

DEVELOPMENT CONTROL COMMITTEE

Wednesday, 21st August, 2019
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 21st August, 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 - 14

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

15 - 16

To consider reports on planning applications for development permission:

- a) **APP/2019/0155 - Land to the West Red Lees Road, Burnley** 17 - 44
- b) **APP/2019/0098 - Thorney Bank Industrial Estate, Burnley Rd, Hapton** 45 - 52

c)	COU/2019/0326 - 26 St Mathew Street, Burnley	53 - 62
d)	ADV/2019/0327 - 26 St Matthew Street, Burnley	63 - 68
e)	OUT/2019/0196 - 7 Southern Avenue, Burnley	69 - 80
f)	HOU/2019/0220 - 50 Clockhouse Avenue, Burnley	81 - 88
g)	FULR3/2019/0249 - 33-35 Burnley Road, Padiham	89 - 100
h)	HOU/2019/0234 - 95 Rosehill Road, Burnley	101 - 108
i)	HOU/2019/0237 - 2 Westwood Road, Burnley	109 - 116
j)	HOU/2019/0358 - 47 Windermere Avenue, Burnley	117 - 124
7.	Decisions taken under the Scheme of Delegation	125 - 130
	To receive for information a list of delegated decisions taken since the last meeting.	
8.	Appeals & Other Decisions - FDO/2019/0275 Proposed Footpath Diversion Order, Land west of Red Lees Road, Cliviger	131 - 136

MEMBERSHIP OF COMMITTEE

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

PUBLISHED

Tuesday, 13 August 2019

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 25th July, 2019 at 6.30 pm

PRESENT

MEMBERS

Councillors A Hosker (Chair), A Anwar, G Birtwistle, I Emo, A Fewings, S Graham, J Harbour, M Johnstone and J Sumner

OFFICERS

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

16. Apologies

Apologies for absence were received from Councillors Cant, Chaudhary, Ishtiaq, Lishman, Mottershead, Payne and Raja.

17. Minutes

The Minutes of the last meeting held on 27th June 2019 were approved as a correct record and signed by the Chair.

18. List of Deposited Plans and Applications

RESOLVED

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

19. APP/2018/0551 - 34 Greenbrook Road Burnley

Full Planning Application

**Proposed 3 bedroom detached dwelling
34 GREENBROOK ROAD, BURNLEY**

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

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Drawings number: 2018-361-A001 (Site Location Plan); 2018-361-A002 (Existing Site Plan); 2018-361-B002 (Proposed Site Plan); 2018-361-B003C (Proposed Floor Plans); 2018-361- B004A (Proposed Elevations), received 21 November 2018; Noise Exposure Assessment received 17 June 2019.
3. Any first floor windows in the north facing elevation of the building shall at all time be obscure-glazed and non-opening unless otherwise approved in writing by the Local Planning Authority.
4. No dormer windows shall be inserted in the rear (east facing) plane of the roof of the building at any time unless otherwise approved in writing by the Local Planning Authority.
5. Before the dwelling is first occupied, the north, east and south facing boundaries of the application site shall be fenced in closed boarded material to a height of 2m above ground level, and shall be so maintained thereafter, unless otherwise approved in writing by the Local Planning Authority.
6. Before the dwelling is first occupied a means of vehicular and pedestrian access from the highway shall be constructed and made available for use in accordance details to be submitted to and approved in writing by the Local Planning Authority. [See attached Highway Authority Note].
7. The Noise insulation measures recommended in the submitted *Noise Exposure Assessment (Report 14823-NEA-01, 10 June 2019)* shall be implemented in the construction of the building and shall be completed in accordance therewith before the building is first occupied, unless other measures are approved in writing by the Local Planning Authority.
8. Samples of the external materials of construction shall be submitted to and approved in writing by the Local Planning Authority before their use in construction.

Reasons:

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

3. To safeguard the privacy of adjacent dwellings numbers 32 and 34, Greenbrook Road, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
4. To safeguard the privacy of adjacent dwellings, and visual amenity generally, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
5. To safeguard the privacy of the garden areas of the adjacent dwellings numbers 32 and 34, Greenbrook Road, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
6. To ensure proper provision for access to the development, in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
7. To safeguard residents of the dwelling from industrial and traffic noise in accordance with Policies HS4 and SP5 of the Burnley's Local Plan (2018).
8. In the interests of the visual amenities of the area generally, in accordance with Policy SP5 of the Burnley's Local Plan (2018).

20. APP/2018/0581 - 16 Rosewood Avenue Burnley

**Full Planning Application
Proposed garage conversion to living accommodation
16 ROSEWOOD AVENUE, BURNLEY**

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

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location Plan; Existing Site Plan; Proposed Site Plan; Garage Conversion Plan No. 2432-01 Rev A, received 12 December 2018.

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.

21. APP/2019/0088 - 2-3 Crown Point Road Burnley

Full Planning Application

Retrospective application for conversion of one residential dwelling into two residential dwellings

2 - 3 CROWN POINT HOUSE, CROWN POINT ROAD, HABERGHAM EAVES, BURNLEY

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

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location plan; and drawing number 5780-04 (Proposed Site Plan), received 28 May 2019; drawings number 5780-01 (Existing Plans and Elevations); 5780-02A (Proposed Plans and Elevations), received 28 May 2019, received 21 February 2019.
3. Within three months of the date of this permission, two car parking spaces (within the application site identified in the application drawings referred to in condition 2) shall be provided for each of the two dwellings and shall thereafter be retained at all times.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) no development shall be carried out on any part of the development within the terms of Classes A,B and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order without the prior written consent of the Local Planning Authority.

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. For the avoidance of doubt and to ensure that car parking is provided in accordance with the Policy IC3 of the Burnley's Local Plan (2018).
4. In order to allow the Local Planning Authority to review the impact of any significant additions to the properties and their curtilages on the openness and character of the surrounding countryside, in accordance with Policies SP4 and SP5 of Burnley's Local Plan (July 2018).

22. HOU/2019/0169 - 121 Manchester Road Hapton

Householder Planning Application

Proposal to demolish outbuilding and erect a two storey extension to the rear of dwelling

121 MANCHESTER ROAD, HAPTON, BURNLEY

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

Conditions:

1. The development must be begun within three years of the date of this decision
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (1:500) received on the 28 June 2019; and, Proposed Floor Plans and Elevations (1:50 and 1:100) and Proposed Roof Plan and Sections (1:50 and 1:100), received on the 26 April 2019.
3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.
4. The en-suite bathroom window on the south (side) elevation of the extension hereby approved shall be obscurely glazed. Any replacement glazing thereafter shall also be obscure glazed.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to the existing garage which would preclude its use for one parking space without the prior written approval of the Local Planning Authority.
6. The driveway extending from the highway boundary into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other bound materials prior to the completion of the approved development.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined as the visibility splay any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay for the purposes of this

condition shall mean that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access, to a point at the boundary of the property where it meets the back edge of the footway and shall be maintained thereafter.

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 will be of a satisfactory appearance and to comply with Policy SP5 of Burnley's Local Plan (July 2018).
4. To protect the amenities of the adjoining residents having regard to Policy HS5 of Burnley's Local Plan (July 2018).
5. To ensure that alterations are not carried out which would deplete the provision of off-street car parking provision within the site to below the required standard. To comply with Policy IC3 of Burnley's Local Plan (July 2018).
6. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
7. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policies HS5 and IC1 of Burnley's Local Plan (July 2018).

23. FUL/2019/0301 - Land at Walverden Road Burnley

Full Application

Proposed erection of one detached (4 bedroom) tow storey dwelling (resubmission of APP/2019/0119)

LAND AT WALVERDEN ROAD, WALVERDEN ROAD, BRIERCLIFFE

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

Conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
- 2 The development shall be carried out in accordance with the approved

plans listed on this notice below.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.
4. 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) Routing of delivery vehicles to/from site
5. The development shall not be occupied until the car parking areas to serve the developments have been laid out and hard surfaced in accordance with approved drawings and made available for use and retained as such thereafter.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification):
 - (i) no external alterations, including roof alterations, or extensions shall be carried out to the building
 - (ii) no garages or outbuildings shall be erected within the curtilage of the building; unless planning permission for such development has been granted by the Local Planning Authority
7. Prior to occupation, full details of the boundary treatment to the development including dimensions and materials shall be submitted and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out prior to the first occupation of the dwelling.
8. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 08:00 hours and 17:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays, Bank Holidays or Public 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

Reasons:

1. In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning 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 will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan (July 2018).
4. In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).
5. In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan (July 2018).
6. To enable the Local Planning Authority to consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan (July 2018).
7. In order to ensure that boundary treatment does not have a detrimental impact on the long-term appearance of the site and harmonises with its surroundings in accordance with policy SP5 of the adopted Local Plan (July 2018).
8. To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan (July 2018)

24. ADV/2019/0304 - 113 Lyndhurst Road Burnley

Express Consent to Display an Advertisement

Application for advert consent to display an advertisement: Display of 2 no. illuminated fascia signs with projecting lighting bar over.

113 LYNDHURST ROAD, BURNLEY

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

Conditions

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. Express consent is granted for the period of five years (from the date of this notice).
7. Any external source of lighting shall be effectively screened from the view of drivers on the adjoining public highway.

Reasons

- 1 - 5 required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.
6. Imposed by Regulation 14 (7) (a).
7. To avoid glare, dazzle or distraction to passing motorists.

25. FUL/2019/0351 - Burnley Market Hall Curzon Street Burnley
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**Proposed hand rail erected to the perimeter of the market hall roof.
Burnley Market Hall**

Decision: That delegated authority be given to the Head of Housing and Development Control to approve the application subject to no objections being received prior to the end of the statutory period of publicity and subject to the following conditions;

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the approved plans listed on this notice.

Reasons:

1. In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

26. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 14th June – 12th July 2019.

27. Appeals and other decisions -The Barn, Manchester Road, Burnley

NOT/2018/0596 Appeal against refusal to grant prior approval for a change of use of agricultural building to 2no. dwellings with associated parking at the Barn, Manchester Road, Habergham Eaves, Burnley

The Inspector determined that the main issue was whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), with particular regard to the building operations reasonably necessary to convert the building to residential use.

Appeal Decision

The appeal was dismissed.

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

21st August 2019

Housing and Development

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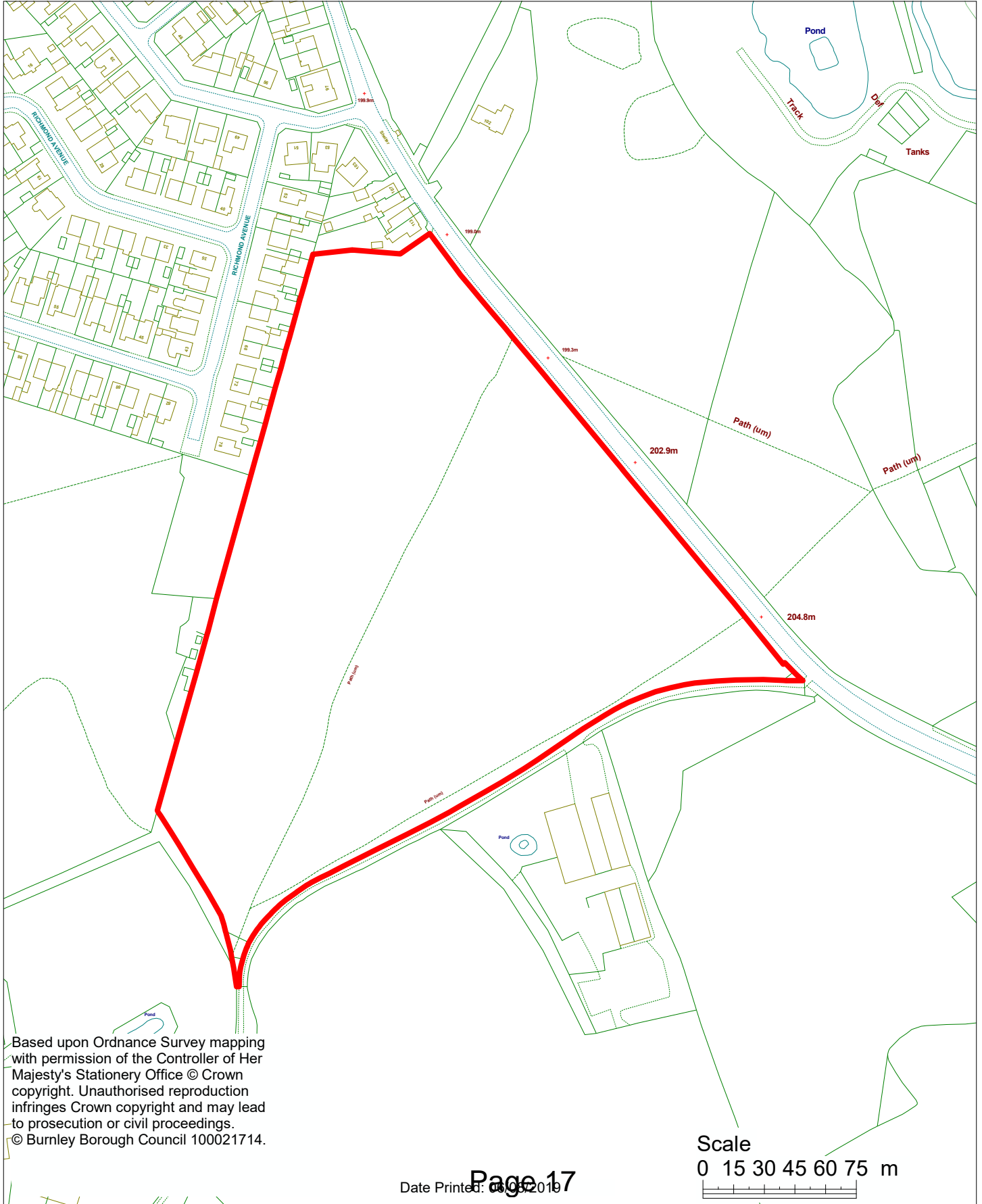
Paul Gatrell Head of Housing and Development

Location:



Land to the West of Red Lees Road, Burnley

1:2500



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Cliviger with Worsthorne Ward

Residential development for the erection 129 dwellings including means of access, areas of public open space and all associated works. The proposal affects Public Footpath Nos. 88, 89 and 90 and involves the diversion of Public Footpath Nos. 89 and 90

Land to the west of Red Lees Road, Cliviger

Background:

The application seeks full planning permission for a residential development of 129 two storey dwellings on approximately 5.4ha of land on the easterly urban edge of Burnley. The site is under grass, undulating and used for grazing. It is bound by properties on Richmond Avenue to its north side and by open fields to its other sides which includes farm buildings and Cliviger Laithe Farm to the south west. The site's boundary on Red Lees Road is defined by an historic drystone wall. Beyond the open fields to the west of the site is playing fields and grounds of Towneley Park. Approximately 180m to the south of the south east tip of the application site is Higher Red Lees Farmhouse which is a Grade II listed building.

The site is crossed by three public footpaths, two of which are directly affected by the proposed development. These paths are part of a network of paths to the west, east and south of the site. Public Footpath Nos. 89 and 90 cross from the southern tip of the site and from the south easterly edge of the site and join at a footstile on Red Lees Road (approximately 65m south of the end property at 113 Red Lees Road). Public Footpath No. 88 is also within the application site, passing from east to west along the south side of the site. The applicant has made a separate application for the diversion of Public Footpaths 89 and 90 which is necessary to accommodate the layout of a new development. Public Footpath No. 88 would remain on its designated route. The making of an Order for the diversion of the affected public footpaths was authorised by the Council on the 27th June 2019 and a further report is also being considered at this Committee meeting for minor and technical changes to the Order before consultation on this is commenced.

The proposed scheme provides for a total of 129 two storey dwellings, consisting of a high proportion of detached houses (94no.) and lower proportions of semi-detached (26no.) and houses in a row of three (9no.). Approximately 60% of the proposed houses are 4 bedroom properties and 40% are 3 bedroom properties. The proposed layout provides a single point of vehicular access from Red Lees Road and a ramped access for pedestrians at the position of a current stile within the drystone frontage wall and a further pedestrian access at the northerly end of the site onto Red Lees Road close to the existing end property at 113 Red Lees Road. The layout comprises a modern residential estate layout with a spine road and a series of cul-de-sacs. The layout is designed to have a frontage of houses facing Red Lees Road, set back by an access road/driveways and a green buffer of approximately 5m depth up to the drystone boundary wall which would be retained. The layout provides for greenspace in three main areas, firstly within the main body of the site in a regular shape and sufficient size to provide for a play area; secondly, to the south west corner of the site where a pond or underground surface water tanks as well as a foul pumping station would also be sited; and, thirdly in triangular shape along the southern flank of the

development site where Public Footpath 88 crosses the site. An electricity sub-station would be constructed on the edge of this area close to Red Lees Road. The total area of public open space that would be provided amounts to approximately 1.13ha.

Proposed Site Layout



A 12 inch watermain crosses the site in an east to west direction; the layout has been set out to accommodate the main and so would not be affected by the development. Towards the north of the site, the layout also allows for the retention of two private septic tanks that serve a small number of houses on Red Lees Road.

The proposal consists of eight different house types with a generally consistent theme and style of conventional housing with mainly gabled roofs, stone heads and cills, stone detailing such as kneelers at the eaves, ground floor bay windows and some chimneys to the frontage properties. The houses would be constructed in Marshalls Cromwell weathered pitched face walling and anthracite grey Russell Galloway concrete roof tiles.

Street view elevation fronting Red Lees Road

(viewed left to right/south to north)



Relevant Policies:

Burnley's Local Plan (July 2018)

SP1 – Achieving sustainable development

SP2 – Housing requirement 2012-2032

SP4 – Development strategy

SP5 – Development quality and sustainability

SP6 - Green infrastructure

HS1 (HS1/8) – Housing allocations (Red Lees Road, Cliviger)

HS2 – Affordable housing provision

HS3 – Housing density and mix

HS4 – Housing developments

HE2 – Designated heritage assets

HE3 – Non-designated heritage assets

HE4 – Scheduled monuments and archaeological assets

NE1 – Biodiversity and ecological networks

NE3 – Landscape character

NE4 – Trees, hedgerows and woodland

NE5 – Environmental protection

CC4 – Development and flood risk

CC5 – Surface water management and sustainable drainage systems

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

IC4 – Infrastructure and planning contributions

The National Planning Policy Framework (2019)

Site History:

None.

Consultation Responses:

LCC Highways

We would not wish to raise any objections. There are however a number of concerns regarding the access and other plans that have been provided.

It is felt that from the commencement of this development that there has been some opposition from the developer regarding the provision of a right turn lane for the access to this development and other of site highway works including the provision of some additional footways to enhance the pedestrian access facilities.

