8pm for the service bay/car wash. Whilst the amended hours are more reasonable, it is recommended that a slightly shorter opening period of between 7am and 10pm would be necessary in this instance due to the proximity of neighbours.

In respect of fumes, there is no evidence of smells and fumes around the forecourt of PFS's. The PFS would be constructed to comply with British Standards and there is no reason to expect any fumes or smells that would adversely affect neighbouring properties.

Subject to conditions, therefore, the proposal, as amended, would have an acceptable impact on neighbouring properties.

#### Impact on heritage assets

Policy HE2 of Burnley's Local Plan seeks to protect the character and historic interest of listed buildings and their settings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting. The NPPF states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations. Where development would lead to substantial harm, the NPPF indicates that it should be refused, whilst where the proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Stockbridge House is a Grade II\* listed building that bounds the north side of the site and Stockbridge Lodge which is a Grade II listed building and is a lodge at the entrance to Gawthorpe Hall is opposite the site on Burnley Road. The landscape surrounding these buildings has been substantially changed over time. The 17<sup>th</sup> Century farmhouse would have been surrounded by fields. Victorian houses and a Victorian school formerly on the site marked a changed to the farmhouse surroundings. A redevelopment of this is likely to have some effect on the farmhouse and to the listed lodge due to their proximity and era of construction. The proposed

PFS has been amended since it was submitted to take into account the sensitive nature of its surroundings. The removal of the car wash and parking close to Stockbridge House and their replacement with landscaping and an attractive community garden would provide a greater level of space for the setting and enjoyment of Stockbridge House. There would be views of the proposed PFS from the windows of Stockbridge House but this would be mitigated by its generous spacing and landscaping. The type of use that is proposed for the site relies on a relatively small coverage of buildings and in many ways provides more opportunity to retain spacing and landscaping within the immediate setting of the listed building. The impact on Stockbridge Lodge is likely to be less, given that its key setting is its approach to Gawthorpe Hall.

To conclude, the proposed PFS is likely to have an impact on the setting of the two named listed buildings but the level of harm would be less than substantial. The benefits from redeveloping the site and providing a community garden would outweigh the harm that in this case would be caused.

#### Other issues

The site is located within an area of low flood risk and the development would not pose a risk to flooding subject to conditions recommended by United Utilities to require a drainage scheme. The site is within an ecological network for grassland. Given the amount of hard surfacing on the existing site, the amount of landscaping that is proposed is likely to enhance the ecological credentials of the site.

#### Conclusions

The proposal would occupy a main road position close to Padiham town centre where the proposed use would provide an acceptable redevelopment of the site subject to conditions to include, amongst other things, opening hours. Objections from neighbours have been taken into account but the changes that have been made to the scheme are sufficient to adequately address these. The proposal would also lead to a public benefit by the provision of a new community garden.

### **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: 1490/1a (1:1250 location plan), 1490/8 and 1490/7, received on 17 August 2018; and, 1490/5g, 3515/2 and 1490/3c, received on 11 March 2019.
3. No development shall be commenced unless and until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be carried out and completed prior to any part of the site being first open for business.
4. The retail shop hereby approved shall operate as a shop in association with and ancillary to the approved Petrol Filling Station only and shall not at any time function as an independent unit.

5. The approved Petrol Filling Station and ancillary retail shop shall not be open for business apart from between 07:00 and 22:00 hours on any day.
6. The approved service and wash bay shall not be available for use apart from between 09:00 and 20:00 hours on any day.
7. Prior to the commencement of development, a scheme for the management and maintenance and public use of the proposed community garden shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety at all times and the community garden shall remain available for use by members of the public in perpetuity in accordance with the approved scheme.
8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) wheel washing facilities;
  - vii) details of working hour; and,
  - viii) contact details for the site manager.
9. Prior to the commencement of the construction of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.
10. Prior to the commencement of development, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be carried out and completed during the course of the development. The approved boundary treatment shall be retained at all times.
11. 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.
12. No later than six months prior to any part of the development being first open for business, details of the frequency and hours of deliveries and servicing, including details of how these will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing to the site shall thereafter only take place in accordance with the approved hours and details of management.

13. Prior to the commencement of construction, a scheme for the provision of external lighting, including lighting within the proposed community garden and details of lighting levels outside of opening times, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, completed and operated at all times in accordance with the approved scheme.
14. 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.
15. No part of the development hereby approved shall be first open for business until details of a management and maintenance plan for the sustainable drainage system required by condition 9 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.
16. The approved Petrol Filling Station shall not be first open for use until a minimum of two electric car charging points have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the Petrol Filling Station opening hours.
17. Prior to the commencement of development, a set of noise mitigation measures in accordance with the Noise Assessment submitted with the application (report by Cole Jarmin report ref 18/0311/R1) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented and be retained at all times in perpetuity.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure an adequate access and manage the traffic and highway safety impacts of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.
4. To ensure the satisfactory implementation of the proposal, having regard to the sequential test for locating retail development outside of town centres, in



accordance with Policies TC1 and TC2 of Burnley's Local Plan and the National Planning Policy Framework.

5. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
6. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
7. To ensure the satisfactory implementation of the proposal and to ensure the landscape and public benefits of the scheme are fully realised, having regard to the setting of the adjacent Stockbridge House Grade II\* listed building and the visual amenities of the site, in accordance with Policies HE2 and SP5 of Burnley's Local Plan. The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.
8. To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
9. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
10. To ensure an appropriate edge to the boundaries of the site and to take into account the risks associated with the railway embankment, in accordance with SP5 of Burnley's Local Plan (July 2018).
11. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
12. To ensure that deliveries and servicing has adequate regard to traffic, site safety and residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
13. To ensure appropriate and not excessive lighting, having regard to the amenity of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
14. 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.
15. 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).

16. To allow for the charging of electric cars, in the interests of sustainable travel, in accordance with the National Planning Policy Framework.

17. To mitigate against the noise impacts of the development, having regard to the amenities of neighbouring properties, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

JF  
21/5/19

Housing & Development  
Town Hall, Manchester Road

Ref.