Whilst it is noted that the applicant has provided a safety audit for the site it is also noted that this is based on a site visit made on a Monday afternoon between 14:10 hrs and 14:35 hrs and that the weather and road conditions were dry and the traffic was fairly light. It is not felt that this is indicative of the generally prevailing traffic conditions.

From the outset of this proposed development site Lancashire County Council has requested that a dedicated right turn lane be provided, this was also requested at the pre-application meeting.

It is known locally that the stretch of road in question whilst having a 30 mph speed limit for much of its length that this is not generally adhered to and it was felt that significant measures would be required to act as a traffic calming measure.

A one day traffic survey was carried out by applicant approximately 30m outside of the 30mph speed limit change which produced an 85th percentile speed of 43 mph north bound and 44 mph southbound. It is not felt vehicles travelling in either direction would be or would have been travelling at 30 mph at the point at which the speed limit changes.

Our points upon which we would base our requirements for a dedicated right turn lane with associated traffic islands are based on the following points:

- To act as a traffic calming feature
- To protect vehicles waiting to turn right into the new development
- To prevent vehicles overtaking in a southbound direction
- To protect left turning vehicles leaving the new site from potential danger of southbound overtaking manoeuvres
- To provide a visual indication of presents of the new site entrance and extension to the urban environment

- To ensure that the site is future proofed, if a number of smaller scale developments come forward they will add to the overall vehicle count whilst resisting the request for additional off site highway costs.

There appears to be a ramp provided in association with the plan numbered 181321010G PROW Diversion it was understood that this ramp, previously requested, was not able to be delivered, an indication of its profile would be required. Assuming that its gradient is reasonable this could then be used as an alternative pedestrian access to the development. Negating the provision of the access at the gable of plot 82. However the footway on the north east side of the Red Lees Road would need to be extended to meet this opening and a suitable pedestrian refuge would need to be provided.

There are still a number of differing opinions regarding the off-road parking availability for the proposed dwellings many of which whilst having sufficient space to allow 2 cars to park still leave no access for pedestrian access. Guidance from Residential Roads and Footpath Design Bulletin 32 states that this width should preferably be no less than 3.2m; narrower driveways may be acceptable where no pedestrian access is required. There are a number of plots where there is no pedestrian access provided.

There are some discrepancies between some of the plans and assumptions made by the developer. This includes the availability of off-street parking for the existing dwellings at 107 to 113 Red Lees Road all have off street parking, this is refuted by one of the local objectors. There is a concern that if all the residents do not have off street parking then they will simply park on the proposed footway and narrowed carriageway. It would appear that little thought has been given to the provision of any additional off-street parking for any of the existing dwellings. It could be achieved by providing an additional access to Red Lees Road at the gable of Plot 82 to accommodate some limited additional off-street parking.

These concerns have been previously expressed to the developer by way of the Pre Application Advice process they include the following points:

- A traffic island will be necessary to provide a safe crossing point and protect right turning traffic into the new estate with additional road width created from the removal or narrowing of the existing grass verges, the running lanes and right turn lanes should be 2 x 3.4m and 3m respectively. There will also be a requirement for some additional road markings.
- Red Lees Road is known to be used by abnormal loads servicing the nearby Wind Farm any street furniture mounted on the traffic island will need to be demountable
- An assessment of the existing street lighting provision will be required to cover the newly formed conflict zone and the re-siting of the lit speed limit signs.
- The footway opposite Hill Crest Avenue should be extended in a northerly direction from the existing outbound bus stop to a suitable crossing point away from the junction.
- A footway from the same bus stop shall be provided southerly direction to a new traffic island.

- The proposed new footway in front of Nos 107-113 Red Lees Road and the new footway opposite shall not narrow the carriageway to less than 7.0m, some localised carriageway widening will be required.

In addition to these point a 30m.p.h. Vehicle activated sign is expected to be provided to reinforce the extended 30mph speed limit.

Should you wish to support the application we would wish for the following conditions to be added to your decision notice.

1. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road. Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

2. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

3. 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. 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.

4. 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. 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.

LCC Schools Planning Team

Calculate that the development will generate a primary school pupil yield of 38 places and a secondary school pupil yield of 16 secondary school places. The pupil projections over a five year period together with capacity in schools indicate that a contribution should be sought for the full pupil yield for both primary and secondary school places. This is calculated at £609,920.52 for primary places and £386,962.56 for secondary places.

Lead Local Flood Authority (LLFA)

No objection subject to the inclusion of a condition to require details of the design of scheme of drainage, based on sustainable drainage principles to be agreed prior to the commencement of development and to be implemented prior to the occupation of any dwellings.

United Utilities

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. In principle the proposals are acceptable; however, the LLFA may wish to comment further on the proposed approach and whether the surface water hierarchy in National Planning Practice Guidance has been fully investigated. We are disappointed to see the use of underground attenuation systems rather than sustainable drainage systems. Conditions are recommended to ensure that no surface water connects with the public sewer in accordance with the submitted Flood Risk Assessment; to require no development to be commenced until a sustainable surface water drainage scheme and a foul water drainage scheme have been approved; and to require a sustainable drainage management and maintenance plan for the lifetime of the development.

LCC Archaeology

The application is accompanied by a suite of documents including an archaeological desk-based and walkover assessment report, a geophysical survey report, a Heritage Statement and a Written Scheme of Investigation for a programme of trial trenching, all prepared by Wardell Armstrong Archaeology. The works undertaken and reports provided appear to have been done to the appropriate standards.

A number of heritage assets have been identified in or close to the proposed development site which will be impacted, and the potential for as-yet unidentified buried remains has also been established. Of particular note are the curved features and potential soil cuts identified in the geophysical survey, which could relate to the prehistoric activity discussed in the desk-based assessment.

Also of note is the larger size of the boundary wall to the northwest side of the proposed development area, which is highlighted in the Heritage Statement. This boundary is noted there as possibly representing the medieval park pale, described there as a large ditch or banked boundary with a wooden fence. Such deer park pales were commonly formed by a ditch, with a bank formed from the spoil being built up outside the ditch, topped by a hedge, wall or fence; they were generally equipped with a number of lower sections, termed 'deer leaps' or 'salters' so arranged that deer from outside the park could get in, but once inside could not get

out. Such park pales sometimes survive intact in the landscape, but more commonly their original features have been lost but their line may well still be in use and can be traced. As such it would seem important for this boundary to be inspected in some detail and included in the scheme of trial trenching set out in the supplied Written Scheme of Investigation. This could be achieved by a small alteration to the location and orientation of the three trenches proposed along the boundary by (i) placing them at an angle to the boundary rather than parallel to it; and (ii) moving them as close to the extant boundary as is practicable.

With the above amendment the Written Scheme of Investigation (WSI) would appear to be an appropriate programme of initial investigation [this has now been amended and accepted by LCC]. A condition is recommended to require an archaeological investigation in accordance with the amended WSI of any planning consent granted to the application and any subsequent applications.

Condition: Prior to the commencement of the development hereby approved the archaeological field investigations detailed in the submitted and approved Written Scheme of Investigation (WSI) for an Archaeological Evaluation shall be carried out in accordance with the methodology set out in the WSI. The aim of the investigation is to establish the presence or absence of archaeological remains and their nature, date, extent and significance. A report on the work undertaken, the results of that work and the conclusions drawn from them shall be prepared and submitted to the Council. If archaeological remains are encountered then a subsequent phase of impact mitigation and a phase of appropriate analysis, reporting and publication shall be developed and a further Written Scheme of Investigation submitted to and agreed with the local planning authority and implemented before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor bound by the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the development.

Greater Manchester Ecology Unit (GMEU)

The development is just under 2km from the South Pennines Moors SPA and SSSI and triggers the need to consult Natural England. The Habitat Regulation Assessment (HRA) carried out as part of the Local Plan process ruled out significant adverse effects on the SPA resulting from noise, light and vibration as well as increased recreation pressure if a visitor management plan was produced. Functionally, the site was also considered unsuitable and too disturbed (public footpaths). Further surveys for golden plover were however recommended and agreed by Natural England prior to any development. As such, GMEU recommended that a new HRA be required [this has now been carried out and completed].

No evidence of protected species was identified or suspected on the site (from the ecological report submitted) and there are no reasons to doubt these conclusions. It

has been noted that there may be bat foraging/commuting routes for bats along field boundaries. Recommend a condition to require a lighting plan that demonstrates no negative impacts to any features of value to bats (and other wildlife).

The site has been assessed as low risk for ground nesting birds owing to the level of disturbance. Additional bird surveys have also now been carried out. There is little in the way of nesting habitat such as trees and scrub on the site, though the consultants note that the drystone walls will also provide bird nesting opportunities and recommend clearance outside of the bird nesting season. All British birds nests and eggs (with certain exceptions) are protected. A condition is recommended restrict clearance works to outside the nesting season unless a detailed bird survey carried out immediately before the works shows that there are no active bird nests present.

Additional bird surveys occurred through the Spring migration period and early part of the breeding season. No evidence of any ground nesting birds and no foraging by qualifying species for the South Pennine Moors SPA were found to be present on the development site and whilst no explicit mention is made for adjacent fields, the consultant have confirmed verbally that their vantage point gave them views of the field to the north of Red Lees Rd and no qualifying species recorded flying over.

Whilst it would have been better if surveys had carried on further in to the breeding season and explicitly covered the adjacent fields, the lack of any evidence of ground nesting birds or foraging by qualifying species such as golden plover, combined with previous surveys late in the season last year and assessments made that the site was of low suitability indicates that the risk is very low.

In addition qualifying species such as golden plover are believed to forage closer to the nest once the young have hatched primarily on the moors and given the scale of the development, the theoretical large area of available alternative habitat for foraging and the relative low number of actual breeding pairs in the Burnley section of the SPA, combines further for us to conclude that there is no significant impact on ground nesting birds or foraging by qualifying species for the South Pennine Moors SPA.

We therefore believe it would be unreasonable to recommend additional surveys at this time.

To cover any residual risk and changes in circumstances to the fields potential for ground nesting birds if development is delayed and potential changes in golden plover foraging habits (as I have received conflicting advice on whether golden plover forage on the same sites each year or vary their foraging sites). I recommend an informative along the following lines is applied to any permission.

“Whilst the risk of qualifying species for the South Pennine Moors SPA utilising the site and adjacent land is low, should species such as golden plover be recorded on the site or adjacent land during construction work should cease and advice sort from a suitably qualified ecological consultant “.

And a condition along the following lines:-

“If development is delayed beyond 31st March 2020 updated bird surveys for ground nesting birds and foraging by qualifying species for the South Pennines SPA will be carried out for the site and adjacent accessible land and will be supplied to and agreed in writing by the LPA.”

Section 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimizing impacts on and providing net gains for biodiversity. Whilst accept that the habitats to be lost are generally of low ecological value, am concerned that the scale of the habitat loss has not been fully taken into account and adequate land set aside for habitat mitigation. In this instance, given the generally low habitat value of what is to be lost, if mitigation is maximised within gardens, through nest boxing strategies, on-street planting etc, details could be conditioned as mitigation. [A condition is recommended to require details of habitat mitigation across the areas of proposed public open space and gardens].

Burnley Conservation Forum

The site is a large, approximately 5ha field, within the 2.5km buffer zone of the South Pennine Moors Special Protection Area (SPA) which classes as “functionally connected land” which is vitally needed by some of the SPA qualifying bird species to forage for food during their breeding season. The loss of any fields within the SPA buffer zone which are in a suitable condition for foraging for food by germane qualifying bird species would have an adverse effect on the integrity of the South Pennine SPA by way of increasing the vulnerability of these bird species. The Council must carry out an ‘Appropriate Assessment’ and as part of this, a Habitats Regulation Assessment (HRA) which is subject to consultation with Natural England and other appropriate consultees, to ascertain whether the proposal will result in any adverse impact on the SPA. The Local Plan HRA was incomplete and inadequate as it concerned only one of the SPA’s qualifying bird species, Golden Plover, and was undertaken on 21/8/2017, far too late for the April to June breeding season for these 13 upland breeding birds. This was acknowledged in the Planning Inspectorate’s report which refers to a requirement for further surveys and assessments at the planning application stage.

The Ecological Appraisal accompanying this application (by Ascerta) is based solely on a single ‘walkover’ survey undertaken on the 7th August 2018, far too late for the April to June breeding season. Comprehensive bird surveys are needed and incorporated into a HRA, considering not only Golden Plover but also three other field foraging wading birds - Lapwing, Curlew, Redshank and Twite. The Ascerta Appraisal refers to surveys for only Golden Plover, commencing in February which is outside the breeding season; it is also important that night-time surveys are also undertaken. It is a concern to the Forum that Common Sorrel which is an important food resource for breeding Twite, which we found distributed throughout the application field, was not included in the ‘walkover’ survey list of plant species. Before the application is determined, a more comprehensive Phase 1 Habitat Survey needs to be undertaken by the applicant.

The Forum’s most recent site assessment and vegetation survey in May 2019 that that the small and narrow part of the application field to the north-west of an electrified fence was subject to low intensity grazing by a small number of cattle whilst the majority of the field to the south-east of the electrified fence, had not been

recently grazed and comprised a varied spring sward of young short growth with dryer areas interspersed with more marshy areas and including a wide range of wildflower, sedge and grass species in a good quality semi-natural state which was in a suitable condition for foraging in the April to June period by four of the qualifying SPA bird species (Golden Plover, Lapwing, Curlew and Redshank) and suitable in the June to July period for Twite.

In summary, the field is in a suitable condition for foraging for food in the breeding season by five of the qualifying SPA bird species. The application leaves very little space for on-site habitat mitigation and would be a significant unacceptable net loss of biodiversity habitat. The 'precautionary principle' applies to the adverse effect this would have on the integrity of the South Pennines SPA, by way of the total loss of this large foraging field. The Forum formally object to this development proposal on these grounds.

Following a further bird survey (carried out by Ascerta on behalf of the applicant) carried out in June this year, the Forum have made the following points:-

- Concerns in respect of its content, stating that their use of the 'LERN' database and a 2016 Lancashire Bird Report is incorrect, as there are sightings by the writer/Forum of Golden Plover within two localities of the breeding sector of the SPA. The application site is close to where there have been these sightings and to other sites breeding sites. Studies have shown that female Golden Plovers travel on average up to 7.4km and up to 10.7km to forage for food. There are also other Golden Plover breeding localities close to the application site in areas that are not observable from public footpaths and are kept confidential in order to protect them from disturbance. The Ascerta report gives the impression that Golden Plovers are not currently present at all in the east Lancashire sector of the South Pennines SPA. They are present and breed in localities close to the application site, as do other SPA breeding bird species and it is important that the Ascerta report is corrected.
- The 6 survey visits were undertaken during the late February to late April period. The SPA wading bird species, including Golden Plover, are nesting during the period from late March/early April to late June/early July. The first three surveys were undertaken too early and there were no visits after the 29 April (none in May and June), rendering the survey inadequate and misleading. The surveys were also carried out outside the optimal hours and in some cases on dates too close together to obtain more useful and contrasting data.
- Conclude that the Ascerta June 2019 breeding bird survey contains inappropriate and misleading data and information and therefore inadequately informs the Habitats Regulations Assessment (HRA) process.

Natural England

This proposal is approximately 1.9km from the South Pennine Moors Site of Special Scientific Interest (SSSI), South Pennine Moors Special Area of Conservation (SAC), and South Pennine Moors Phase 2 Special Protection Area (SPA).

In considering the European site interest, Natural England advises that Burnley Borough Council, as a competent authority under the provisions of the Habitats

Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. Therefore it is requested that one is produced.

We recommend that a comprehensive desktop study is undertaken to provide an evidence base for your HRA. We would expect to see a robust data search with information from records centre, local bird groups and the wildlife trust and appropriate survey effort as appropriate for the site and surrounding fields. The desk study should set out the data clearly, stating whether the records cover winter, and spring and autumn passage. If there is an absence of records, it must be explained whether this is due to an absence of birds, or an absence of recording of this area. The study should also assess the suitability of the site for SPA Birds. This study will inform the need for further survey work of the area.

Our concerns regarding the potential impacts upon the South Pennine Moors SSSI coincide with our concerns regarding the potential impacts upon the European designated site.

If your Authority is minded to grant consent for this application contrary to the advice relating to the SSSI contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your Authority, requiring that your Authority:

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

The Council has commissioned a Habitats Regulation Assessment in accordance with the regulatory requirements that has been completed and a copy sent to Natural England for their further comments which will be reported to the Committee in late correspondence before the meeting.

Campaign to Protect Rural England (CPRE)

Object to the proposal. It was recommended following the Local Plan examination that a proper planning exercise be undertaken to ensure that the benefits of the development outweigh economic, social and environmental harms.

The design of the scheme must therefore be given due consideration. The mix of housing types should reflect what is evidenced as needed locally. Proper attention to the detail of the scheme must be given in taking a decision with regards to the density, style and materials to reflect local distinctiveness. Importantly, adequate affordable housing contributions and community infrastructure should be sought.

I am aware that locally the development of the site is opposed by residents and the Parish Council and local opinion must be given weight. Trust in the planning system

would be eroded if 'pattern book houses' are merely 'copied and pasted' into the site, without thorough understanding of local concerns. For example, I am aware that the site is accessible from Public Rights of Way and we strongly recommend these are woven into the development along with cycle infrastructure. It is so important to encourage sustainable travel modes so the development is properly knitted into the existing built environment. Highway safety concerns must be addressed to remove the risk of future accidents when accessing from the development onto the highway, which currently has a 50 mph speed limit. The climate change consequence of promoting rural development ought to be weighed in to this decision. Promoting road based residential schemes will exacerbate the problems associated with climate change from increased greenhouse gases, along with more local problems of noise, loss of tranquility and air pollution. We strongly urge for electric charging points to enable people to move to electric cars to combat these problems.

Burnley Civic Trust

Object for the following reasons:-

1. The whole development is uninspiring and looks just the same as any development in any part of the country.
2. Insufficient provision for public open space.
3. There is no infrastructure - sewage, water and other services; no doctors/dentists and schools are completely full.
4. Red Lees Road is already heavily used as access to the town centre with constant streams of traffic. This will lead to over 350 new cars which will worsen this situation on Red Lees Road and Brunshaw Road and make it difficult for pedestrians to cross safely.
5. Object to the diversion of the public rights of way across the site. These are used extensively by the public and nearby residents.
6. The site is a Special Protection Area (SPA) of the South Pennines, used by moorland birds such as the curlew for foraging and feeding. Full ecological survey is required when birds are hatched and feeding/foraging.
7. There are sufficient areas in Burnley that are suitable for building without extending beyond what was the gateway from the urban area and damaging the rural area of the town by becoming an urban sprawl.

Cliviger Parish Council

Strongly object; were disappointed that the land was put into the Local Plan in 2017, particularly in light of strong opposition. It is prime land which still has livestock on it and grass for silage. Their objections are summarised as below:-

- Too many houses; inadequate thought into the design
- Lack of open space
- Devastating visual affects on the listed buildings of Towneley and Cliviger Laithe.
- Burnley has an excess of building land; lack of need for this development
- Affordable housing will be placed at a different part of the town
- Impact on local infrastructure with more than 400 vehicles expected to use the development; the development may attract commuters which will put more pressure on local infrastructure and have damaging effects in terms of the use

of fuel and air pollution. Bottleneck of traffic at Pike Hill where there will be a clash with traffic from Worsthorne

- The site has special significance in terms of wild and bird life. The diversion of the rights of way will be detrimental to the landscape, health and well-being of users and devastating to wild and bird life
- Utilities in Cliviger are already overstretched.
- Lack of sustainable elements
- Impact on the area's sewage system
- Local primary and secondary schools in this area are full. If schools in the town are used, then this would add to the transport impacts and also question how this cost would be met
- Object to the diversion of footpaths 89 and 90 which does not benefit anyone; they are in an area of special landscape for wild and bird life; are well used by local people and link up with walks to the historic Towneley Hall; and, could be interlaced into the development with a robust cycle infrastructure.

Environmental Health

No objections, subject to the inclusion of conditions to require a Construction Method Statement, to restrict construction hours and to require the implementation of the measures contained within the noise impact assessment (relating to glazing and ventilation specifications).

British Horse Society

The 200+ horse riders in the area use the grass verge when riding along this stretch of road. This is the only route from Towneley Park and Rowley Park to access one of the few bridleways in the area at Foxstones Lane. The added traffic and possible loss of verge is a serious safety concern. Request that the grass verge is not disturbed without alternative safety measures put in place for horses and cyclists. Also request a safe off-road link (multi-user path) be created within the development (i.e a separate path).

Publicity

Ward Councillor response (Councillor Andrew Newhouse)

A summary of the points raised is provided below:-

- 129 houses on this site is excessive - a figure of 40 mixed properties integrated into the landscape and of superior design would be more acceptable
- An unimaginative layout of cramped housing of no architectural merit; this is a greenfield site and deserves to be treated with proper appreciation.
- Census data shows a marked decrease in owner occupation and an increase in private rented accommodation. This would suggest there is no need for a development of such size or in such a place within the Borough.
- Burnley has is experiencing a decline in numbers and that this is not the type of housing required by those within the Borough in such numbers.
- No benefits of offering affordable housing to families with ties to the area.
- The development is likely to attract out-commuters and create dormitory settlements which add no value to the local community.

- The development extends the urban boundary unnecessarily
- The proposed development is sited on the hillside above a significant listed Heritage Asset and will constitute a substantial intrusion on the landscape.
- The development will cause the removal /relocation of 3 well used footpaths leading to and from a major visitor attraction in Burnley, Towneley Hall, and possibly break the link between the urban and rural Rights of Way network.
- The design does resemble the committed aims of the Local Plan policy SP5. Simulated design looks cheap, unimaginative, cramped, both in floor area and layout and appears to be taken from a text book
- Expect inbuilt sustainable elements covering energy production (photovoltaic/ground source/wind), as well as a financial supplement to enhance and extend the urban greenway for horse, cycle and walker into the wider national rights of way network to mitigate the loss of environmental and visual loss of landscape.
- Schools in Burnley, especially the ones situated close to the proposed development, are already operating at full capacity at both primary and secondary level.
- Whilst United Utilities are statutorily obliged to connect a development to the public infrastructure it is a fact that the utilities in the Parish of Cliviger are already over capacitated. A further 129 houses offer an unacceptable addition to an overburdened system.
- The development does not have the required open areas requisite for the 129 houses.
- The proposal is a ribbon development and increases the negative factors of light pollution traffic congestion and air quality of the urban area into the open landscape without any positive mitigation.

Neighbour responses

The Council has received 76 letters from 52 addresses, principally from residents on Richmond Avenue, Red Lees Road, Hill Crest Avenue, neighbouring farms and the surrounding area. One letter was signed by 10 occupiers of Richmond Avenue. A summary of the points of objection is provided below:-

- Object to the amount of additional traffic (an extra 200-258 cars) on a road that is already dangerous with speeding traffic
- Extra pressure on roads will lead to accidents; traffic speeds down the hill; junction is on double bend
- Impact on vulnerable road users, namely, horse riders and cyclists
- Request provision for off-road for horse riders and cyclists
- Impact from construction traffic
- Request speed limit is reduced to 30mph and to 40mph beyond the residential area
- Request a solid line in the road to prevent overtaking on the bend on the approach to Salterford Lane
- Concerned that traffic islands on the road would result in traffic bunching
- Concern that it will increase the use of Mount Lane which is not designed as a main road
- The junction of Red Lees Road and Dyneley avenue is already difficult to pull out of with the current flow of traffic
- The surrounding streets would become a rat-run
- Request that the design of the scheme encourages people to use the area on

foot and on bicycles

- A path should be provided to Towneley Park
 - Properties at 107 and 109 Red Lees Road have no off-street parking and provision should be made for this
 - There is a 17m length on Red Lees Road between the site and the bus stop with no footway
 - The entire stretch fronting properties 107-113 Red Lees Road would not meet current design standards
 - The route to Worsthorne primary school over 350m has no footpath at all and numerous blind corners
 - Concern over safety from an increase in the use of track to Cliviger Laithe which is used by farm machinery and vehicles
 - Current bus service would not be able to cope with the extra passengers
-
- Adverse visual impact on the landscape and character of the local area
 - Will destroy the openness between Burnley and Cliviger and the views down the Cliviger Gorge, making Cliviger a suburb
 - Should not be giving up beautiful countryside when there is so much brownfield opportunity
 - The open aspect when approaching the town will be lost
 - The land is used for grazing sheep/cows and is good land for this purpose
 - There is no need or demand for new houses and an excessive number are proposed. There is a decline in population and owner occupation
 - Will create dormitory settlements
 - Open access road in the layout suggests that future development will be applied for
 - The development increases the negative factors of light pollution, traffic congestion and air quality of the urban area into the open landscape without any positive mitigation
 - Insufficient trees, screen planting and open spaces
 - Request extensive tree planting to screen the new homes from Red Lees Road
 - Unimaginative layout of cramped housing, unattractive and of no architectural merit
 - The development looks almost the same as various developments in the town
 - The design does not resemble the committed aims of Policy SP5
 - The simulated design looks cheap, both in floor area and layout with no knowledge of the area, landscape or architectural history
 - Expect in-built sustainable elements for energy production (photovoltaic/ground source/wind)
 - Need homes to support retirement living, should be a proportion of bungalows on the site
 - There is no benefit to the local area if the affordable housing provided by the development is in another part of the town. It makes a sacrifice of local landscape and does not offer affordable housing to families with ties to the area
 - There are no starter homes
-
- Impact on the setting of listed buildings. The development is on a hillside above a significant heritage asset, Towneley Hall (Grade I listed) and adjacent to

cottages over 450 years old at Cliviger Laith Farm (Grade II).

- There are potential remains of a Roman/medieval road through the site
- Concern over the condition of the very old drystone wall and request that it is strengthened or fenced off to avoid damage to a piece of rural history

- Impact on the health and mental well-being of neighbours
- The area is occupied by retired people who have chosen to live here for the peace and quiet. The development is family orientated, will lead to increased noise and will have a detrimental impact on peoples' retirement.
- The size and scale of the development is excessive in close proximity to neighbours
- Will cause overlooking and affect the privacy of existing residents
- Concern that site levels would need to be increased due to the affect of past mining activity on foundations which would increase overlooking
- Loss of direct sunlight
- Request bungalows to back onto Richmond Avenue instead of houses
- Concern that new residents may plant trees in rear gardens that would block light
- Concern over the maintenance of the wall between the new houses and Richmond Avenue

- The primary and secondary schools in the area are full and have no capacity
- The utilities – water, gas and electricity in Cliviger are already over capacitated
- The water pressure in Cliviger is already very low
- No capacity at doctors/dentists
- The development will put more strain on services
- There is no police presence in this area
- Concern over the risk of flooding
- The stormwater attenuation tanks are insufficient in size to cope with the rainfall and surplus will discharge to the River Calder with a catastrophic impact
- Storm water will flow down the hill and flood land and properties at Cliviger Laithe
- There is a very high water table in the area, houses have nearly experienced flooding
- There are culverts present which will contribute to potential flood risk
- There are two streams in the field that run down into a ravine and are visible in winter
- Sewage in the area is poor and at capacity. Any further development would impact on the existing houses
- The proposed pumping station would link to sewers at Richmond Avenue where the pipework is already at capacity and blockages do occur. It is aged and the whole system needs replacing.
- Will lead to pollution of the river
- Concern over possible smells that can occur, particularly when the pumping station is not emptied daily. Request a condition to require mitigation measures against smells
- The field contains septic tanks for houses on Red Lees Road
- The site is affected by mineshafts

- There are badgers, deer, grouse, stoats, geese, rabbits, hares, ducks, toads, frogs, great crested newts and curlews, heron, eagles, cranes, woodpeckers, blackbirds, robins, tit, wren, thrush, tawny and barn owls and wildflowers seen on the site
 - The site is on the flight path to the Pennine Moors Special Protection Area and species depend on the large hunt area for survival
 - The ponds in the fields nearby have rare species and have not been checked
 - Ineffective and poorly timed bird survey has been undertaken that should be conducted over a year
 - The loss of birds and mammals will be significant
 - There should be areas set aside and planted with trees, large grassland verges for insects, mice and voles and food/shelter for barn owls and birds. Hedgehog holes should be fitted in garden fences
 - The development provides insufficient habitat
 - Need to maintain greenspaces and provide wildlife corridors
-
- Object to the proposed closure or diversion of public rights of way nos. 89 and 90.
 - The public footpaths are used regularly by people for exercise and pleasure and encourage a healthy lifestyle
 - The footpaths also provide an area for grasses, insects including pollinators, birds and other species in decline, including barn owls and hedgehogs
 - Public footpaths should retain their open and natural feel and be a pleasure to use
 - Should not move footpaths that have been in existence a long time – they are part of the environmental heritage value of the landscape
 - The footpaths lead to and from a major visitor attraction in Burnley – Towneley Hall and are used as a circular route for the elderly and a circuit to Hurstwood
 - It will break the link between the urban and rural rights of way network
 - Walking through a housing estate on roads and pavements is of no comparison.

Planning and Environmental Considerations:

Principle of proposal

Policy SP1 of Burnley's Local Plan, adopted in July 2018, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It will work proactively with applicants and to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions of the Borough. It also echoes the guidance in the NPPF by stating that "Planning applications that accord with the policies in this Local Plan... will be approved without delay, unless material considerations indicate otherwise".

Policy SP2 sets out the Housing Requirement for the borough between 2012 and 2032, identifying a net additional requirement of 3,880 dwellings, of which there is a residual requirement of 1,798 dwellings to be met by site allocations. Policy HS1

identifies those sites that have been chosen through the local plan process to meet this requirement. Of the 32 sites listed under Policy HS1, the site allocation at Red Lees Road (HS1/8) with an area of 5.0ha is one of the larger allocations. The allocation is displayed on the Policies Map below:-

Extract from the Policies Map of Burnley's Local Plan



The site allocation covers the whole of the current application site and also includes approximately 0.4ha of additional land at the southerly end of the site where it is proposed to use the land for drainage and a foul water pumping station. This small piece of land would support the development of the housing allocation whilst would be retained as a green area and as such would not conflict with Policy SP4 which sets out the development strategy and seeks to restrict development in the open countryside. The star at the north tip of the site allocation identifies the site as a Key Gateway as a transition point between the urban and rural area. To the north east of the site is an area identified as an ecological network.

Policy HS1 states that development on the allocated site will be acceptable in principle for housing development and will be required to be delivered in accordance with the site specific requirements [listed in HS1/8] together with the requirements of other relevant policies elsewhere in the Plan.

Policy HS1/8 states that the site is acceptable for around 125 dwellings. The proposal for 129 dwellings can be reasonably regarded as around this figure and as such, the proposal is acceptable in principle subject to the remaining site specific requirements and consideration of other plan policies.

Site Specific requirements in Policy HS1/8

The following list applies:-

- 1) A mix of dwelling types, including a minimum of 40% 4+ bedroomed detached and 30% 3+ bedroomed detached or semi-detached houses will be expected;
- 2) Protected Species have been recorded on the site. An ecological survey (including a breeding bird survey and survey of any South Pennines SPA qualifying species present) will be required to accompany any planning application which identifies and addresses these issues in accordance with the recommendation of the Council's Protected Species Survey and Policy NE1;
- 3) Appropriate landscaping and boundary treatment should include screening to the southern boundary to reduce the impact on the wider landscape. New planting on the site should be in accordance with Policy NE3;
- 4) Vehicular access should be from a single point onto Red Lees Road; and The presence of reported prehistoric finds and earthworks within close proximity of the site would suggest the site has significant potential for buried remains of local-regional significance to exist. Suitable provision will need to be made for archaeological assessment and evaluation of the site; and any further investigation or recording works that may be necessary as a consequence of development consistent with Policy HE4.

The above requirements and other material considerations relating to plan policy requirements, including the issues raised by the response from neighbours, are considered below.

Design and Layout of the development

The NPPF also states that good design is a key aspect of sustainable development and that plans should set out a clear vision and expectations. Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect existing, or locally characteristic street layouts, scale and massing; contribute positively to the public realm; provide for new open space and landscaping which enhances/or provides mitigation for loss of biodiversity; respect the townscape or landscape setting; be orientated to make good use of daylight and solar gain; to ensure there is no unacceptable impact on the amenity of neighbouring occupants or new occupiers; and provide for carefully designed storage for bins and recycling containers. It also requires a carefully designed gentle transition from countryside to town at the key gateway position of the site and the use of a palette of materials which are appropriate to the local context in all respects.

The application site is bound on its north side by traditional stone cottages which display features of local vernacular architecture that provides a distinctive character to the local area. Part of the site's north easterly boundary adjoins the rear gardens of more modern bungalow properties. The amount of development, in terms of the density of development (approximately 26 dwellings per hectare) reflects the edge of urban location and also complies with Policy HS3 which states that developments should seek to achieve 25 dwellings per hectare. Notwithstanding the presence of bungalows close to the site, the scale of two storey development that is proposed reflects the general scale of development in the local area and would be suitable for the site. The proposal provides for the range of three and four bedroom detached and semi-detached houses required by Policy HS1/8. Some objections from residents have requested bungalows be built on the site but there is no site specific requirement for this and Policy HS3 which refers to a requirement for 20% bungalows refers to development across the borough in order to provide a good range of quality and

choice within the wider area. There is therefore no absolute requirement for the developer to erect bungalows on this site.

The proposed layout has been designed to create a transition from the rural into the urban townscape in a number of ways. These include, setting the frontage of houses back from Red Lees Road, allowing for a narrow swathe of greenspace with tree planting; providing a green buffer on the southerly approach to the site with planting; using good quality reconstituted stone in general forms and detailing that reflect local building styles; and tree, hedge and shrub planting along internal roads which along with open space would provide a spacious and landscaped development. The addition of chimneys to some of the frontage properties as well as minor changes to one of the frontage house types were carried out to improve the site's gateway appearance.

The site has been designed with the principal area of open space at a central position with house plots orientated with overlooking fronts to provide a good level of natural surveillance. The amount of open space being provided is adequate and complies with the open space requirements in Policy HS4. The layout provides a coherent design theme that reflects local materials, is respectful of the general form and character of building styles and provides a variety of house designs within the street scene. The applicant has made some adjustments to the layout and parking of some plots to ensure that parking provision relates well to each individual property. The design and appearance of the scheme would provide a satisfactory appearance to the development which would satisfy Policy SP5.

Policy HS4 requires schemes over 10 dwellings to design 20% of the proposed dwellings to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities, complying with the optional technical standards of part M4(2) of the Building Regulations 2010. The applicant has adapted the Ashbury house type to make this compliant. These changes now mean that 10 of the properties will meet the Part M4(2) standards whilst on average all house types will be 88% compliant with the Part M4(2) requirement. Whereas a 20% provision would equate to 26 dwellings, it is recognised that the applicant has made significant steps to achieve this and that the scheme as a whole is substantially compliant and will therefore provide a benefit to occupiers.

Improvements have also been made to the development by an increase in electric car charging units such that each property will have a charger.

In terms of the energy efficiency of new dwellings, the applicant states that the proposals can achieve a reduction of 10.21% in energy compared to building regulations compliance across the site.

The layout and design of the scheme has taken into account the site specific requirements in Policy HS1/8 and the criteria within Policies SP5, HS3 and HS4.

Impact on residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. Policy HS4 sets out the minimum interface distances between properties, requiring 20m between habitable rooms or 15m between a blank gable and habitable room windows.

The rear elevations of proposed houses would back onto the rear boundary of existing bungalows at Richmond Avenue with a general separation distance between the principal rear elevations of between 22 and 25m. The gable elevation of 113 Red Lees Road which contains some glazing would face the blank side wall of plot 82 that fronts Red Lees Road. The separation distance in this case is approximately 14-15m which would be sufficient to protect the immediate outlook from this property. A pedestrian path would also straddle the boundary to this property which would increase activity from passers by but is unlikely to cause significant disturbance or impact on privacy. The separation distances between the existing and proposed development comply with Policy HS4 and would adequately safeguard the outlook, privacy and daylight/sunlight of existing and new residents.

Concerns have been raised by a neighbour in respect of odours from a connection to the foul sewer at the end of Richmond Avenue. These can occur if foul water is not pumped on a daily basis from the pumping station which can occur at the early stages of development before occupancy rates on the site become more substantial. The applicant has agreed to mitigation measures to prevent any odour issues and this can be suitably conditioned.

Concerns are also raised from neighbouring properties that there will be an increase in general noise and disturbance within this tranquil area. The specific requirements of Policy HS1/8 in terms of 3 and 4 bedroom houses are conducive to family housing which will increase levels of activity but would not be expected to lead to unacceptable noise levels.

Traffic noise may affect some properties on the site and the Council's Environmental Health Officer recommends a condition to require the implementation of noise attenuation measures (such as window/ventilation). With this provision, the proposal would provide a satisfactory level of amenity for new occupiers.

Accessibility and Impact on traffic

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF also requires proposals to provide safe and suitable access for all users and to create opportunities for walking, cycling and public transport.

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays.