## APP/2019/0009

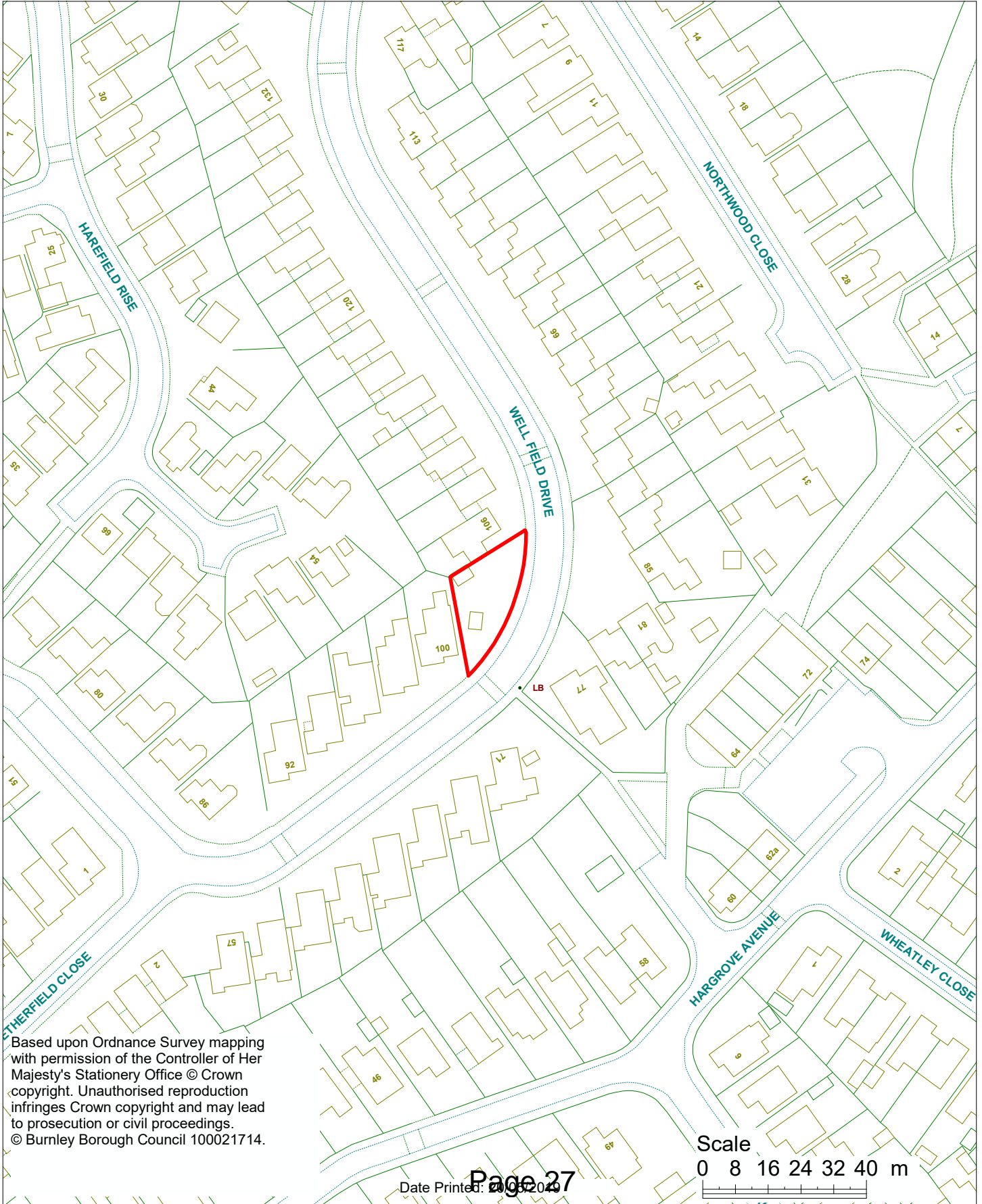
Paul Gatrell Head of Housing and Development

Location:

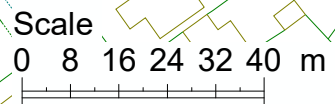


### 106 Wellfield Drive, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Burnley Borough Council 100021714.



This page is intentionally left blank

## Application Recommended for Delegation

APP/2019/0009

Whittlefield with Ightenhill Ward

Full Planning Application

Erection of new dwelling on present side garden of existing dwelling

106 WELLFIELD DRIVE BURNLEY

### Background:

The application relates to a dwelling house, more particularly its side garden on which it is proposed to erect a small single storey dwelling.

Delegation is requested as a final drawing relating to driver visibility at the access will be submitted at the meeting.

An objection has been received.

### Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley's Local Plan (BLP)

HS4: Housing Developments

H£3: Housing Density and Mix.

IC3: Car Parking Standards

**Site History:** No applications.

### Consultation Responses:

Highway Authority – Objection relating to the need to provide adequate driver visibility at the drive access to/from Wellfield Drive. [*Comment – The applicant has submitted a drawing showing how visibility would be achieved. This is discussed in the main report*]

Environmental Health – No objections, but request consideration of the need for restrictive conditions relating to the construction period and to external lighting at the dwelling. [*Comments – The setting of the site, close by other dwellings indicates the need for conditions in respect of both those matters*]

Neighbouring residents – Letter from a resident of a dwelling facing the site across Wellfield Drive making objections as follows (summarised):

- Loss of privacy – the new dwelling would be in an elevated position facing and overlooking the objectors dwelling. [*Comment – There would be a separating distance of over 20m which would be in accordance with the relevant policy HS4*]
- Concern about the height of the proposed house in relation to the highway. [*Comment – This is shown on the section submitted with the application. The ground level is around one metre above highway height*].
- Possible increase in water run-off adding to existing local pooling of water. [*Comment – This matter is referred to in the main report*].
- Disturbance during the construction period, particularly as the objector does shift work. [*Comment – A condition is recommended on this matter (Condition 3)*].
- Comments about other problems perceived in the area which are not related to the application.

**Planning and Environmental Considerations.**

The application relates to the side garden of a dwelling as shown on the application plan copied as follows.



**Application site**



**Application site**

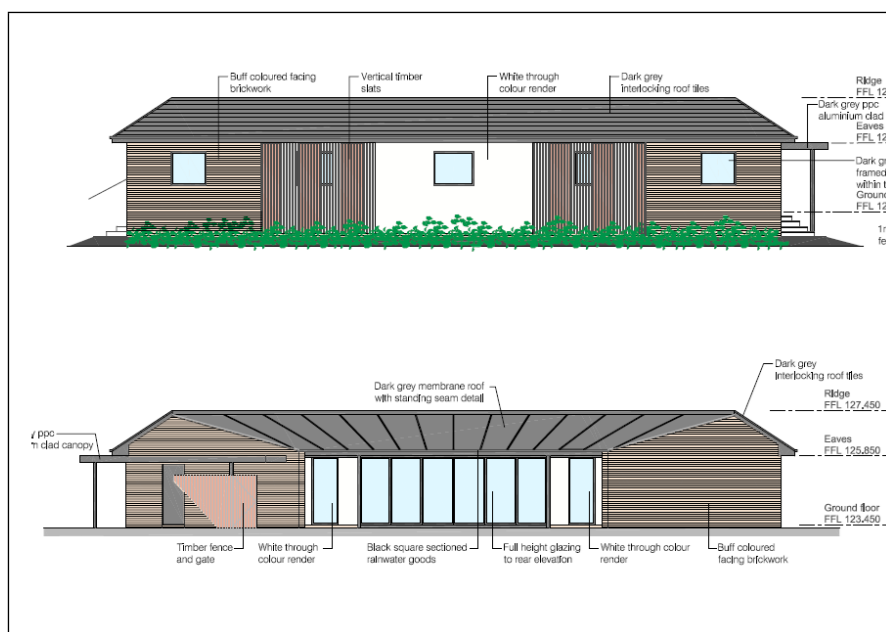
The roughly triangular site fronts Wellfield Drive on the inside of a bend; it is elevated around 2m above highway level. The proposal is to erect a detached single storey dwelling laid out as shown on the application layout plan as follows.



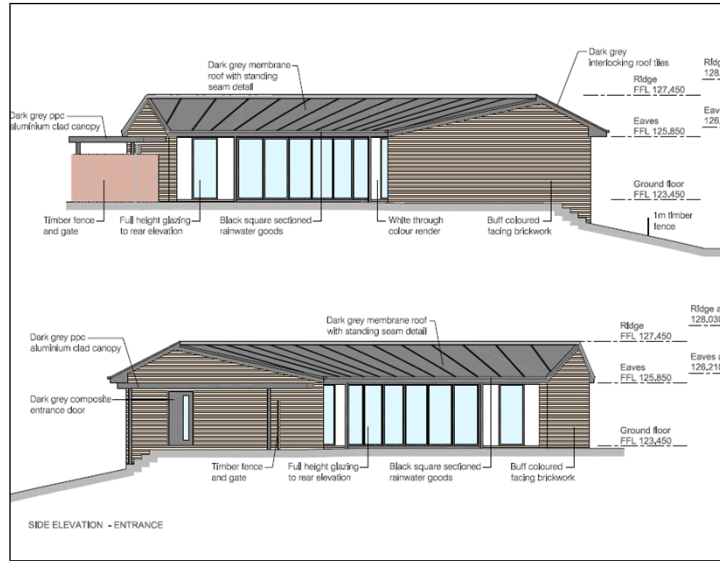
**Layout plan**

The building would be purpose designed to fit the site, essentially having a long, low curved form. Its materials would be a blend of buff coloured brick, white render and vertical timber boarding, under a pitched roof – clad in grey tiles on the front slope and a dark grey membrane with standing seams at the rear.