Part of the process for the selection of sites for new housing has appraised the sustainability of the location for development, taking into account access to public transport, schools, services etc. Whilst the site is not in the urban area, it benefits from a bus service and nearby bus stops and is in a reasonably accessible location. A Transport Assessment and Travel Plan have been submitted with this application. The former has examined the impact of additional vehicular movements on the existing highway network. LCC Highways has reviewed the assessment and are satisfied that the additional traffic movements can be absorbed into the highway network subject to some off-site works to Red Lees Road to provide for a right turn into the site, footways to connect with bus stops and new traffic islands and to provide a footway outside nos 107-113 Red Lees Road. The applicant has supplied a plan showing the main elements of these off-site works which also include reducing the

speed limit across the full site frontage from 50mph to 30mph with new gateway signs at the southerly end of the site's frontage. The comments from LCC Highways indicate that the applicant considered the right turn facility to be unnecessary for a development of this size and would lead to additional works within the highway to carry out localised widening that would not otherwise be required. LCC Highways challenge the outcome of a safety audit on the basis that the road experiences higher speeds of traffic. It is reasonable to mitigate against higher speeds of traffic that occur as vehicles leave the main built-up area. This situation will to some extent continue as the development which is set back from the main road and is completely open to the other side, will provide an open setting that contrasts with the main urban area. The applicant has accepted the position that LCC has outlined and has agreed to this provision. The details of the off-site works have not been finalised or agreed and a pre-commencement condition is recommended to achieve this.

LCC Highways suggest that off-road parking should be provided within the scheme for up to two properties on Red Lees Road that do not have dedicated off-street parking. The reason for this suggestion is that the introduction of a footway on this same side of the road which is necessary to provide a continuous path from the site to the existing bus stop will lead to some narrowing of the road. However, the narrowing can be controlled by the specification for the new footway and some widening to the opposite side of the road in order to retain a width of carriageway that is sufficient for parked cars. LCC Highways are not looking to make a Traffic Regulation Order to prevent cars parking outside the properties on Red Lees Road and as such there is no reason to suggest that this will not continue. As such, it would be unreasonable to require the developer to lose a plot from the development to provide off-road parking for existing occupiers.

The proposed access would provide adequate visibility. Internal improvements to the estate roads, paths and parking have also been achieved. Adequate off-street parking is provided for all properties (2 spaces for 3 bed houses and 3 spaces for 4 bed houses). The site will provide a ramped access suitable for pedestrians, pushchairs etc onto Red Lees Road at the position of an existing stile and also a separate pedestrian access to the north of the site. The estate roads will be designed for slow moving traffic that is conducive to cyclists. Requests have been made for a separate route for horse riders but this is not possible within the limits of the highway or the nature of the site which slopes markedly down from the boundary drystone wall. The applicant has no control over surrounding fields to provide a footpath link to Towneley Hall.

In conclusion, there is capacity within the road network to cater for the additional traffic that will be generated by 129 dwellings subject to off-site works that can be subject to a condition. Adequate connectivity would be provided between the development and its surroundings and the proposed layout would provide a safe and satisfactory environment.

Impact on ecological interests

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. It explains that development proposals which are likely to have a significant effect on a European site – Special Area of Conservation (SAC) and Special Protection Area (SPA) should be subject to an

Appropriate Assessment and that development that is considered to adversely affect the integrity of a European site will not be permitted.

The site is within 2.5km of the South Pennines Special Protection Area (SPA) which is a nationally important site. A level of assessment as already been carried out as part of the local plan process but a further Habitat Regulation Assessment is necessary to take account of the details of the scheme. This has now been carried out on behalf of the Council and forwarded to Natural England and the Burnley Conservation Forum. The Assessment concludes that there is no evidence that the application site is used as feeding ground for any of the protected species, including the Golden Plover, that are species that occupy the SPA. There are some precautionary measures that are required consisting of visitor packs to new occupiers to provide information for visitors to the SPA which is recommended as a condition.

The proposal will also lead to the loss of a large field which is potential habitat for wildlife. The ecology report submitted with the application has identified no protected species that would be directly affected by the development. Some objections have asserted that bird surveys were carried out at the wrong time of year. The comments from GMEU advise that sufficient surveys were carried out and that the field is generally of poor biodiversity status. Conditions are however recommended to ensure that no nesting birds are harmed. The NPPF encourages developments to provide a net gain in biodiversity. Mitigation should be sought through sensitive and appropriate planting and the use of nesting boxes within open areas and gardens. A condition is recommended to achieve this. Any further comments from Natural England will be reported at the meeting.

Impact on education provision

The education authority has calculated a need for an additional 38 primary school places (£609,920.52) and 16 secondary school places (£386,962.56). The applicant agrees to a contribution, although the amount of contribution must take account of other contributions that are necessary for the development. [Following negotiation with the applicant, it is agreed that the applicant will contribute a sum of £475,923 for education. This amount would make a significant contribution to child places in local schools in the area and in this instance is considered to be acceptable. This will be secured by means of a section 106 Agreement.

Affordable Housing

Policy HS2 requires affordable housing on sites of over 10 dwellings. This will normally be an on-site requirement but there are some circumstances where an off-site contribution may be appropriate. In this instance, the applicant has demonstrated that the delivery of a scheme of 3 and 4 bedroom which is designed to provide a high quality level of housing to meet a demand for larger family housing, would be compromised by a proportion of on-site affordable housing. In view of this, an off-site contribution would be an appropriate exception. A figure of £644,077 has been requested and agreed with the applicant which takes into account the viability assessment that was carried out for the local plan on individual sites. This would be used for providing good quality affordable housing in suitable areas close to amenities and employment in the urban area. This requirement will be subject to a s106 Agreement.

Other issues

The site is some distance from the nearest listed building at Higher Red Lees Farmhouse and its setting would not be significantly affected by the development. A condition is recommended to protect any potential archaeological interest on the site.

The site is in flood zone 1 where there is the lowest risk of flooding. The site will be attenuated to greenfield rates and therefore would not increase the risk of flooding on site or elsewhere. United Utilities and the LLFA have no objections subject to conditions which are recommended.

Ground condition and contamination assessments have been carried out and do not indicate that the site is unsuitable for development.

Conclusion

The proposal seeks to develop a site that is allocated for housing purposes. A suitable scheme has come forward that complies with the site specific requirements of the local plan and plan policies. Issues relating to the impact of the development on the ecology, on traffic, residential amenities, footpaths and ground conditions have been assessed and can be adequately addressed by conditions and a legal agreement to provide for an education contribution and a sum towards affordable housing provision in Burnley. The proposal therefore complies with the development plan and there are no material reasons to outweigh this finding.

Recommendation: Minded to Approve subject to the applicant entering into a section 106 Agreement relating to education provision and off-site affordable housing

[Conditions to follow in Late Correspondence]

JF
13th August 2019

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Housing & Development
Town Hall, Manchester Road

Ref.

APP/2019/0098

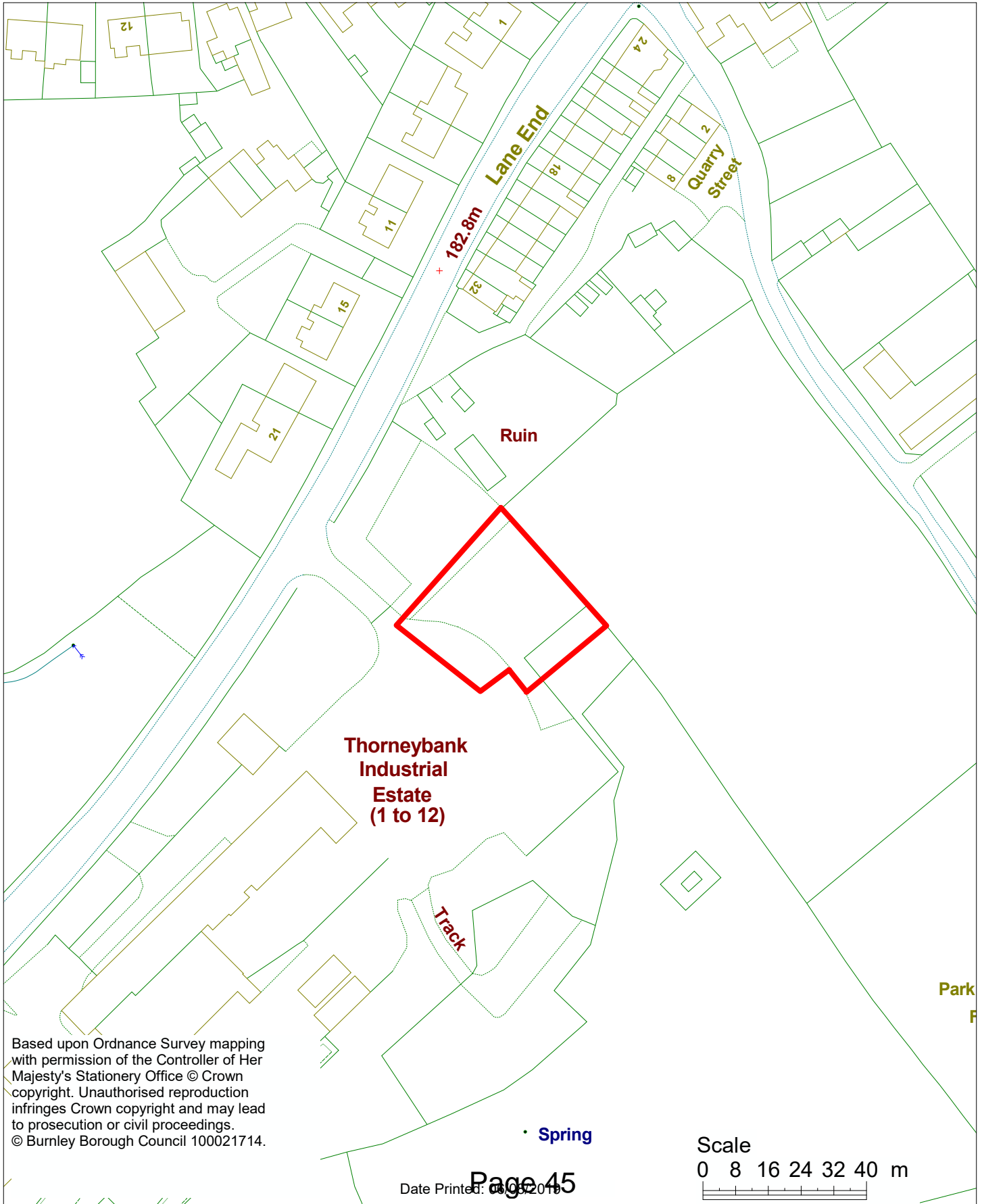
Paul Gatrell Head of Housing and Development

Location:



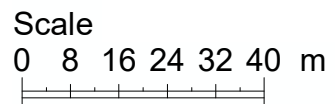
Thorney Bank Industrial Estate, Burnley Road, Hapton

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Application Recommended for Approval

APP/2019/0098

Hapton with Park Ward

Full Planning Application

Proposed use of land for siting of 40 self-storage containers

THORNEY BANK INDUSTRIAL ESTATE BURNLEY ROAD HAPTON BURNLEY

Background:

The application relates to land within and closely adjacent to an existing industrial estate.

Permission was recently granted for 25 containers and permission is now sought for an additional 40 on land set to the rear.

An objection has been received.

Relevant Policies:

Burnley's Local Plan (2018)

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

EMP5: Rural Business & Diversification

CC5: Surface Water Management and Sustainable Drainage Systems

IC3: Car Parking Standards

Site History:

7/7/6016- C/U from colliery to motor vehicle testing station – Granted

7/7/6278 – AORM (Access and Landscaping) – Granted

7/7/7865 – C/U from garage store to bearing distribution – Granted

7/7/7905 – C/U from Depot stores to light engineering

7/7/7906 – Tyre store to joiners shop – Granted

12/78/0156: Change of use from motor vehicle testing station to motor vehicle testing station, general road haulage storage and distribution and trailer manufacture and repair, together with landscaping of site – Granted

12/98/0535: Use of units for paint manufacturing, ancillary storage and offices in compliance with Condition 9 [*restriction of use*] of 12/78/0156 – Granted

12/01/0505: Construction of bund wall and storage tanks in yard at existing factory – Granted

12/2002/0634: Use of land for residential development (all matters reserved for future approval) – Refused; Appeal Dismissed [see note re brown field land]

APP/2006/0200: Outline. Erection of new industrial building class B1/B8 using existing access to the site and including details of siting (design, external appearance and landscaping reserved for future approval) – Granted

APP/2006/0640: Proposed industrial unit (Class B1/B8) with associated car parking and landscaping – Granted

Partly overlapping present site:

APP/2007/0490: Proposed erection of 4 industrial units – Granted [Not carried out; now lapsed]

APP/2017/0485: Use of land for siting of 60 storage containers - Refused

APP/2018/0479: Use of land for siting of storage containers (resubmission of APP/2017/0485) – Granted

Consultation Responses:

Highway Authority – No objection. Request the imposition of conditions relating to provision of a suitably signed car park and a footpath into the site (as indicated in the application).

Hapton Parish Council – Concerns regarding the access and suggest a lockable gate be included in the application. [Comment – This matter is considered in the main report].

Planning and Environmental Considerations:

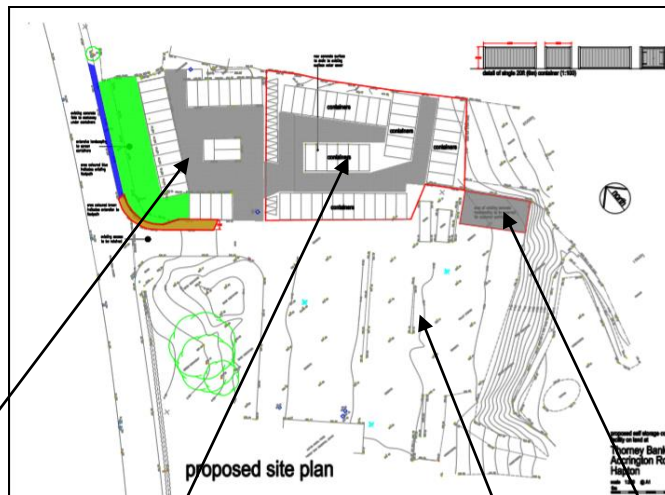
Thorney Bank Industrial Estate (TBIE) has a long planning history. Following on from its use as a coal mine and National Coal Board Offices, it came into use for a variety of commercial/industrial purposes as an industrial estate.



Site Location

Industrial Estate

The northern part of TBIE is under used and earlier in 2019 planning permission was granted for the siting of 25 self-storage containers. The present application is a follow-up proposal for land immediately to the rear. The two sites would be contiguous, sharing a common entrance from the existing TBIE estate road. The 25 are presently incorrectly sited. The applicant's intention is that this would be rectified, and the 65 containers properly laid out in a comprehensive manner.



Proposed Layout

Containers granted

Containers proposed

hardstanding

overflow parking



Appearance of existing containers

Policies and Assessment

In 2002, a planning appeal established that the land comprised in the Thorney Bank Industrial Estate was previously developed/’brownfield’ land, and this clarified the boundaries of the planning unit.

The site of the permission (APP/2018/0479) granted in February 2019 for the 25 containers included a small strip of undeveloped land and it was considered reasonable to include it as it properly ‘rounded-off’ the developed area. The present application site also follows that pattern, with a small strip outside the 2002 ‘brownfield’ definition.

The whole of the Industrial Estate is on land outside the Development Boundary set by the adopted development plan.

Policy EMP5 is relevant to employment uses in a rural area and supports new/expanding business in the open countryside where they (as relevant to this application):

- a) *Support the retention or growth of an existing business or the establishment of a new enterprise and are at a scale that is appropriate to and in keeping with the area in which they are located;*
- b) *In the design of any buildings, access and car parking arrangements are in keeping in terms of their scale and character with the surrounding landscape and would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and*
- c) *Do not have an unacceptably negative impact on residential amenity.*

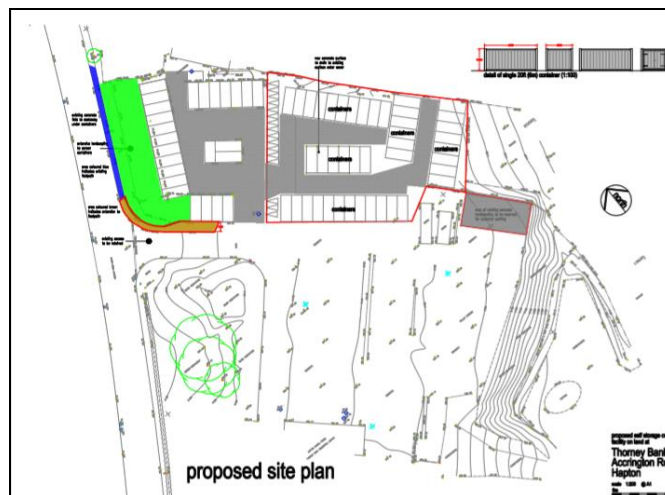
The group of containers as presently laid out is not appropriate as roadside development because of the stark, industrial appearance of the containers. This is not the permission granted – the containers have to be moved in accordance with the earlier permission, which makes provision for landscaping along the highway frontage.

This part of Burnley Road has a mix of residential and commercial development and each should be expected to play a reasonable part in providing an amenable street scene. When the development is properly formed and laid out rear of the required landscape barrier there would be little, if any, impact on the visual amenities of residents.

There is no identified concerns relating to traffic generation, apart from the need to ensure that some parking is provided for vehicles unable to gain immediate access to containers. The applicant has added this to the scheme.

The containers are of good quality, robust and secure, and well suited to their purpose.

Properly sited, properly screened and drained, the development would be acceptable.



Proposed Layout

Containers granted Containers proposed hardstanding overflow parking

Other matters

The Parish Council has expressed concern about the access and suggested gating the development.

The Highway Authority has given the following comments:

We would not wish to see the access to the site gated. The comments provided by the Parish Council are not sufficient indicate where they would wish to see a lockable gate. The application is for a plot of land at one end of an existing industrial site, which has a number of existing businesses that also use the entrance from Burnley Road and could conceivably have deliveries using large articulated vehicles. Any measures that could hinder their safe access to the site from the adopted highway should be avoided.

From the security aspect – the containers are robustly constructed, of a purpose built secure design. In any event, to restrict general intrusion into the container site, a perimeter fence would be required. This would be likely to adversely affect visual amenity.

On that basis installation of gates is not considered to be practical or beneficial.

In conclusion, the proposed development would bring an unused part of the Industrial Estate into a beneficial use without causing any significant harm.