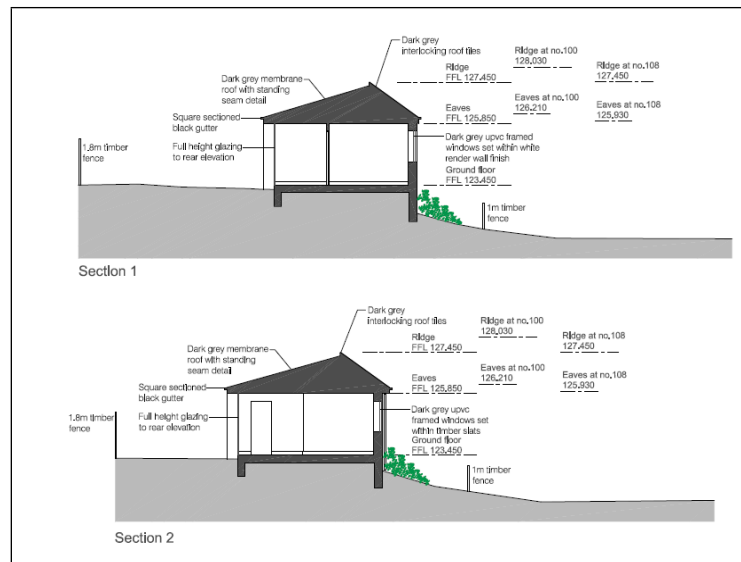
The external appearance if the dwelling would be as follows:



**Front and rear**



**Side views**



**Section through site**

*Policies and Assessment*

The main planning considerations are the qualities of the built development, how it fits the surroundings, adverse impacts (if any) on neighbouring properties and, driver visibility at the point of access.



**Policy HS4** requires that:

*New housing developments should be high quality in their construction and design in accordance with Policy SP5.*

The proposed building would be of an innovative design to meet the requirements of the site and its surroundings. The materials would harmonise with those of its neighbours.

*Provide appropriate levels of privacy and outlook for occupants and for existing adjacent residents.*

The policy expects a privacy distance between facing habitable rooms of 20m which is achieved by the proposal.

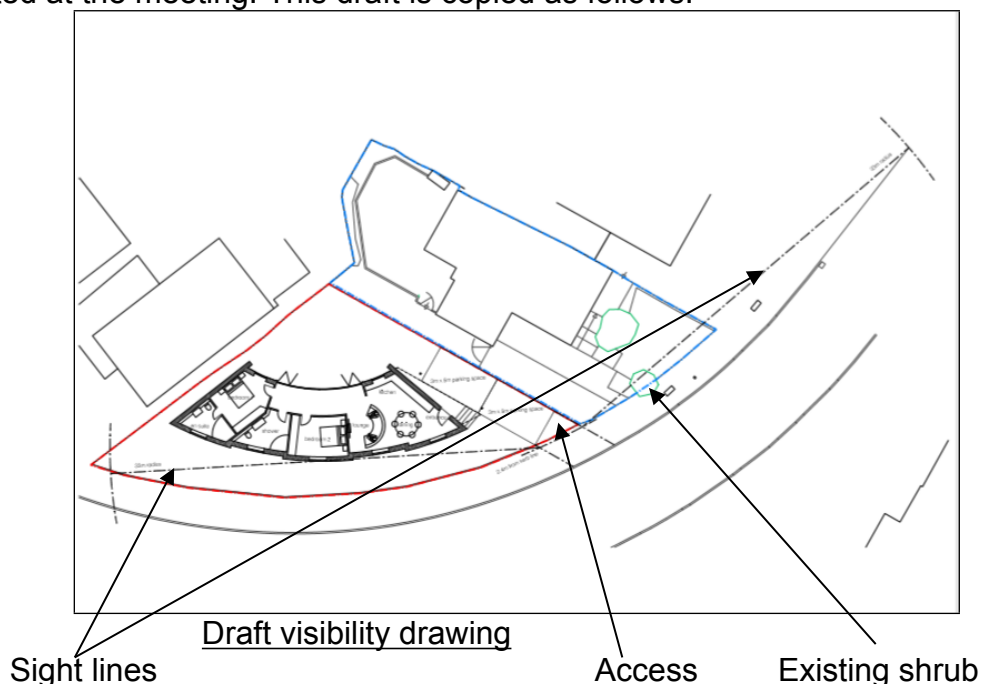
**Policy CC5** sets policies for management of surface water in relation to climate change requiring, as is relevant to this application, that the use of permeable materials should be maximised.

In this development the hard surfaces used in the driveway and other paved areas should, to be in accordance with the policy, be formed in permeable material. A condition is recommended to put that into effect.

#### *Highway representation*

Wellfield Drive is speed restricted to 20mph and provided with substantial traffic calming road 'humps'. The Highway Authority refers to currently applicable survey work that indicates that driver behaviour results in a general speed of 24mph, and that speed is used in specifying the required driver lines of sight at the access now proposed.

The applicant has submitted a draft drawing demonstrating that appropriate visibility is available for drivers leaving the driveway. The final copy of that drawing will be presented at the meeting. This draft is copied as follows.



This has been confirmed as acceptable by the Highway Authority. However, the concern is that, as the line of sight is across the front garden of two adjacent houses, in the future the lines of sight could be obscured by residents of those dwellings.

The line of sight would be secure against infringement as regards the erection of fences, wall, or similar (built) means of enclosure, because permitted development rights (a general permission for the erection of fences, walls and other means of enclosure) have a height restriction of one metre where adjacent to the highway. And, there is a general limitation against the creation (under most permitted development rights) of any obstruction to the view of persons using a highway used by vehicular traffic.

This would, however, not prevent obstruction by planting (such as hedges, bushes, over-grown grass).

A restrictive condition should be imposed to maintain lines of sight in both directions.

This would apply so as to safeguard the sight line across the garden of the adjoining house (the applicant's house) as it forms part of the application and is land in the applicant's control. Such a condition would be an enduring, requirement on the property, enforceable against any future resident. The application already provides for the removal of an existing shrub and that would be included in the requirements of such condition.



The condition would have to refer to the driver visibility drawing (to be submitted) and will be presented at the meeting.

The required line of sight would also be across the extreme front of the garden of the next house. This could not be controlled by condition.

The front gardens along the frontage were designed and built as 'open – plan' and have generally been so retained. In fact, each existing driveway would be as troubled as the access now proposed should neighbours adopt a practice of hedging in their front

gardens. It is a matter of mutual cooperation – and this report gives the opinion that such cooperation is sufficient to ensure that reasonable driver visibility is maintained.

In conclusion, given the imposition of the recommended conditions, the proposed dwelling would fit well with the location, with minimal, if any, harm to neighbouring dwellings.

### **Recommendation:**

That planning permission be Granted subject to the following conditions:

### **Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Drawings number: 1810-LP01; 1810-SP01; 1810-SP02; 1810-PL05; 1810-PL01; 1810-PL02; 1810-PL03; 1810-PL04, received 2 January 2019; 1810-LP10
3. 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. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.
4. Any external lighting provided at the dwelling shall be so angled and/or shrouded/screened to prevent light spill to neighbouring dwellings.
5. Any external hardstanding, pathways or other hard surface shall be formed of a permeable material unless otherwise approved in writing by the Local Planning Authority.

### **Reason**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To safeguard the amenities of nearby residents from noise, dust, and general disturbance during the construction period, in accordance with Policy NE5 of the Burnley's Local Plan (2018).
4. To safeguard nearby residents from light pollution, in accordance with Policy NE5 of the Burnley's Local Plan (2018).