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 (Ref. FO.190219.A); Existing Site Plan, received 01 March 2019; Proposed Site Plan, received 04 July 2019.
3. Before the development is brought into use, the customer car parking area identified on the Proposed Site Plan shall be signposted and provided for the parking of customers vehicles in connection with the storage containers and shall thereafter be retained for that purpose.
4. Before the development is brought into use the extension to the footpath (area coloured brown on the Proposed Site Plan) shall be constructed and made available for use by pedestrians, and shall thereafter be so retained.
5. Containers shall be single height up to 2.5m high above ground level only and shall not be sited on the approved site other than in the positions and layout as indicated on the approved plans.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of highway safety.
4. In the interests of highway safety and to provide for pedestrians entering the site.
5. To ensure a satisfactory appearance to the development, having regard to its rural surroundings, in accordance with Policies EMP5 and SP5 of Burnley's Local Plan (July 2018).

Housing & Development
Town Hall, Manchester Road

Ref.

COU/2019/0326

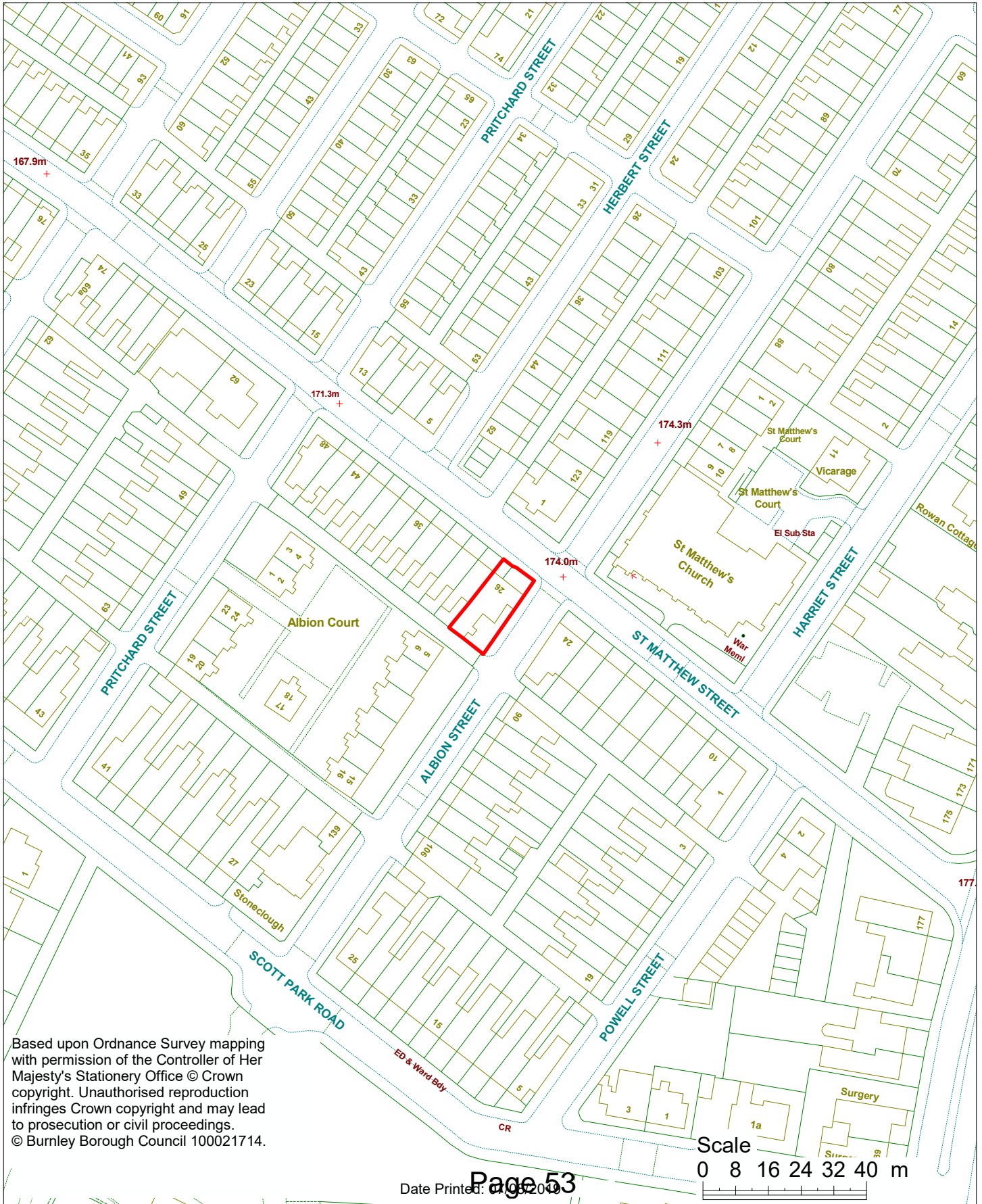
Paul Gatrell Head of Housing and Development

Location:



26 St Matthew Street, Burnley

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Application Recommended for Approval

COU/2019/0326

Trinity

Town and Country Planning Act 1990

Proposed change of use from use class (A1) to (A2) and residential (sui generis) accommodation to 8 bedrooed HMO

26 St Matthew Street Burnley Lancashire BB11 4JJ

Background:

The application site is a gable end, stone terrace which was previously a butchers shop (A1) with living accommodation above. The principal elevation (north) fronts onto St Matthews Street, which is a busy thoroughfare between Manchester Road and Coal Clough Lane.

The applicant has informed the Council that the residential part of the property has been empty for over 12 months and the butchers shop closed down several years ago. The property was on the market for approximately 2 years prior to the applicant purchasing.

The property is attached to No. 28 St Matthew Street and surrounding house types are predominantly terraced. The property sits on the corner of Albion Street, a rear back street serves properties along the terrace. There is a stone wall surrounding the property together with a timber fencing which encloses the rear yard area.

To the rear of the property is the rear elevation of properties on Albion Court which are accessed off Pritchard Street.

The proposal is also linked to a separate planning application for advertisement consent for a new shop front and signage (ADV/2019/0327).



Existing elevations photos taken July 2019



Gable elevation Albion Street

Proposal

The application seeks consent for the change of use of the former A1 butchers, to A2 creating an office base for the applicant's residential lettings company.

The second part of the proposal is for the conversion of the remaining ground floor, first floor and attic space into an 8 separate bedroom HMO (sui generis). The accommodation will be set out as follows:

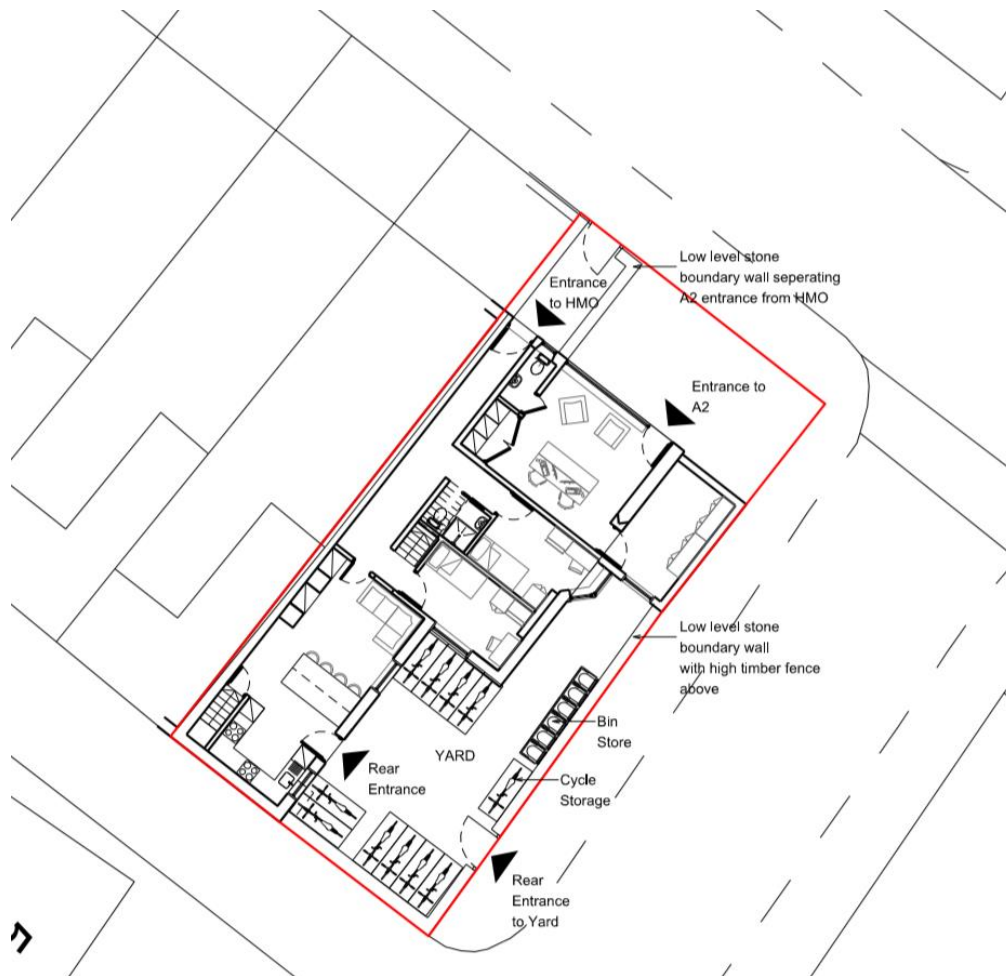
Ground Floor: shop and storage (with a separate entrance) 2 bedrooms and communal living/lounge area kitchen area

1st Floor: 5 bedrooms and 2 separate shower rooms

2nd Floor/attic space – 1 bedroom

An internal yard area to the rear of the building provides space for refuse storage and cycle storage.

The only changes to the elevations are: the replacement of the shop frontage and signage (subject to a separate advert application ADV/2019/0327) a new uPVC door to the front and side elevations, and the demolition of the timber porch to the side elevation. The existing door opening to the side elevation will be replaced with a white uPVC door to match the windows.



Proposed block plan

Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP5 – Development Quality and Sustainability
- IC3 – Car Parking Standards
- NE5 – Environmental Protection

NPPF 2019

The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 59, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.

Burnley Council standards for houses in multiple occupation October 2018

From the 1st of October 2018, it is a legal requirement for all HMO's to be licenced if the property is occupied by five or more persons, from two or more separate households. The standards set out amongst other things the space standards which are required for HMO's, waste disposal, management and fire assessment. The standards will be used to assess all application for HMO's within the borough.

Site History: None relevant

Consultation Responses:

Highways - No Objection

Although there is an indication on the plan that would appear to be a covered secure cycle storage, provided for each room we would wish to ensure that this is covered by a suitable condition. This should be in the form of a covered, secure cycle locker type rather a rack with a canopy.

Should you wish to support the application we would wish for the following conditions to be added to your decision notice.

1. To aid social inclusion and the promotion of sustainable forms of transport the Highway Development Control Section recommends the applicant provide one cycle space per bedroom.

Environmental Health: No objection in principle subject to the following conditions

- Condition 10 (hours of construction work)
- Condition 34 (self-closing doors)
- Condition 64 (burning of waste materials)

Housing Needs: No Objection

Publicity

Councillor Trinity Ward: Object for the following reasons:

- Insufficient parking provision
- Parking in the area is already difficult
- Not in compliance with local plan policy

Neighbour Comment: 1 letter received summarised

- insufficient parking provision in an already saturated location
- not compliant with local plan policy requirements for HMO's

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Main issues

- Impact on the character of the area
- Impact on housing provision
- Impact on amenity of neighbours
- Impact on highway network

Design: Impact on the character of the area

Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in policy HS5, stating alterations and extensions to dwellings should be high quality in construction. This is further supported in the NPPF, Paragraph 124, which states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

The change of use does not involve any major alterations to the external appearance of the property aside from the replacement of windows and the loss of a wooden porch to the side elevation.

The character of the area is predominantly residential with a few commercial properties along the opposite side of St Matthew Street and St Matthew's Church. The property has substantial unused floor space at ground and first floor. Given there are no major external alterations to the property, I do not consider there to be any impact on the existing street scene. There is a flat development on Manchester Road, which is in close proximity to the site on the former Sunny Bank school site, which similar to this application has put back to use a redundant building. The development is considered to be acceptable in accordance with Policies HS5 and SP5.

Impact on the amenity of residents

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

As the property had previously been used on the 1st floor for living accommodation then the use of the property for HMO would be a similar use. The main living room/kitchen area is located in the ground floor, which would be the same for any residential property.

No. 24 St Matthew Street sits approximately 13m to the east of the side elevation of the property. There are a series of windows on the gable elevation. As there are no new window openings at the application site any issues of overlooking remain unchanged as part of the development.

This scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policies HS4 part 3, HS5 and SP5. It is not considered that the proposed development will cause any harm, and as such will be in accordance with policy SP5 and NE5 of the adopted Local Plan.

Impact on the Housing Provision

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

The approach is also a focus in Burnley's adopted Local Plan, with the second of the 11 key objectives listed on 'population and housing'. Policy SP2 of the Local Plan sets out the housing requirement from 2012-2032 including the re-use of empty homes and buildings. Furthermore, policy SP4 sets out the development strategy for the borough directing development to be focused within the development boundary which this property is located within.

Impact on the Highway Network

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Burnley's adopted car parking standards state that a 1 bedroom HMO should provide 1 space per dwelling, so this would equate to 8 parking spaces to serve the development, if indeed all the occupiers had a car. There are no parking restrictions on surrounding streets so on-street parking is possible. The site is within a sustainable location a 15 minute walk into Burnley town centre, 10 minute walk to Manchester Road train station and a wide range of bus services.

LCC Highways have assessed the application and do not object to the principle of the change of use.

Other issues; including bin storage, cycle storage

Bin storage and cycle storage will be located within the yard area to the rear of the property. A condition on the cycle storage and bin storage will be placed to ensure they are in place prior to the HMO being occupied.

Conclusion

The development brings back into use a redundant property. The external changes to the building are minimal. The site is within a sustainable location and the Council supports development that will help to add to the overall mix of housing provision in the borough.

Recommendation: Approve subject to conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on 20/6/19 and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

4. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public 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.

Reason: To safeguard the amenities of nearby residents in accordance with policy NE5 of the adopted Local Plan.

5. The external doors shall be fitted with a self-closing mechanism, which shall be maintained in working order, and shall be kept closed at all times when not being used for purposes of access into, or egress from, the building.

Reason: To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents in accordance with policy NE5 of the adopted Local Plan.

6. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

7. No part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans. The approved refuse and recycling storage provision shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

8. No part of the approved scheme shall be first occupied until secure cycle storage provision has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.

Paula Fitzgerald
12th August 2019

Housing & Development
Town Hall, Manchester Road

Ref.

ADV/2019/0327

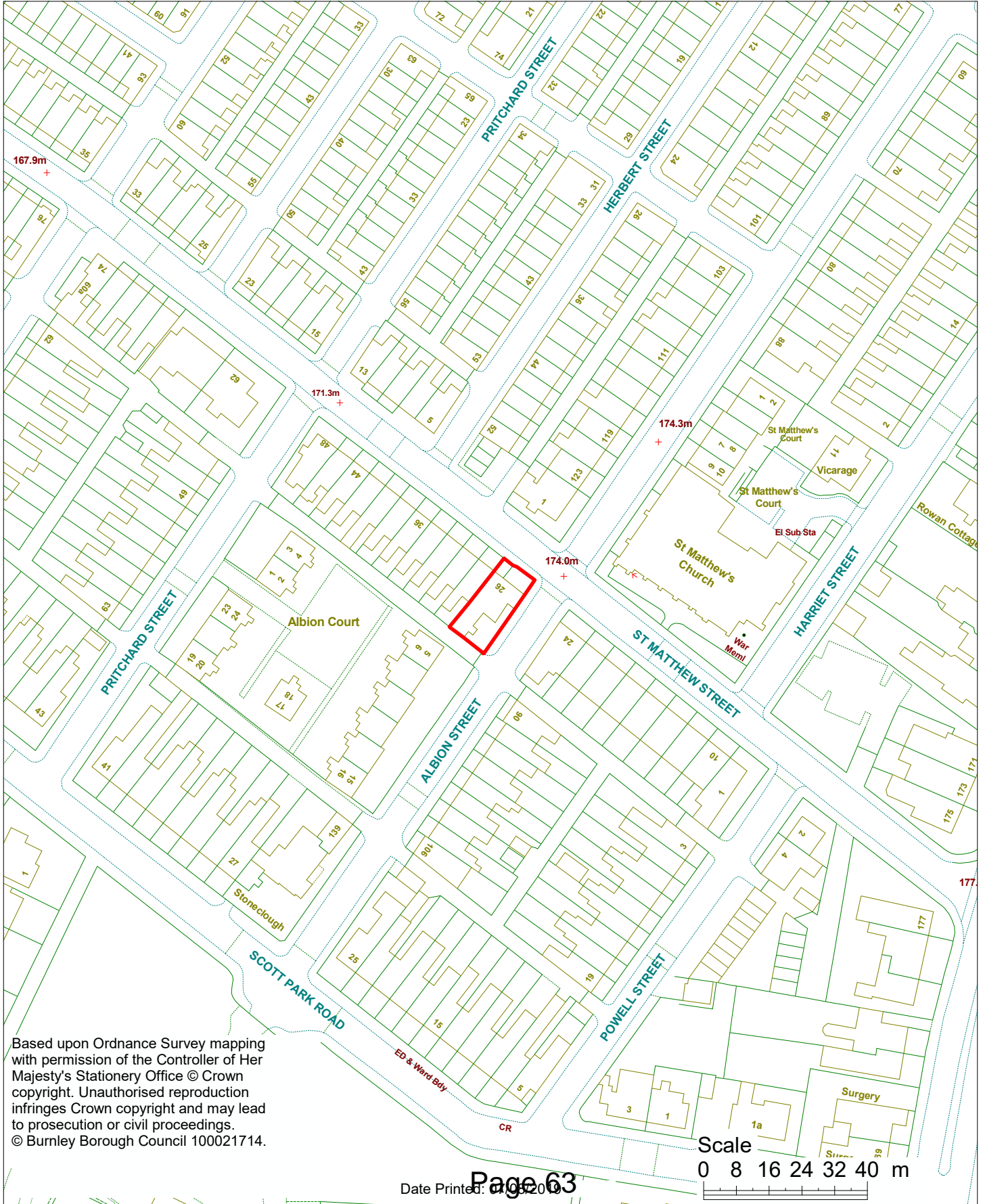
Paul Gatrell Head of Housing and Development

Location:



26 St Matthew Street, Burnley

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Application Recommended for Approval

ADV/2019/0327

Trinity

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Display of 1 no. fascia sign to front elevation

26 St Matthew Street Burnley Lancashire BB11 4JJ

Background:

The application site is a gable end, stone terrace which was previously a butchers shop (A1) with living accommodation above. The principal elevation (north) fronts onto St Matthews Street, which is a busy thoroughfare between Manchester Road and Coal Clough Lane.