5. In the interests of proper surface water management and to avoid localised surface water flooding in accordance with Policy CC5 of the Burnley's Local Plan (2018).

AR  
20.5.2019

# Part One Plan

Housing & Development  
Town Hall, Manchester Road

# Agenda Item 6c

Ref.

## APP/2019/0150

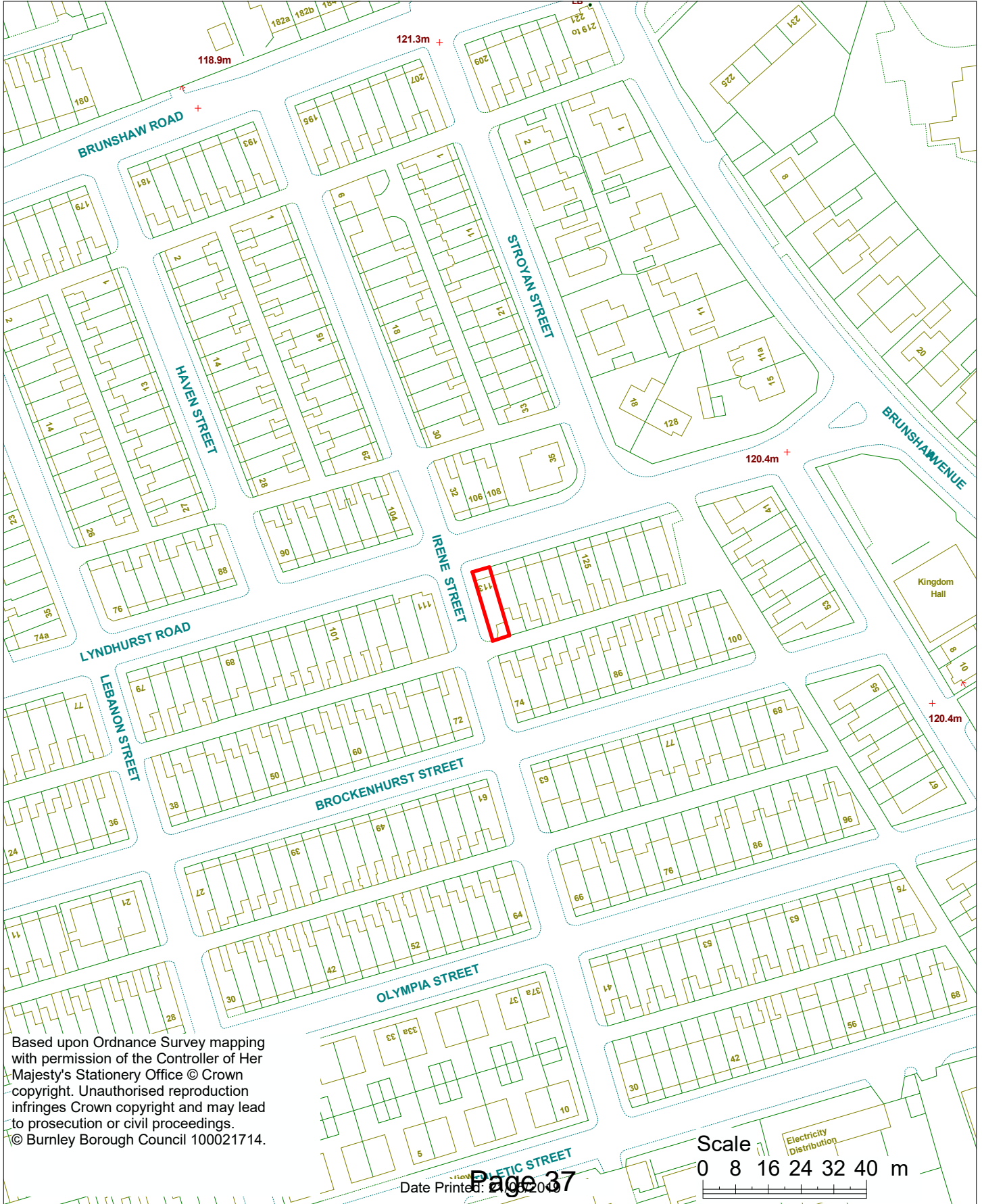
Paul Gatrell Head of Housing and Development

Location:

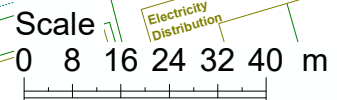


### 113 Lyndhurst Road, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Burnley Borough Council 100021714.



This page is intentionally left blank

Full Planning Application

Refurbishment of existing ground floor fish and chip shop unit and first floor residential unit with single storey flat roof extension, together with new shop fronts and roller shutters to both front and side elevations.  
113 LYNDHURST ROAD, BURNLEY

**Background:**

The original proposal included the erection of a 1<sup>st</sup> floor extension; this has now been deleted from the proposals (amended plans received 17<sup>th</sup> May 2019) following discussions with the applicant.

Objections have been received.

**Relevant Policies:**

Burnley Local Plan

SP1 – Achieving Sustainable Development  
SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
IC3 – Car Parking Standards  
TC7 – Hot Food Takeaways  
TC8 – Shopfront and Advert Design

**Site History:**

None.

**Consultation Responses:**

*Highway Authority* – The proposal will not involve an increase in the number of bedrooms and there will be no alterations to the existing parking provision. Raise no objection on highway grounds.

*Neighbouring residents* – Three letters received objecting to the proposals on the following grounds;

- The double storey extension will cause car parking safety issues.
- The noise levels will increase due to increased opening hours.
- Smells and fumes from the cooking vents will increase.
- Disturbance from increased opening hours.
- Loss of privacy due to flat overlooking my rear yard and possibly my bedroom.
- Will restrict sunlight to the back of my property on certain hours of the day due to overshadowing.
- The bin storage area would be holding food waste which would increase smells, rats etc.
- What kind of take-away will it trade as?
- Noise from the flat.
- Value of house could decrease.

- An Indian restaurant would be open until early hours and would be noisy and smelly.
- Would cause parking problems.

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

The property is a long established fish and chip shop and is an end terrace on Lyndhurst Road within a mainly residential area; there are other commercial properties scattered along Lyndhurst Road.

The proposals involve the refurbishment of the fish and chip shop consisting of; a rear extension at ground floor level (the proposals originally included a 1<sup>st</sup> floor extension but this has now been deleted following discussions with the applicant), a new shop front with roller shutters and a new side shop window with roller shutters.

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



*113 Lyndhurst Road*





*gable elevation of 113 Lyndhurst Road*

#### *Design/materials*

The existing single-storey section at the rear of the property will be replaced by a flat roofed single storey extension that extends out as far as the back street; the extension will extend out a further 3.55m than the existing single-storey section. A steel staircase is proposed to the 1<sup>st</sup> floor flat at the rear of the property and the existing window at 1<sup>st</sup> floor level will be replaced with a door and an additional window inserted (*the proposed window has a horizontal emphasis and needs to be amended to a window with a vertical emphasis*).

It is proposed to replace the existing shop front with a larger shop front which extends across the whole of the frontage with a large glazed window with a door incorporated into the design. Perforated roller shutters are proposed as part of the new shop front (these can be conditioned in terms of them being powder colour coated and fitted internally). There will be coursed natural stone either side of the shop window and a new fascia sign above.