The applicant has informed the Council that the residential part of the property has been empty for over 12 months and the butchers shop closed down several years ago. The property was on the market for approximately 2 years prior to the applicant purchasing.

The property is attached to No. 28 St Matthew Street and surrounding house types are predominantly terraced. The property sits on the corner of Albion Street, a rear back street serves properties along the terrace. There is a stone wall surrounding the property together with a timber fencing which encloses the rear yard area.

To the rear of the property is the rear elevation of properties on Albion Court which are accessed off Pritchard Street.

The proposal is also linked to a separate planning application (COU/2019/0326) for a change of use of the A1 use to A2 and conversion of the existing residential accommodation to 8 bedroom HMO (sui generis).



Photo taken August 2019

Proposal

The application seeks retrospective consent for the display of 1 fascia sign to the front elevation of the property. The fascia will be 3.59m in length and 0.41m in height and will sit above the shop front below the 1st floor windows.

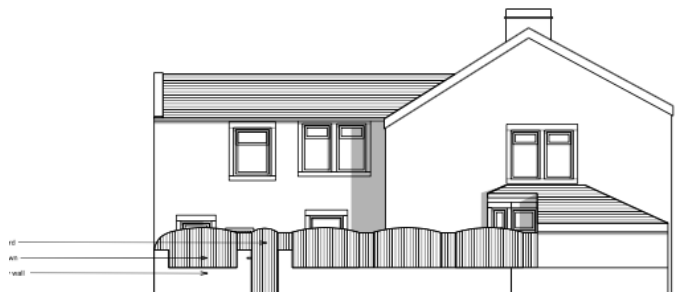
The application has been amended from the original submission which showed 2 illuminated signs; one to the front elevation and one to the gable with Pritchard Street.

After concerns were expressed with the sign on the gable elevation and the use of external lit 'swan neck' lights which would have a detrimental impact on the residential amenity and general character of the area, plans were amended.

On the 6th August amended plans were received which removes the gable sign and the illumination of both signs. The application now only relates to the fascia sign on the front elevation of the building.



Proposed Front Elevation



Proposed Street Elevation

Relevant Policies:

- SP5 – Development Quality and Sustainability
- NE5 – Environmental Protection
- TC8 – Shopfront and Advert Design

Burnley Shopfront & advert design SPD June 2019

NPPF 2019 para 132

'The quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Site History: None relevant

Consultation Responses:

Highways - No comments received

Publicity

Neighbour Comment: 1 letter received summarised below:

- sign out of character with the area
- incongruous
- poor use of materials
- illumination will have an impact on the surrounding properties

Planning and Environmental Considerations:

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Main issues

- Impact on the character of the area
- Impact on amenity of neighbours

Policy TC8 states amongst other things that; the design is appropriate to the character of the existing building and street scene.

There are other commercial properties along St Matthew Street, but the signage is simple with no external illumination. Supporting text in policy TC8 states *that large spotlights and 'swan necks' and internally illuminated box signs should be avoided. This is also echoed in the recently adopted SPD on shop front design.*

It was considered that the size of the sign on the gable elevation together with the illumination was not of an appropriate scale to the surrounding area and therefore was removed from the plans.

The proposed sign is deemed to be acceptable and are in compliance with the relevant policies. There is no perceived detrimental impact upon visual amenity, highway safety and public safety

Recommendation: Approve subject to conditions

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed at the end of the decision notice.

Reason: For the avoidance of doubt and to clarify the nature of the consent hereby approved.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

3. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

Paula Fitzgerald
12th August 2019

Housing & Development
Town Hall, Manchester Road

Ref.

OUT/2019/0196

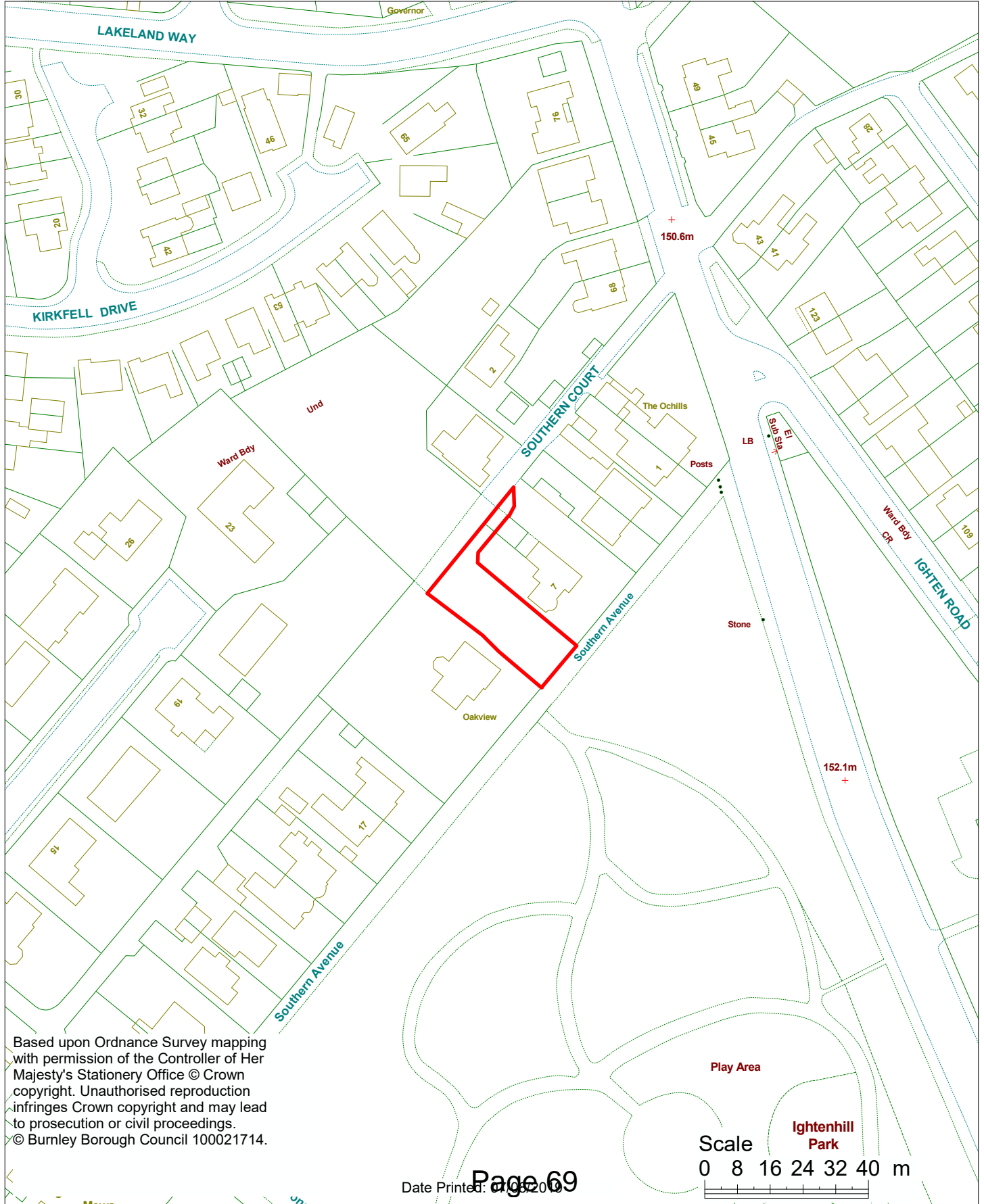
Paul Gatrell Head of Housing and Development

Location:



7 Southern Avenue, Burnley

1:1250



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Outline Planning Application

Outline application for erection of a single dwelling including details of access and layout with vehicular access from Southern Court (other matters reserved for future approval)

7 SOUTHERN AVENUE BURNLEY

Background:

This is an outline application for the erection of a single dwelling within the residential curtilage of No 7 Southern Avenue with details of the access and the layout of the site included in the application. All other matters such as appearance, scale and landscaping are reserved for future consideration. Outline planning permission (APP/2016/0118) was granted subject to conditions for a similar development in June 2016. A subsequent appeal against a condition was dismissed by the Secretary of State. This application seeks to renew the permission.

The above mentioned appeal concerned a pre-commencement condition requiring improvements at the junction of Southern Court and Ightenhill Park Lane. In dismissing the appeal the Inspector held that the condition was relevant to the development and reasonable in all other aspects in the interests of highway safety.

The Inspector also considered an objection from the occupants of the adjacent property (No. 9 Southern Avenue) in relation to the effect of the development on residential amenity and the character and appearance of the area. The Inspector took the view that the layout of the proposed development would not amount to an undue level of harm to residential amenity and would not detract from the character and appearance of the area.

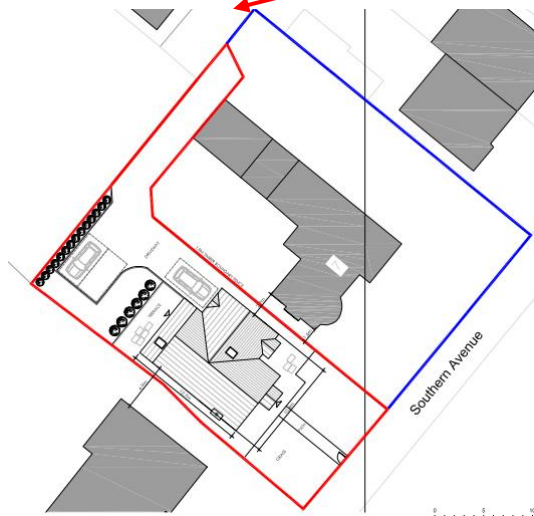
The Inspector's decision is a very significant material consideration in favour of the proposal.

Proposed development

The application site relates to No.7 Southern Avenue, a detached property set within a sizeable plot, and forms an area to the south west presently used as a private garden. The surrounding area is characterised predominantly by detached and semi-detached villas that front Ightenhill Park with pedestrian access only via Southern Avenue. Vehicular access is via Southern Court to the north which is taken directly off Ightenhill Park Lane, a junction with particular poor sightlines.

The application site measures approximately 13.0 metres in width by 36.5 metres in depth and is positioned between No. 7 and adjacent property No. 9 Southern Avenue, a detached two storey dwelling. The submitted drawings provide indicative floorplans which suggest a 2 storey 4 bed roomed detached dwelling with an attached garage. The layout plan indicates that the positioning of the proposed dwelling will respond positively to the building line of adjacent properties and that parking provision for 3 vehicles will be provided to the rear of the dwelling at the termination of the private driveway from Southern Court. A reasonably sized garden will still be provided for No.7 Southern Avenue.

Access to be taken from Ightenhill Park Lane via Southern Court to the north of Southern Avenue



No.9 and No.7 Southern Avenue



Proposed layout plan

Site between No.7 and No.9 Southern Avenue

A neighbour objection has been received. The nature of the objection was considered and dismissed at appeal as previously referred to.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- HS4 – Housing Developments
- IC1 – Sustainable Travel
- IC3 – Car Parking Standards

National Planning Policy Framework (2019)

Planning History:

APP/2016/0118 - Outline application for erection of single dwelling including details of access and layout – Granted with conditions (June 2016)

APP/Z2315/W/16/3155066 – Appeal of Condition No 7 in relation to improvements to the junction of Southern Court and Ightenhill Park Road – Appeal dismissed (Nov 2016)

Relevant applications on a neighbouring site include:

APP/2018/0224 – Outline application for the erection of 5 detached dwellings including details of access (renewal of application granted on appeal in 2009 and renewed in 2012 and 2015) – Granted (June 2018) with conditions including improvements to the junction of Southern Court and Ightenhill Park Road as imposed by the Inspector at appeal. The application has not been implemented to date thus neither have the associated junction improvements.

Consultation Responses:

LCC Highways

No objection to the application subject to the imposition of the condition attached to

APP/2016/0118 (or similar) requiring improvements at the junction of Southern Court with Ightenhill Park Lane.

Publicity

The adjacent neighbour has submitted a copy of their objection to the previous application, the contents of which were considered and dismissed at appeal. The objection does not raise any new matters subsequent to those considered at appeal.

Residential Amenity - Concerns relating to the effect of the development on the living conditions of No 9 and No 7 Southern Avenue with regard to privacy, light and outlook. Central to the objection is the distance (4.9 metres) between the flank elevation of No 9 Southern Avenue and the adjacent flank elevation of the proposed dwelling. The objector considers this would result in a loss of outlook and light to the sizeable dining/kitchen window and an unreasonable sense of enclosure to it. There are concerns of loss of light to 4 other windows on the flank elevation.

Highway Safety – The access from Southern Court onto Ightenhill Park Lane is inadequate. A condition requiring improvements to the access should be imposed if permission is granted. There is also concern regarding the inadequacy of visibility from the proposed access drive onto Southern Court.

Visual Amenity – Concern is expressed that the plot is narrow and the proposed dwelling will appear to be squeezed in which would result in an uncharacteristically narrow spacing when considered in the context of the streetscene.

Planning and Environmental Considerations:

The principle of development on the site has been established in the previous approval of the outline application (APP/2016/0118) which has now lapsed. Consent was given for access and layout with all other matters reserved for future consideration. This is a new outline application with the same access arrangements, layout and siting as previously approved. There has been no material change in circumstances relating to the site since the previous approval though there are a number of new and significant material considerations to take into consideration including the appeal decision, the adoption of Burnley's Local Plan (July 2018) and the revised NPPF (2019). The main issue is whether these material considerations would indicate that a different decision should be reached.

Principle of Development

Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth in Burnley and Padiham through the efficient use of land and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling.

The application site is located within the development boundary for the settlement of Burnley as defined in Burnley's Local Plan. Policy SP4 provides the development strategy for the borough and supports development on suitable sites within the current

built-up areas of Burnley and Padiham provided they are compatible with other relevant policies of the Local Plan.

The NPPF advises that land in built up areas, such as private residential gardens, are not previously developed land as such the application site is considered a greenfield site. Whilst the NPPF encourages the use of previously developed (brownfield) land it also seeks to boost significantly the supply of housing. Accordingly the Local Plan does not preclude greenfield sites, including private residential gardens, from development of an appropriate type and scale. Rather it ensures that new development does not have an unacceptably detrimental impact on the character of an area, residential amenity or highway safety and it ensures such developments positively contribute to the creation of sustainable communities.

The application site is considered to be in a sustainable location being well related to an adequate range of existing services and facilities including a regular bus service within short walking distance.

It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its sustainable location within the defined development boundary. As such the principle of development is considered to be acceptable subject to consideration of the impact of the proposal on the street scene and character of the area; residential amenities; and parking and highway safety as set out below.

Impact on Residential Amenity

In accordance with Local Plan Policy SP5 and HS4 development should not have a 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. The application is for outline planning consent and as such regard cannot be given to the detailed design of the proposed dwelling when assessing the impact on neighbour amenity however there are matters regarding layout that can be given due consideration.

At appeal the Inspector held that the amenities of the occupiers of No.7 and No.9 Southern Avenue would not be unacceptably affected by the proposal, as set out below.

The proposal would result in a distance of 4.9 metres between the flank elevations of the adjacent property at No.9 Southern Avenue and the proposed two storey dwelling. The flank elevation of adjacent property No. 9 Southern Avenue contains a dining/kitchen window and four obscured glazed smaller openings which face in a north easterly direction and serve an attic room, landing, utility and as a secondary bedroom window. The dining/kitchen is served by another opening in the front elevation which faces in a south easterly direction onto Southern Avenue. Directly in front of the flank dining/kitchen window is a row of leylandii that sit within the application site.



Dining/kitchen window to flank elevation obscured by existing leylandii

South east facing kitchen window to front elevation

View of the site looking towards the flank elevation of No.9 Southern Avenue

Whilst there would be some loss of light to the flank dining/kitchen window this would not be significant having regard to the south east facing dining/kitchen window which is slightly larger than the flank window and therefore provides the occupants with an unobstructed outlook and a source of light that would extend longer into the day unlike the flank window. Whilst the proposed dwelling may reduce light into the 4 other flank windows this would not amount to an undue level of harm given their orientation, size and the rooms they serve.

In respect of outlook, the flank dining/kitchen window already looks out onto a row of leylandii that confine the space in front of this window. Whilst the dwelling would be likely to be much taller than the leylandii, this is an outline scheme with all matters reserved except for access and layout. Moreover, given the window to the front elevation has an unaffected outlook, the proposal would not result in an oppressive enclosing effect. In terms of privacy, no windows are shown in the flank elevation of the proposed dwelling on the indicative drawing. Whilst this could change, it is nevertheless a matter for consideration at reserved matters.

In relation to No.7 Southern Avenue, it is considered that the plot is of sufficient size to ensure appropriate space between the proposed dwelling and the shared boundaries with No.7 and the layout as proposed would not cause undue harm to the privacy or outlook of the current or future occupants.

Having regard to the above, the proposal would comply with Local Plan Policy SP5 and HS4 in relation to residential amenity.

Impact of the proposed layout on the character of the area

Local Plan Policy SP5 is used in the determination of planning applications in terms of their general design and appearance and specifically requires development to be of a high standard of design and to respect their townscape setting and locally characteristic street layouts, scale and massing.

The proposed layout shows a detached two storey four-bedroomed dwelling and attached garage with vehicular access from Southern Court and an area of hardstanding for parking of up to three vehicles including manoeuvring space and a small garden. The positioning of the front elevation is in line with the other frontages along Southern Avenue and provides for an area of garden and pedestrian access from Southern Avenue consistent with the layout of the properties along the street.

At appeal the Inspector held that the proposed layout would contribute to the local distinctiveness through quality design and by reflecting the layout in the surrounding area.

Whilst the plot width of the application site, at approximately 13 metres, is narrower than other detached plots on Southern Avenue the layout plan indicates that the proposed dwelling would fit comfortably between No.7 and No.9 Southern Avenue leaving sufficient space between and would not be out of keeping in the street-scene. As such the size of the plot and proposed layout is considered sufficient to ensure that an appropriate scheme can be achieved at Reserved Matters in accordance with Policy SP5.

The positioning of the front elevation reflects the strong building line of properties along Southern Avenue and whilst the final appearance would be reserved for future consideration, the proposed layout would respect the townscape setting and locally characteristic street layout by virtue of high quality design in accordance with Policy SP5.

Impact on Highway Safety

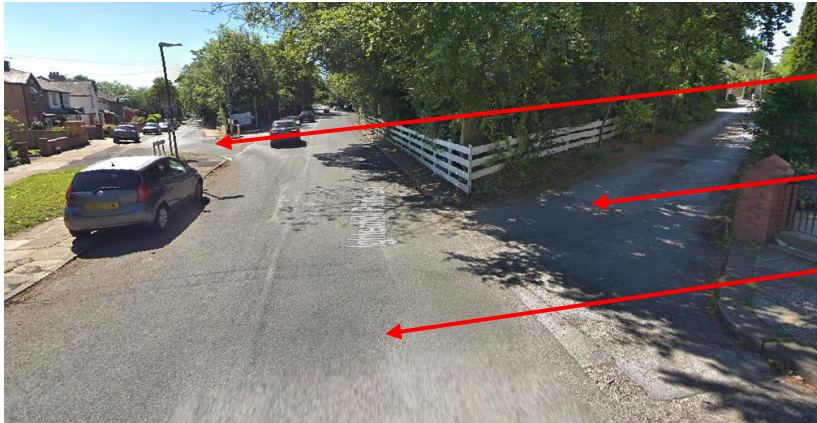
Local Plan Policy IC1 requires development to provide safe access to, from and within the site, including adequate visibility splays. The NPPF supports the need to avoid adverse impacts through development and to mitigate them where they occur.

Proposed driveway

The proposed layout shows how vehicular access from Southern Court can be achieved via the creation of a new private driveway. The proposed driveway widens to include a sufficient turning space to allow ingress and egress in a safe, forward gear. It is considered that the driveway would maintain good visibility of oncoming traffic from both directions along Southern Court. The Highway Authority has raised no objection to the proposed driveway access. The proposed driveway meets the requirements of Policy IC1.

Proposed vehicular access

The proposed vehicular access relies upon the junction of Southern Court, a relatively narrow access, and Ightenhill Park Lane which is a well-used distributor road. Neighbouring dwellings also use this access and junction which is physically constrained due to restricted sightlines especially to the south. Vehicles egressing Southern Court onto Ightenhill Park Lane need to pull forward of the junction and onto Ightenhill Park Lane in order to achieve adequate visibility in either direction. Allied to this, the narrowness of Southern Court creates a conflict point with vehicles turning into the access from Ightenhill Park Lane, especially from the south as they are unable to see any vehicles or pedestrians approaching the junction. Consequently, reversing manoeuvres onto Ightenhill Park Lane are likely to occur causing potential conflict with other road users on Ightenhill Park Lane or its junction with Ighten Road.



Ighthen Park Road

Southern Court

Ighthenhill Park Lane

View from northern approach (copyright Google Streetview)



Southern Court

Ighthenhill Park Lane

Ighthen Road

View from the southern approach (copyright Google Streetview)

The Highway Authority raises no objection to this application subject to the imposition of the previous (or similar) condition requiring improvements to the junction of Southern Court and Ighthenhill Park Lane to alleviate the highway safety concerns.

In assessing the previous application (APP/2016/0118) the Highway Authority considered that the impact of even one additional property using the access without works to achieve better sightlines could be considered to be severe in relation to the impact on highway safety at the junction of Southern Avenue and Ighthenhill Park Lane. Without junction improvements the Highway Authority would have recommended refusal of the application. A pre-commencement condition was attached to the consent that required an improvement scheme to be approved and subsequently implemented at the junction.

The applicant subsequently appealed the condition on the grounds that the impact of a single dwelling would not be severe enough to justify the improvements at the junction which in any event were expected to be delivered through the implementation of an approved application for 5 dwellings on the opposite side of Southern Court (as referred to under the planning history section of this report). In dismissing the appeal the Inspector held that the condition was relevant to the development as the effect on highway safety of not undertaking any improvement works would be severe, notwithstanding the scale of the development. The inspector also held the view that the condition would not place an unjustifiable or a disproportionate burden on the appellant.

The appeal decision is a significant material consideration and circumstances have not changed at the junction. If Committee is minded to approve the application, it is recommended that the same condition, requiring the approval and implementation of a detailed scheme of highway improvement, is imposed on any approval in accordance with Policy IC1.

In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant has provided written agreement to the terms of the pre-commencement condition (No.5) listed below.

Parking

The proposed layout makes provision for three off-street car parking spaces. This would meet the minimum standard for a dwelling of 4 or more bedrooms in accordance with Policy IC3.

Conclusions

Considering all of the above and having regard to all material considerations and matters raised, the principle of residential development on this site is considered to be acceptable subject to appropriate conditions.

Recommendation:

That outline permission be granted subject to the following conditions:

Conditions

1. Details of the scale and appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings DWG 00B, DWG 01B and DWG 02C received 26/04/19, together with any detailed plans subsequently approved in respect of the reserved matters. Drawing DWG 03B Proposed ground Floor and First Floor Plans received 26/04/19 is for indicative purposes only.
5. No development shall start until a scheme detailing the improvements to the junction of Southern Court and Ightenhill Park Lane has been submitted to and approved in writing by the local planning authority. The development hereby approved shall not start until the scheme has been implemented in accordance with the approved details.

6. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 08:00 hours and 18:00 hours on Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays or 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.

Reasons

1. The application is in outline only and does not contain complete details of the proposed development.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. In the interests of highway safety having regard to the poor sightlines at the junction of Southern Court and Ightenhill Park Lane in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
6. To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan (July 2018).

EEP
12/08/19

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Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2019/0220

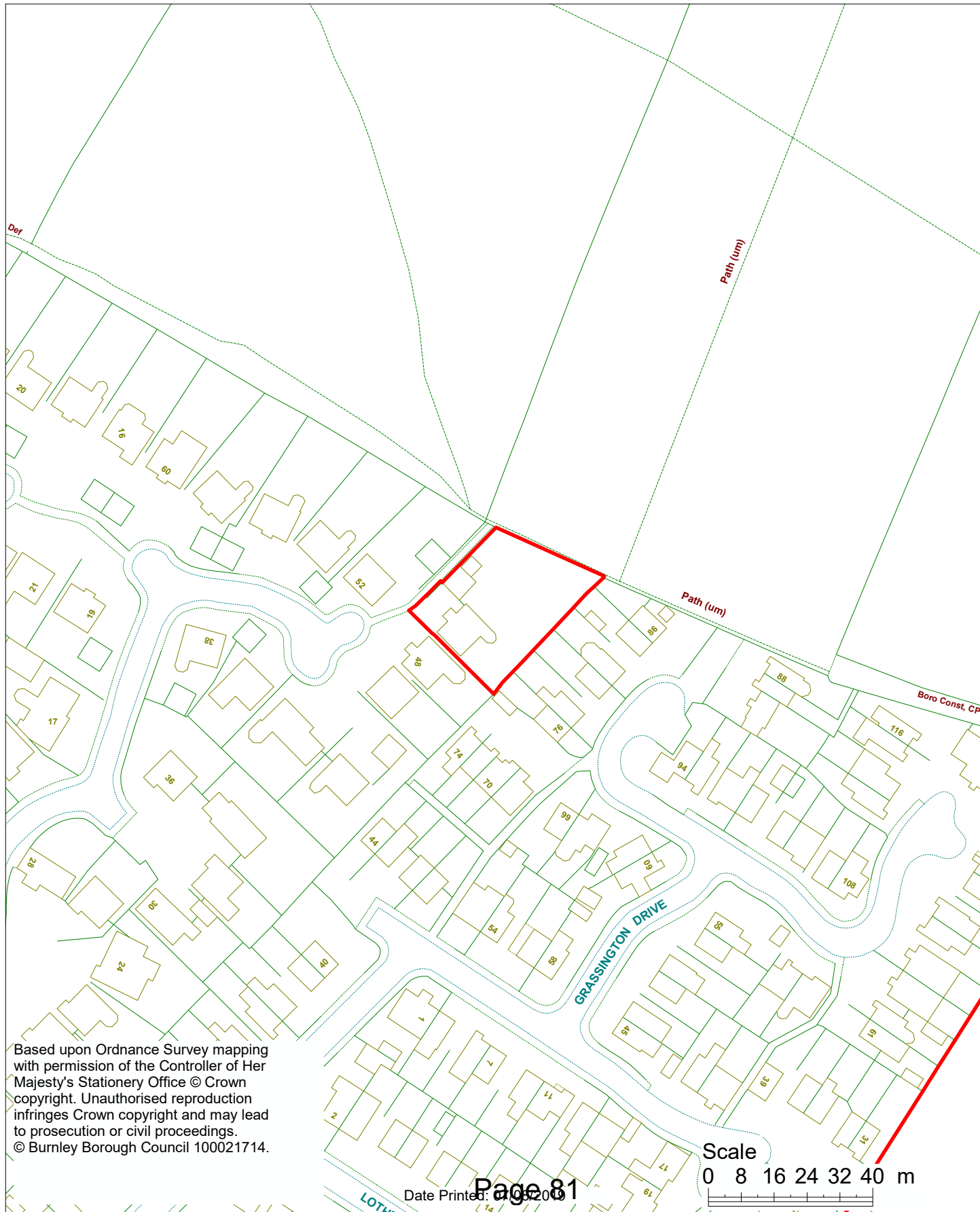
Paul Gattrell Head of Housing and Development

Location:



50 Clockhouse Avenue, Burnley

1:1250



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Application Recommended for Approve with Conditions
Briercliffe

HOU/2019/0220

Town and Country Planning Act 1990
Proposed erection of an outbuilding
50 Clockhouse Avenue Burnley Lancashire BB10 2SU

Background:

The site is located with the defined settlement boundary on an estate of predominantly de properties. The property is positioned at the head of the cul-de-sac on an elevated position.

The dwelling has a generous rear garden, which is enclosed by mature hedgerow. To the north are open fields, to the east the property shares a common rear boundary with 76 – 86 Grassington Avenue. To the south is No. 48 Clockhouse, a detached property which share a similar building line with the application site.

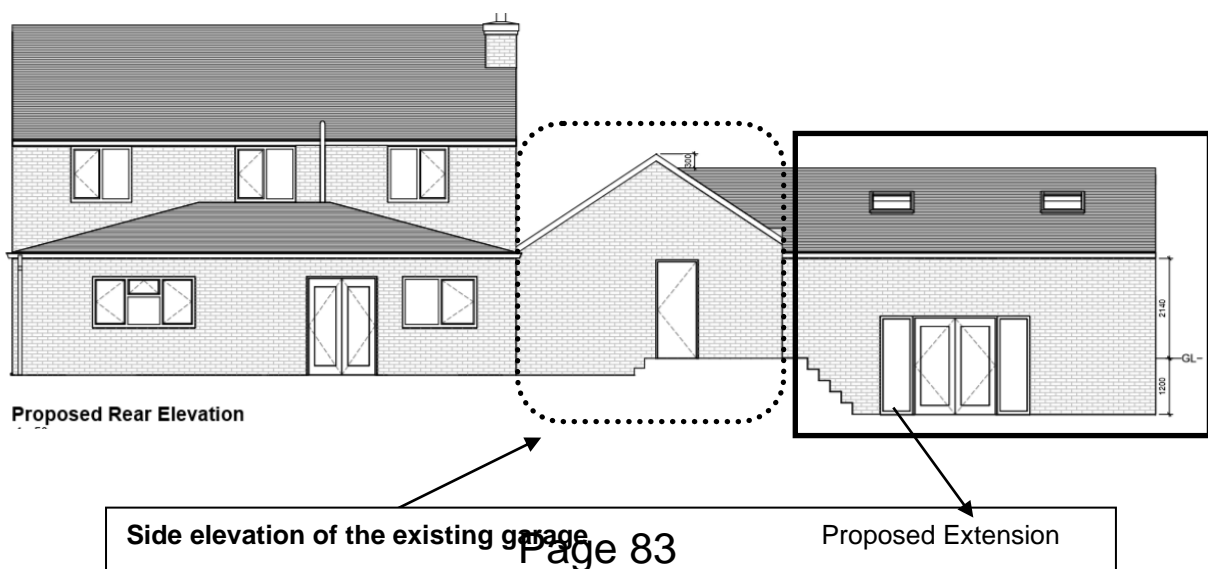
Proposal

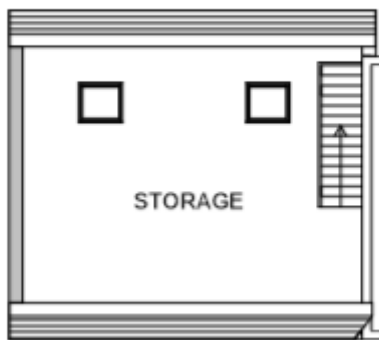
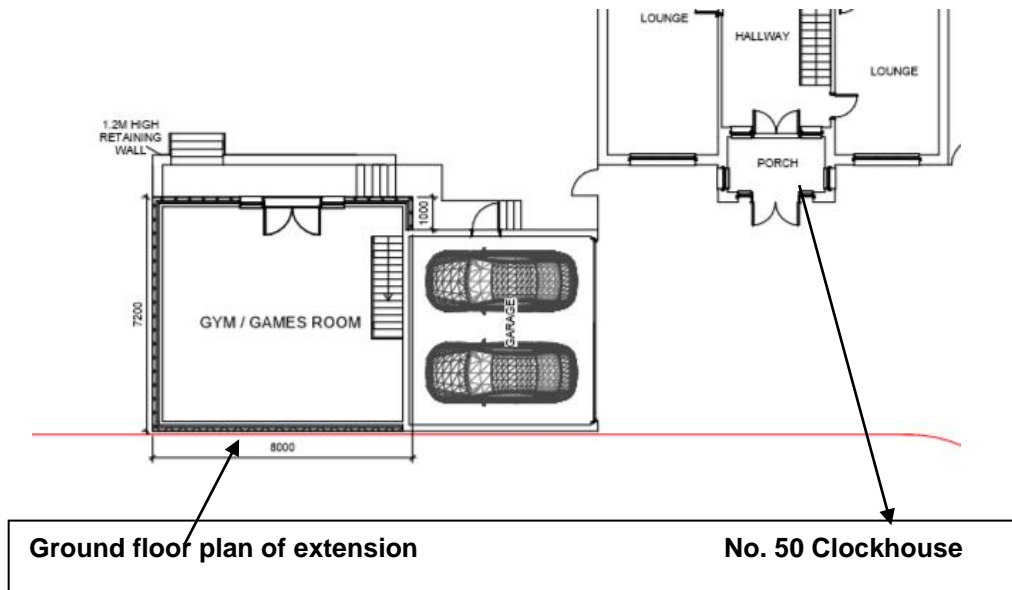
The application seeks consent for an extension to an existing double garage which is positioned to the front of the property. The additional space proposes a gym/games room split over 2 floors with patio doors onto the garden area.

The proposal plans have been altered since the original submission as there were concerns with the overall scale and massing of the outbuilding. The original plans showed a 12.7m length extension to the rear of the garage, with a width of 7.2m, and ridge height of 7m.

Amended plans were received by the Council on the 18th June which showed a reduction in the length of the extension to 8m, maintaining the same width and with a reduction in ridge line to fall below the existing ridge of the garage by 300mm.

Proposed plans following amendments – side elevation when viewed from within the garden





Proposed roof space with storage

Relevant Policies:

Burnley's Local Plan 2018

- HS4 – Housing Developments
- HS5 – House Extensions and Alterations
- SP5 – Development Quality and Sustainability

NPPF 2019

Site History:

NOT2018/0333 – Single storey rear extension - prior approval granted 4/9/18

APP/2013/0160 – dwelling within the curtilage of the property. Conditional Approval 28/6/13

Consultation Responses:

Highways – no objection subject to conditions on the following:

1. Outbuilding not to be used as living accommodation
2. Electric charging facility

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 NPPG outline a hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- 1. into the ground (infiltration)*
- 2. to a surface water body*
- 3. to a surface water sewer, highway drain, or other drainage system*
- 4. to a combined sewer*

Publicity

The application has been subject to 2 separate rounds of consultation. The first round of consultation ran from the 30th May for 21 days. The second round of consultation on amended plans which were received on the 18th June, ran from the 19th June for a further 10 days.

8 objections were received to the most recent round of consultation:

- risk of flooding (historic surface water flooding) concerns about further use of concrete and that surface water will exacerbate
- increase noise
- flooding which appears to start at the path adjacent to 86 Grassington Dive. Water runs off the field to the rear and at times has been knee high. Water cascades through gardens finding it's most natural route
- flooding appears to start when a concrete fence was erected at the property 8-10 years ago
- loss of privacy, overlooking caused by the erection of a rear dormer

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- 1. into the ground (infiltration)*
- 2. to a surface water body*
- 3. to a surface water sewer, highway drain, or other drainage system*
- 4. to a combined sewer*

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Main issues

- Impact on the character of the area including design and appearance
- Impact on amenity of neighbours

Design: Impact on the character of the area

Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in policy HS5, stating alterations and extensions to dwellings should be high quality in construction. This is further supported in the NPPF, Paragraph 124, which states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

The extension will not be visible from the front elevation of Clockhouse Avenue but it will be visible from the side elevation especially from the footpath which runs along the side of the property. The existing garage is substantial in size and has an overhanging roof pitch. Given that the extension is to the rear of the existing garage following the northern boundary of the curtilage of the property, it is not considered that the proposed extension will have a detrimental impact on the street scene.

Initial concerns over the size of the extension have been resolved, with a reduction in the overall length and height. Whilst the extension is still relatively large, given the plot size and the remaining garden size is still generous garden I do not consider the extension to be detrimental to the character of the area.

The proposal will match elements of the host dwelling by virtue of matching materials and on balance it is not considered the proposal will have an unacceptable impact on the character of the area in terms of design and appearance.

Impact on the amenity of neighbours

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

The extension proposes no windows on the side elevation closest to the footpath, with the main openings facing directly onto the garden. There is a distance of approximately 26m from the front of the extension to the rear boundary fence with properties 76 – 86 Grassington Drive which is sufficient enough distance to avoid concerns of overlooking.

Objectors have raised concerns over the existing approved rear extension and most recently works to the roof. The Council is aware of the work to the roof which may be achieved under permitted development. The Council has advised the owner to submit a lawful development certificate for the works to establish whether or not the work would can be considered under permitted development.

Each planning application must be taken on its merits in accordance with the policies within the development plan. The revised plans are now acceptable and is it considered that the extension to the garage would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policies HS4 part 3, HS5 and SP5.

Other issues

Given the concern expressed from surrounding residents, United Utilities were consulted on the application. There would appear to be some historical issues with surface water run off especially affecting properties on Grassington Avenue.

This application will connect to the existing system and following comments from UU they have no objection to the application.

Residents have been directed to contact United Utilities in the first instance on any issues with surface water.

Recommendation: Approve subject to conditions

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the approved plans listed on this notice below.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on 18/6/19 and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

4. The outbuilding hereby approved shall only be used for uses ancillary to the main dwelling and shall not be used as a separate dwelling.

Reason: In the interests of highway safety and to protect off street parking provision in the future in accordance with policy IC3 of Burnley's adopted Local Plan.

Paula Fitzgerald
12th August 2019

Part One Plan

Agenda Item 6g

Housing & Development
Town Hall, Manchester Road

Ref.