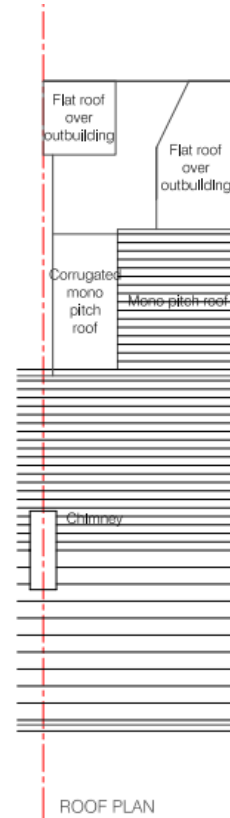
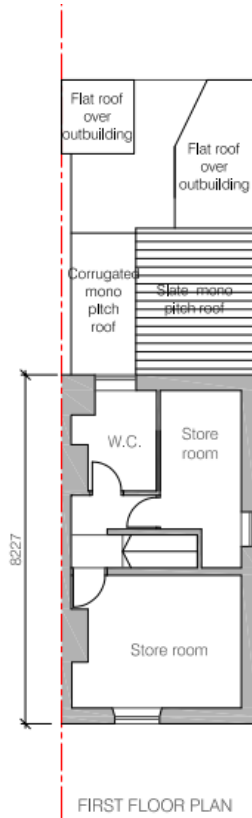
A new shop window is proposed on the gable elevation of the property, also with perforated steel shutters and a fascia sign above (the shutters can be conditioned so that they are fitted internally and powder colour coated).

The steel extraction flue will remain in the same location at the rear of the property.

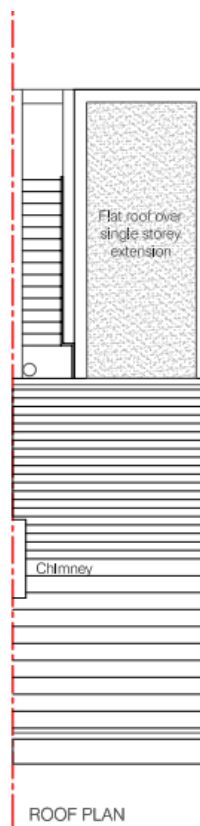
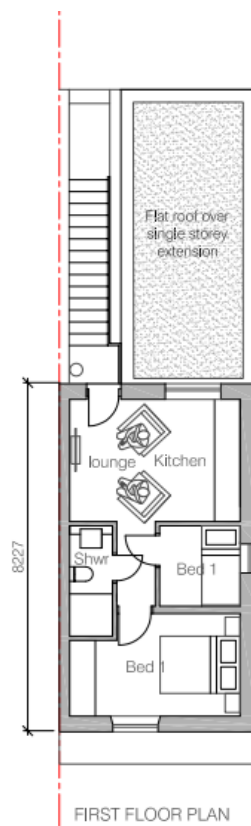
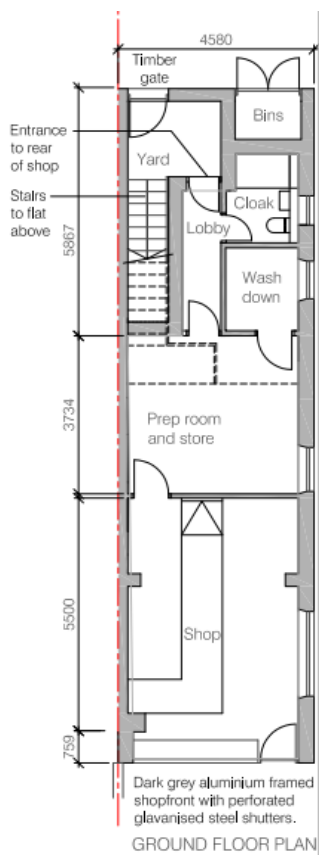
There will be 2 windows on the gable elevation of the single-storey extension and timber louvered doors on the rear elevation.

A yard area will remain and there will be a separate bin store provided which is incorporated into the extension and will be access via the louvered doors.

The design and materials are considered to be acceptable.



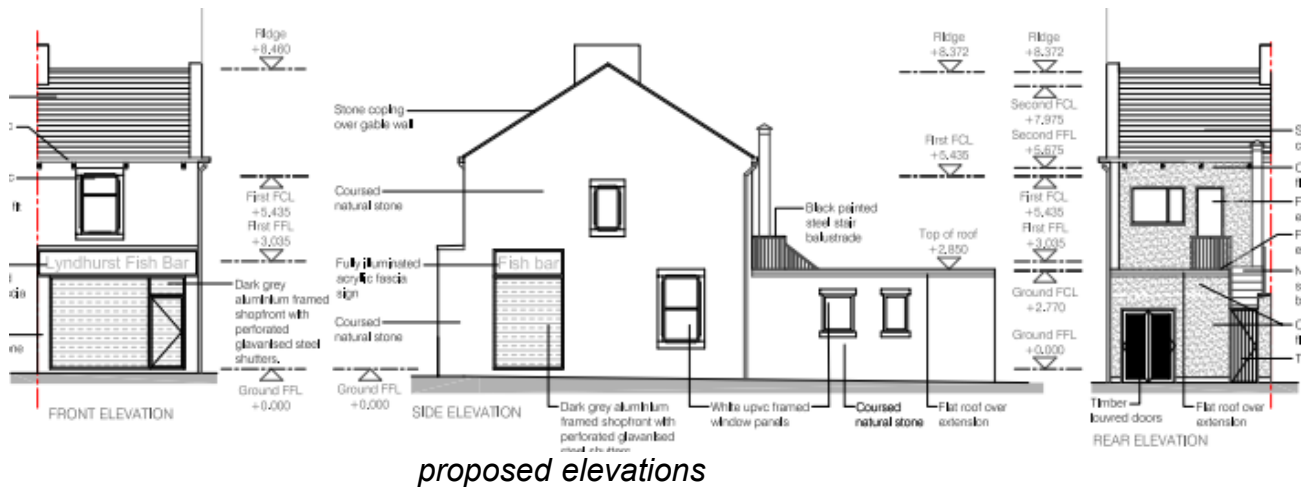
*existing floor plans*



*proposed floor plans*



*existing elevations*



*proposed elevations*

**Privacy/outlook**

On the opposite corner of Irene Street/Lyndhurst Road is another shop premises, there is a dwelling attached to the application property and dwellings in front on the opposite side of Lyndhurst Road and to the rear.

The proposed new side windows will not have a detrimental effect on the retail premises on the opposite side of Irene Street. Now that the 1<sup>st</sup> floor extension has been deleted from the application the extension will not have an adverse effect on dwellings to the rear and side.

Privacy and outlook are considered to be acceptable.

**Residential amenity**

The property has an established use as a fish and chip shop (hot food takeaway). The proposal is for the property to remain as a fish and chip shop (although it could be changed to another type of takeaway without formal consent). The proposed opening hours are 11am to 9pm Monday to Saturday plus Bank Holidays and match days. As the property has an established use, the type of takeaway proposed and the opening hours are not under consideration.

The extraction flue is to remain in the same location.

Noise and smells should not be any different than at present and as the application is not for a change of use, again these are not issues that can be considered.



*rear of the property*

#### *Highway issues*

Although the 1<sup>st</sup> floor of the existing property is to be used as a separate flat with access from the rear (external staircase) there are no additional bedrooms proposed at the property (the bedrooms are currently used as store rooms). The Highway Authority have no objections to the proposals.

The property is an existing fish and chip shop and off-street parking is available at the side of the property; this situation will not change.

#### *Conclusion*

The property has a long established use as a fish and chip shop (hot food takeaway). The proposed extension and alterations are considered to be acceptable and in accordance with the Local Plan policies listed above.

#### **Recommendation:**

Grant subject to the following 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: 1908-PL01 & 1908-PL02, received 22 March 2019, Amended Drawing Nos: 1908-LP01 (location plan), 1908-PL10A & 1908-PL11A received 17 May 2019

3. The roller shutters to the front and gable shop windows shall be incorporated internally in the design of the shop fronts on the front and gable elevations and shall be powder colour coated in a colour to be agreed in writing beforehand with the Local Planning Authority.
4. The flat roof of the single-storey extension shall not at any time be used as a balcony/sitting area.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In the interests of visual amenity and in accordance with policy TC8 of Burnley's Local Plan 2018.
4. In the interests of residential amenity and in accordance with policy HS5 of Burnley's Local Plan 2018.

This page is intentionally left blank

Housing & Development  
Town Hall, Manchester Road

Ref.

**APP/2018/0489**

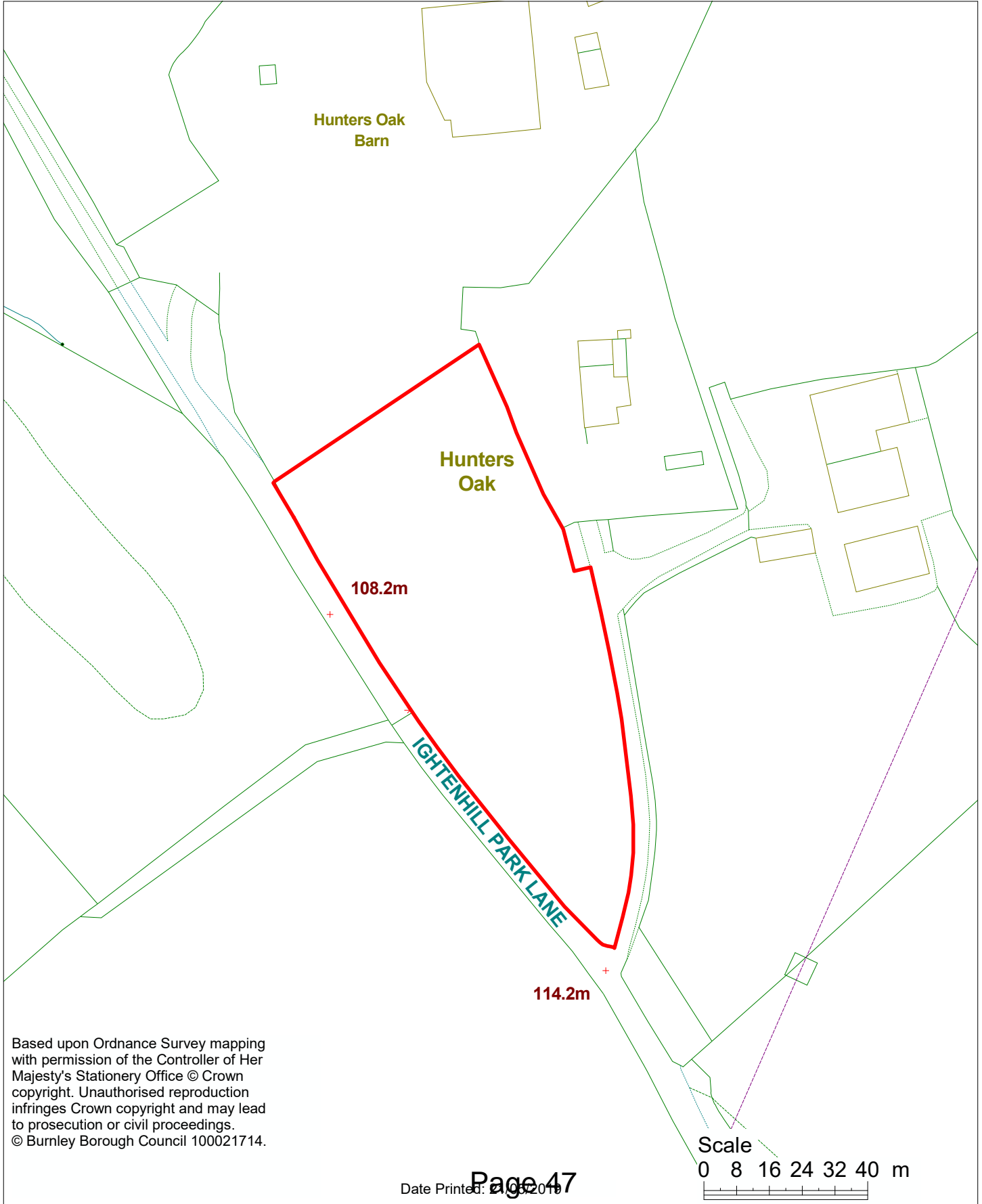
Paul Gatrell Head of Housing and Development

Location:

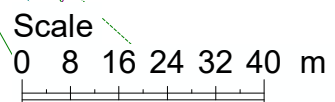


## Hunters Oak Farm, Ightenhill Park Lane, Burnley

1:1250



Based upon Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Burnley Borough Council 100021714.



This page is intentionally left blank



## Application Recommended for Approval

APP/2018/0489

Whittlefield with Ightenhill Ward

Full Planning Application

Proposed change of use from agricultural to equestrian, formation of riding arena and erection of stables

HUNTERS OAK FARM IGHTEHILL PARK LANE BURNLEY

### Background:

The application relates to a piece of land, comprising 0.63 ha/1.6 acres, attached to a rural dwelling.

An objection has been received.

### Relevant Policies:

National Planning Policy Framework

Burnley's Local Plan(2018)

SP7: Protecting the Green Belt

EMP7: Equestrian Development

NE1: Biodiversity and Ecological Networks

NE3: Landscape Character

NE4: Trees, Hedgerows and Woodlands

NE5: Environmental Protection

CC4: Development and Flood Risk

IC3: Car Parking Standards

**Site History:** None relevant.

### Consultation Responses:

Highway Authority \_ No objections. Request the imposition of a condition restricting the arena/stables to be used for private purposes only. [*Comment – Private use is intended by the applicant. However, a condition to restrict the use would be reasonable*]

Owner of access track (Article 14 representation)

A representation is made by the owner/operator of the nearby farm buildings. This is as follows (summarised and itemised):

1. No objection to the use as proposed.
2. Objects to use of the track for access. He is the owner of the track and he would not allow its use for the purpose. [*Comment – The access track is within the red edge identifying the application site. The applicant has certified that he has duly served notice on the owner of the track. He is aware of the objection to use of the track. He claims that he has right of way for the purposes of the development. This is a private matter to be resolved between the parties involved. A grant of planning permission would not over-ride any private rights, duties or restrictions*].
3. Concern that the scale of the proposal (a block of four stables) suggest possible commercial use in the future. [*Comment – Private use is proposed by*

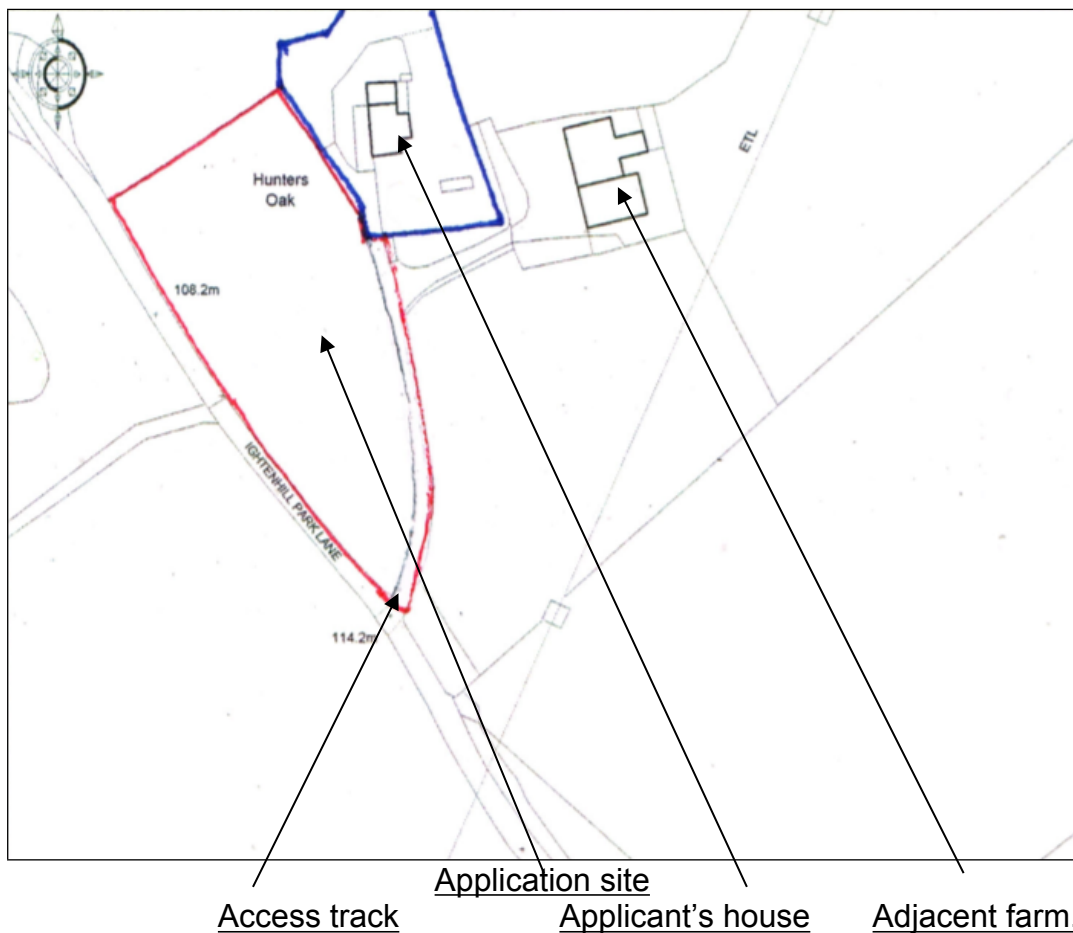
the applicant. A condition is recommended to prevent use for commercial use of the facilities].

4. Suggests that an alternative point of access direct from Ightenhill Park Lane be provided. [*Comment – The question of an access direct from Ightenhill Park Lane has been discussed with the applicant. However, he declined to address that issue in this application, as he was confident about the right of access via the track. Because the matter of a new access to the Lane has not been considered – there are likely adverse impacts on the landscape and hedgerows/trees; and on highway safety (in particular because of the narrow width of the Lane along the frontage of the land) – a condition is recommended to avoid any doubt that planning permission would be required for such access*].

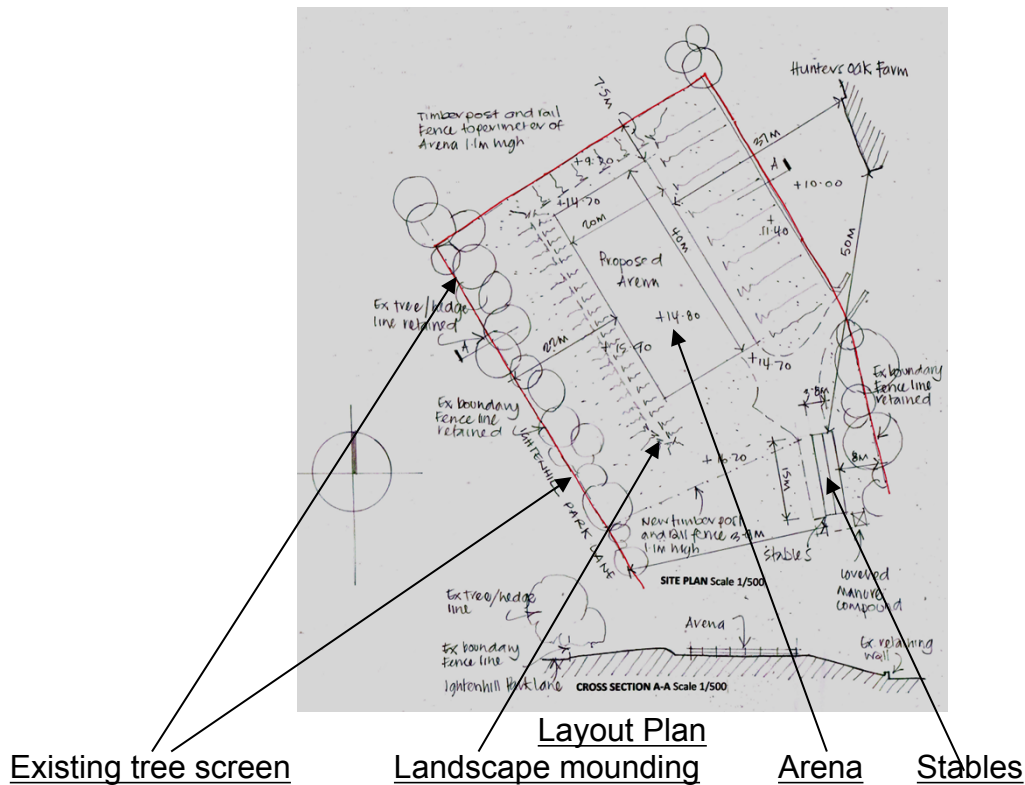
### Planning and Environmental Considerations:

The application relates to a piece of land attached to a rural dwelling. It is adjacent to Ightenhill Park Lane to which access is gained via a rural track over which the applicant has a right-of-way.

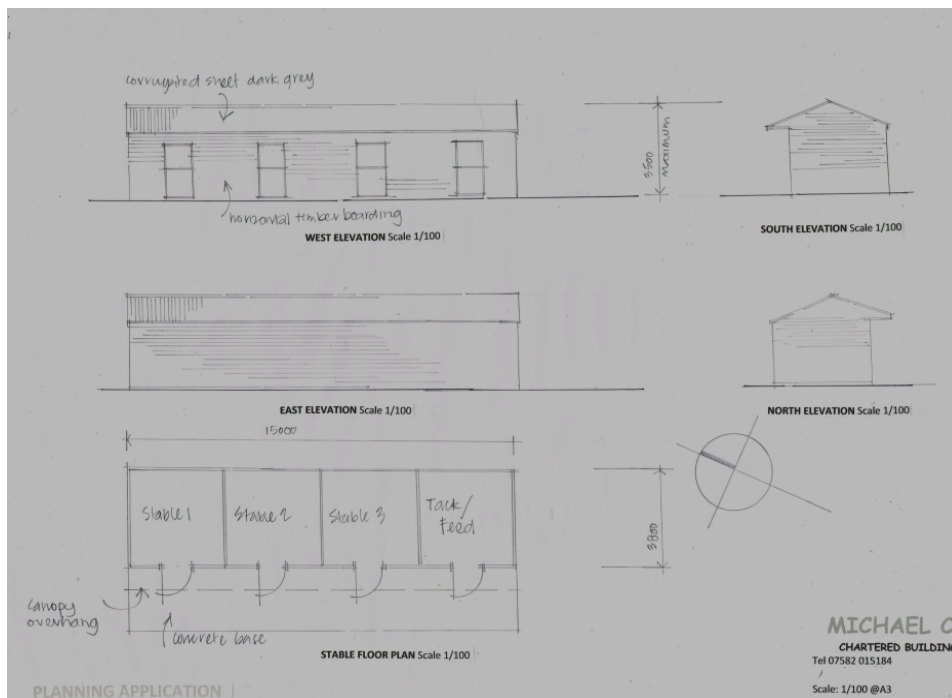
This is shown below on the location plan:



The application proposes the erection of stables and construction of a equestrian arena on the land.



Existing tree screen      Landscape mounding      Arena      Stables



Proposed stable building

The manege would comprise a post and rail fence around a surface topping (rubber surface). The stables would be of timber construction.

**Policies and Assessment**

The application site is outside the Development Boundary defined by **Policy SP4**; and, more particularly, it is within the Green Belt identified in **Policy SP7**. In the Green Belt *inappropriate development* should not be permitted.

The provision of outdoor sports facilities (as the present proposal) is not regarded as inappropriate and the proposal would not be in conflict with Green Belt policy.

**Policy EMP7** requires equestrian development to meet criteria under the following headings:

Access

*(a) requires that the site access is satisfactory in highway terms and without adversely affecting the rural landscape*

An existing access would be used; it would be unaltered and there would be minimal (if any) adverse impact.

Siting and Scale

*(b) Freestanding stables should be closely related to existing buildings;*

The stables would be sited sufficiently close to the applicant's house and the adjacent farm buildings to appear part of that group.

*(c) Equestrian developments should be at an adequate distance from residential properties, depending on the scale of the proposal;*

Whilst being reasonably close to the applicant's house the development is remote from other dwellings.

*(d) Associated facilities should be a minimum size necessary and should not encroach into open countryside.*

The proposed development is of a modest scale and would be contained within the small parcel of land.

Design and Materials

*(e) The design, construction and materials of stables should be fit for purpose and appropriate to the rural area.*

The stables would be purpose designed, comprising timber boarded walls, with dark grey corrugated sheet cladding.

*(f) is not applicable.*

*(g) Floodlighting will not be permitted where there will be an unacceptable visual or landscape impact.*

Whilst floodlighting is not indicated in the application, if installed, it would be likely to adversely affect the night-time amenities of the rural location. The provision of low intensity lighting is not likely to cause harm. Therefore, a condition is recommended to restrict flood-lighting whilst not excluding simple pathway type lighting that the applicant may wish to install in the future.

*(h) Applications should be submitted with a pasture management plan.*

The submitted ecology survey report gives details of the grassland. Further details relating to the management of the small parcel of land are unnecessary. The land comprises 0.6ha – allowing for the footprint of the magese and stables the paddock would comprise around 0.5ha.

In respect of the need for a Pasture Management Plan, the applicant states that this is not necessary on the following basis:

*It is unlikely that 3 horses will ever occupy the site [Apparently, the project is intended to serve one horse for family use, the additional stables being provided as 'stay-over' horse accommodation for occasional family/social visits by other horse owners] however, on the basis that they do, the horses will be boxed and only rarely grazed. All exercise will be either on hacks or within the proposed arena. There is provision within the proposals for sufficient space for adequate food supplies. When occasional turning out of the horse(s) occurs, this will be seldom and periodic (or indeed cyclical) to ensure grass and land is not depleted and maintained in suitable condition. The DEFRA guidance on pasture management is only to demonstrate what is in place if there is no supplementary feeding in place. The submitted proposals are considered to be clear on this issue. The applicant is conversant with the Code of Practice for the Welfare of Horses.*

Measures relating to the proper upkeep of the paddock are included in a design and access statement submitted with the application. A condition is recommended to require that to remain in effect.

#### *Other matters*

A statement is submitted with the application detailing how the development would be carried out and operated. The proposals for surface water drainage; and collection, storage and removal of manure is thoughtfully set out. A condition is recommended to require the identified measures to be implemented, thereby ensuring that the development remains in accordance with **Policies NE5** (pollution) and **CC4** (local flood risk). There would be no conflict with **Policy IC3** as adequate car parking would be within the site.

In conclusion the proposed development is of a modest scale, typical of similar facilities added to other dwellings in the countryside surrounding the urban parts of the Borough. It would recommendation is made on that basis.

#### **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 shall be carried out in accordance with the application drawings, namely: Location Plan received 27<sup>th</sup> February 2019; drawings number 02A (excluding superseded Location Plan) (showing plan layout of the development); 03A (Proposed Stables), received 12 October 2018.

3. There shall be no floodlighting erected or operated at the site in respect of the approved riding area at any time. This shall not exclude low level and low intensity lighting required elsewhere.
4. The horse riding arena and stables shall be for private use only, and shall not at any time be used for livery, as a riding school, for gymkharna, or for any other commercial purpose.
5. There shall be no vehicular or pedestrian access to the development direct from Ightenhill Park Lane, at any time.
6. The development shall be operated at all times in accordance with the measures set out in the Design and Access Statement under the sub-heading *Collection, storage and removal of manure*.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of the visual amenities of the area, in accordance with Policy NE5 of the Burnley's Local Plan (2018).
4. To enable consideration of any public/commercial use in relation to the development plan, in particular Policy EMP7 of the Burnley's Local Plan (2018).
5. For the avoidance of doubt as no such access was proposed in the application; and any such proposal should be considered in relation to the development plan (in particular Policies EMP7, NE3 and NE4 of the Burnley's Local Plan (2018)); and, the need to provide for highway safety.
6. In the interests of amenity and to minimise ground and water pollution in accordance with Policy NE5 of the Burnley's Local Plan (2018).

AR  
21.5.2019

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

30<sup>th</sup> May 2019

Housing and Development

This page is intentionally left blank



APPLICATION NO

LOCATION

PROPOSAL

**Delegated Decisions from 15/04/2019 to 12/05/2019**

**FG**

APP/2019/0033	65 LINDSAY PARK WORSTHORNE	Proposed single storey rear extension, internal alterations and garage extension
APP/2019/0128	124 RICHMOND AVENUE	Proposed extension over existing garage to provide new home office
APP/2018/0301	MULTI AUTOPARTS 115 BANK TOP MILL CURZON STREET	Proposed 6no. one bed apartments on part of 1st and 2nd floors with alterations to existing entrance and formation of a new refuse store
APP/2019/0070	2 MOSEDALE DRIVE	Proposed side and rear extension
APP/2019/0090	76 HIGHFIELD AVENUE	Rear extension to replace existing conservatory and internal arrangements
APP/2019/0095	36 CUMBRIAN WAY IGHTENHILL	Single Storey Extension
APP/2019/0035	326 RED LEES ROAD MERECLOUGH	Single storey rear extension
APP/2019/0120	86 IGHTENHILL PARK LANE	Proposed single storey extension to rear and two storey side extension
APP/2019/0066	FIRST & SECOND FLOORS 1-5A YORKE STREET & 41 MANCHESTER ROAD	Conversion of part of the first floor and the second floor from offices (Use Class A2) to an education training use (Use Class D1)
APP/2019/0054		Proposed erection of a single detached 4

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
	LOWER TIMBER HILL LOWER TIMBER HILL LANE	bedroom dwelling
APP/2019/0084	HARGREAVES HOUSE PLUMBE STREET	Proposed change of use from warehousing (Class B8) to general industrial use (Class B2)
APP/2019/0052	3 SPENSER CLOSE WORSTHORNE-WITH-HURSTWOD	Proposed conservatory
APP/2019/0099	10 WENSLEY CLOSE	Partial removal of flat roof extension and formation of proposed single storey flat room extension
APP/2019/0059	3 - 5 ELIZABETH STREET	Change of use and conversion of former nightclub into 15 self contained one bedroom supported living units
APP/2019/0034	523 RED LEES ROAD CLIVIGER	Erection of two storey side extension and single storey rear extension
APP/2019/0118	15 BURNLEY ROAD CLIVIGER	Demolition of existing garage and conservatory and erection of single storey extension to rear & side of property and new garage, re-submission of planning application
<b>FR</b>		
APP/2019/0091	20 VIOLET STREET	Change of use of dwelling to storage on ground floor and 2 bedroom flat to first floor, with entrance from back street rear of Able Street
<b>LBCG</b>		
APP/2019/0067	FIRST & SECOND FLOORS 1-5A YORKE STREET &	Conversion of part of the first floor and the second floor from offices (Use Class A2) to an

APPLICATION NO

LOCATION

PROPOSAL

41 MANCHESTER ROAD

education training use (Use Class D1) and replacement of partial window frames with sash

**WD**

APP/2019/0152

79  
CAERNARVON AVENUE

Proposed double storey side extension with hip to gable roof and front porch

This page is intentionally left blank