FULR3/2019/0249

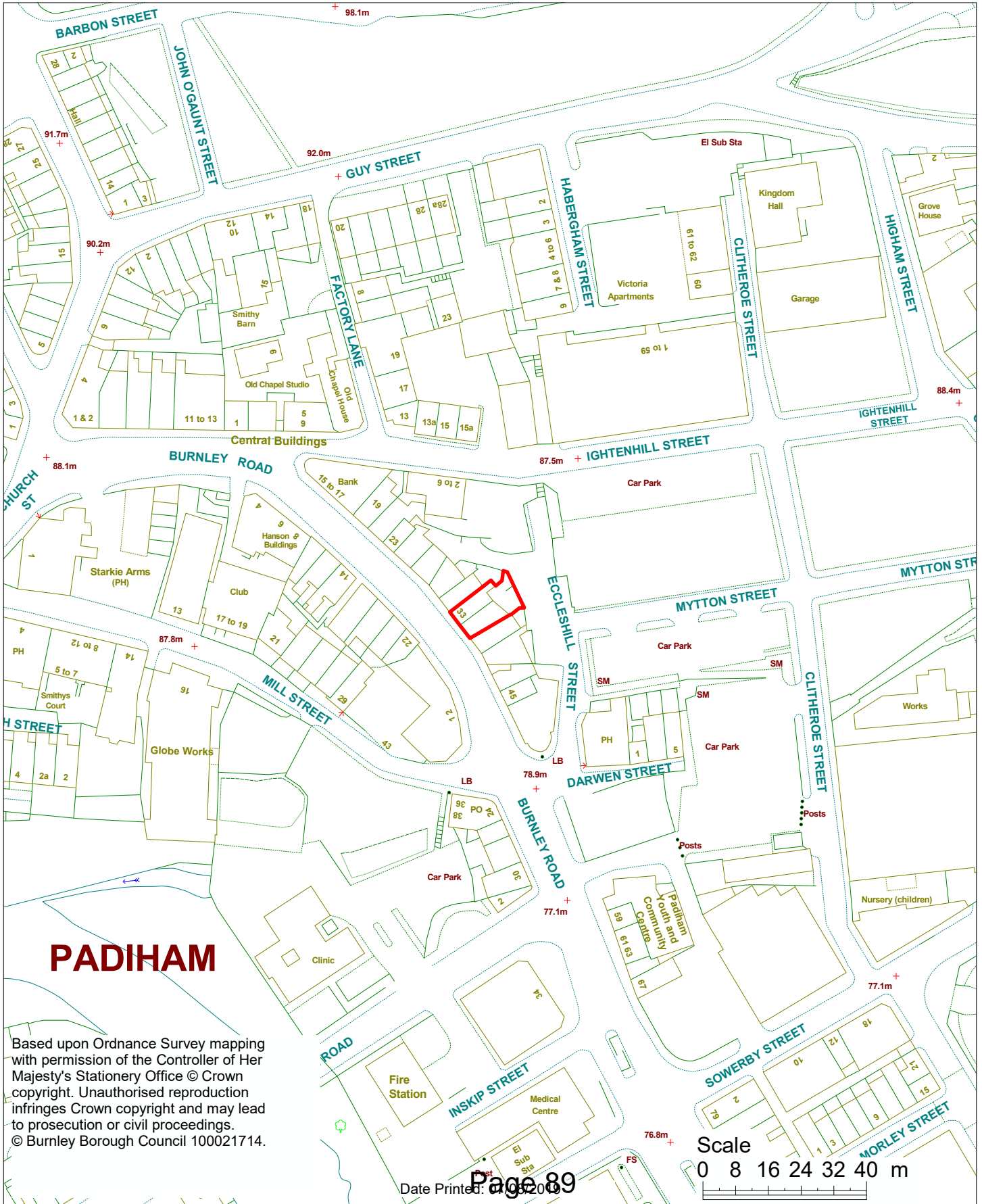
Paul Gatrell Head of Housing and Development

Location:



33-35 Burnley Road, Padiham

1:1250



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Full Planning Application

Reinstatement of 2 no. former shops at ground floor level and 2 no apartments to first and second floors, existing party wall to be reinstated and some internal wall reconfigured to create living space. New entrance cores to rear to gain access to the first floor apartments.

NOS. 33-35 BURNLEY ROAD PADIHAM

Background:

The application site, Nos. 33-35 Burnley Road, is subject to a Compulsory Purchase Order (CPO) served by the Council on the 7th June 2019. This application seeks permission for a scheme that will enable the sustainable long-term use of the property subject to the CPO.

The application site occupies a central position within the Heritage Lottery funded Padiham Townscape Scheme and comprises two separate properties that have previously been combined into a single unit. The property has been vacant for over ten years and subsequent changes to ownership titles have created an unworkable internal layout preventing the viable long-term reuse of the building. The Council considers that the only feasible option to successfully regenerate the building is to reinstate the original dividing walls and independent access to the upper floors to create two separate units. The building is having a detrimental impact on adjoining properties both visually and structurally and on the amenity of their surroundings and as such its repair and re-use is identified within the Padiham Townscape Scheme as a high priority project.

To this end the Council considers that without intervention the building will most likely remain vacant and continue to deteriorate to such an extent that it will undermine the vitality of the town centre and the investment through the Padiham Townscape Scheme.

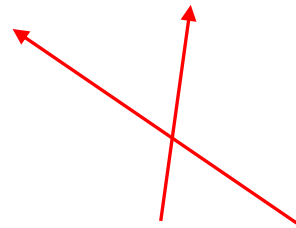
The site and surrounding area:

The application site, Nos. 33-35 Burnley Road, occupies a central position in an attractive terrace of nineteenth century commercial premises to the east side of Burnley Road. There is a mix of uses in the terrace including commercial and retail at ground floor with residential flats above that are accessed at the rear (Eccleshill St).

The building was originally constructed as two separate properties, each comprising three storeys with cellars, and has subsequently been combined into a single unit that comprises a vacant ground floor commercial use (last used as a hot food takeaway) with two storeys of vacant residential accommodation above forming a single residential unit. The building is currently in a poor condition externally, and it is evident that it has been subject to inadequate maintenance, exacerbated by vacancy. The properties each comprise a single bay of coursed sandstone masonry with dressed details such as cornices and window surrounds. The roof incorporates Welsh slate with sandstone chimney stacks. There are some surviving elements of the traditional shopfront and some unsympathetic later alterations including modern uPVC windows,

signage and an external shutter. To the rear are a number of equally insensitive alterations and additions. The interior of the buildings is no longer configured to the original built form, having been merged internally, and access to the upper floors is via the rear of No. 35, off Eccleshill Street.

Nos. 33-35 Burnley Road are identified as Locally Listed Buildings (Non-Designated Heritage Assets) and are located within the Padiham Conservation Area which is noted as a relatively intact nineteenth century townscape which retains excellent examples of later nineteenth century commercial buildings and shop fronts and important surviving elements of architectural detailing and decoration.



Front Elevation to No. 33 and No. 35

Rear elevation to No. 33 and No. 35

Proposed Development for which consent is sought:

The application seeks permission to reinstate the original dividing walls and independent access to the upper floors to return the building into two separate units. The basic premise behind the proposals is to achieve a sustainable economic use for

the building which is appropriate to both the town centre location and to the quality and character of the locally listed building.

The proposal includes the conversion of the ground floor into two independent retail units with repairs and alterations to the existing shopfront at No.33 and the installation of a new traditionally styled shopfront at No.35. The first and second floors would provide two self-contained two-bedroom duplex apartments each with a kitchen and living area at first floor level and two bedrooms and a bathroom at second floor level. Access to the apartments would be from the rear via two new entrance structures, entirely separate from the retail use. In order to accommodate the proposed uses some alterations are required to the existing building including the demolition of the existing small single storey outrigger to No. 33 and the creation of two new entrance structures allowing access staircases to the first floor. These lean-to structures measure 1.7m in width with a ridge height of 6.0m and have been designed and detailed to be in keeping with the wider context, using sandstone masonry, slate roofs and timber joinery to the external envelope.

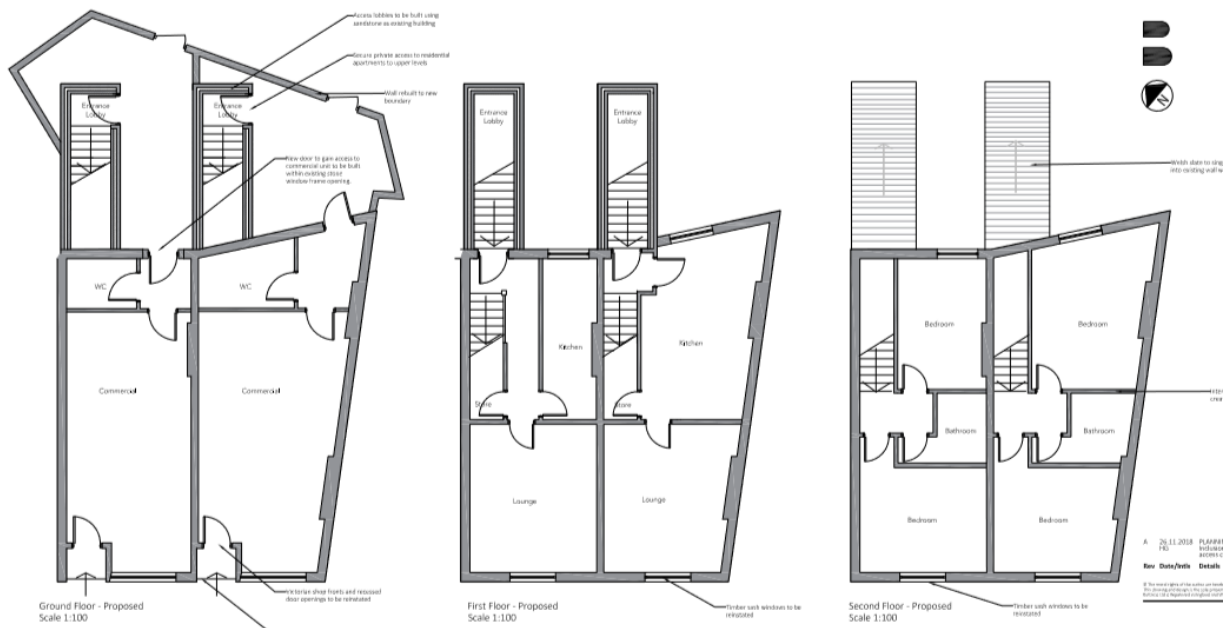


Proposed Front Elevation



Proposed Rear Elevation

Works to reconfigure the interior at ground floor level include the provision of WC and changing facilities to the rear of both retail units and a new rear access doorway to No 33. Internal reconfiguration works to first and second floors include notably reinstating the party wall between the properties. In addition, a new internal staircase will be required within No.33. Other proposed works include replacing the existing uPVC casement windows to the Burnley Road elevation with timber vertical sliding sash windows; replacing the plastic rainwater goods with cast aluminium; and roof repairs.



Proposed Ground Floor

Proposed First Floor

Proposed Second Floor

Note: Full internal survey is required to ascertain the

One letter of objection has been received.

Relevant Policies:

- Burnley's Local Plan (July 2018)
- SP5 – Development Quality and Sustainability
- TC2 – Development within Burnley and Padiham Town Centres
- TC8 – Shopfront and Advertisement Design
- HE2 – Designated Heritage Assets
- HE3 – Non-Designated Heritage Assets
- IC3 – Car Parking Standards

Shopfront and Advertisement Design Supplementary Planning Document (July 2019)
 The National Planning Policy Framework
 Planning (Listed Buildings and Conservation Areas) Act 1990

Previous Relevant Applications:

None.

Consultation Responses:

LCC Highways

No objections. Advise that the additional footfall over the existing highway to the rear of the site arising from the development may require changes to the existing street lighting at the expense of the developer and have requested a note to that effect be added.

Environmental Health

Have no objection subject to the attachment of conditions in respect of the control of noise and opening hours.

Publicity

An objection has been raised by the owner of No.35 Burnley Road on the grounds that they did not give their consent to the applicant (Burnley Council) to make the application.

Planning law allows planning applications to be made by any third party other than the owner of the land. In such circumstances, it is a legal requirement that the owners are notified of that application by the applicant/agent. The applicant is required to confirm this to the council by submitting the relevant ownership certificates with their planning application. It is to be noted that this is Notice of intent only and consent from the owner of the land is not required.

The land/property involved in the application is within two separate ownerships, one which has a known correspondence address and one which the applicant has not been able to trace. In such circumstances notification is required through the service of Certificate C which also requires the applicant to advertise in the local press the fact that they are making the application. The application is accompanied by the relevant Ownership Certificate (Certificate C) which the applicant declares was served on the owner on the 12th April 2019. The applicant has also declared that the relevant advert was placed in the Burnley Express Newspaper on the 12th April 2019. I have no reason to believe that this information is incorrect and as such it is my view that the requirements have been satisfied, the application is therefore valid and can proceed to determination.

The owner of No.35 Burnley Road also objects as they have alternative proposals for the property. There is also a private ownership dispute included as part of the objection.

It is considered that these are not valid material planning considerations and as such cannot be taken into account in the determination of the application.

Planning and Environmental Considerations:

Principle of proposal

The property is located within the boundary of Padiham town centre as defined in Burnley's Local Plan. The immediate area includes a mixture of commercial and residential uses. The proposal is for a change of use from Class A5 (hot food takeaway) to Class A1 (retail) at ground floor and the creation of two apartments to the upper floors. Local Plan Policy TC2 relates to development in Padiham town centre and states that proposals for retail development (A1 Use Class) will be supported. Policy TC2 also supports the conversion of upper floors to residential uses. Accordingly the proposal would in principle, be a suitable town centre use and would comply with Policy TC2.

As the proposal is in a conservation area, special regard is to be paid to sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The main issues are the extent to which the proposal would preserve or enhance the character or appearance of the Padiham Conservation Area.

Design and appearance and impact on neighbouring amenity are also issues identified as being important in the consideration of this application.

Impact on the significance of Heritage Assets

The property is a locally listed building (Non Designated Heritage Asset) located within the Padiham Town Centre Conservation Area.

Policy HE2 seeks to protect the special character of conservation areas. Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confer upon local planning authorities a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

The re-use of the building and the proposed external alterations would reinforce local distinctives and have a positive impact on the conservation area. This represents an enhancement of the character and appearance of the conservation area therefore satisfying the requirements of the Act and Local Plan Policies HE2

It is considered that the proposals relate appropriately to the locally listed and will have a positive impact on its character and appearance. The significance of the locally listed building has been assessed and the impact of the proposals on the Heritage Asset examined. The conclusion being that the proposals retain and restore the important aspects of the historic fabric and are not harmful to the significance of the locally listed building. The proposal would therefore comply with Policy HE3.

Design and Appearance

Local Plan Policy SP5 seek high standards of design that positively address local context and characteristics. With specific regards to shopfronts, Policy TC8 requires designs to be appropriate to the character of the existing building and streetscene in terms of scale, detailing and use of materials. The appropriateness of the proposal in respect of design and appearance is considered below.

Proposed alterations to the shopfronts:

It is proposed to retain and repair, on a like for like basis, any existing traditional elements to the shopfront frame and replace the modern inserts with traditional design features including new recessed timber doors of a traditional design; large display windows sub-divided vertically by slender timber mullions that reflect the proportion of the buildings above and further divided with a horizontal transom rail running level with the height of the door, and a painted timber sign which is modest in scale and sits comfortably between the original consoles.

The proposed alterations are appropriately proportioned and of a style that both reflects the architecture of the building above and is consistent with the character and appearance of this part of the conservation area constituting a significant improvement on the existing arrangement. Furthermore, the careful attention to elements of finer architectural detailing will significantly enhance their quality and appearance.

Local Plan Policies require, amongst other things, proposals for the design of new or alterations to existing shopfronts should be a high quality design that is appropriate to the character of existing building and streetscene in terms of its size, detailing and materials; and that the character and appearance of the Conservation area should be preserved or enhanced. It is considered that the proposed shopfronts, subject to detailed joinery details, would satisfy these requirements.

Proposed new windows:

Where planning permission is required to carry out works in conservation areas, the desire is to preserve existing or install new architectural features which are of a traditional design and materials; thereby preserving and enhancing the character and appearance of the conservation area. The removal of inappropriate uPVC casement frames and replacement with timber vertical sliding sash window frames is consistent with this approach. Local Plan Policy HE3 states that proposals affecting locally listed buildings should relate appropriately in terms of style, scale and materials and it is considered that the proposed replacement frames, subject to detailed joinery details, would meet with this requirement.

Proposed rear access cores:

These modestly sized rear extensions are proposed to be constructed in traditional materials and appear to be subservient to the host building. As such this element of the scheme is considered to be appropriate.

Having regard to the above, the proposal would comply with Local Plan Policy SP5 and TC8.

Impact on neighbouring amenities

Policy SP5 requires development to ensure there is no unacceptable impact on the amenity of neighbouring occupants or adjacent land users. There are adjoining upper floor residential apartments on Burnley Road and other residential properties in close vicinity. Given that these residential properties are located in the town centre close to town centre activities, including town centre traffic, the associated degree of noise would not be unreasonable. The Council's Environmental Health Officer recommends conditions that would mitigate against potential noise affecting neighbouring properties and the future occupiers of the proposed flats. Subject to these controls, the proposal would have an acceptable impact on levels of amenity and would therefore comply with Policy SP5.

Other issues

Given that the site is in the town centre and is a sustainable location for public transport, it is accepted that no off-street parking is provided. There are no objections to this from LCC Highways.

Conclusion:

The proposal will introduce an appropriate beneficial use for the locally listed building which will ensure the preservation of its significance and would enhance the character and appearance of the Conservation Area. This approach is considered to be consistent with the relevant policy requirements in Burnley's Local Plan.

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: 04 001 A (Block Plan), 01 002 A (Existing Plans), 04 002

A (proposed Plans), 02 001 A (Existing Elevations) and 05 001 A (Proposed Elevations) received on 7 May 2019.

3. Before any plant and/or machinery is used on the premises, it shall be enclosed with sound-insulating material and/or mounted in a way that will minimise transmission of structure-borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority, and thereafter maintained.
4. The replacement window frames shall be timber painted sliding sash windows. As insufficient details have been provided regarding the details of the replacement windows, before any of the existing window frames on the building are removed precise details of like-for-like replacement windows including scaled elevation and profile plans of the new windows at 1:20; detailed window sectional plans at 1:5 and full scale 1:1 details showing glazing bar sections shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the windows shall be installed in accordance with the approved details and shall be retained as such thereafter.
5. As insufficient joinery details have been provided regarding the replacement shopfronts, before the shopfronts are removed joinery details including door panels, mullion and transoms, cills and cornices should be provided as part of the planning application at a scale of no more than 1:20 as appropriate and should carefully match patterns and profiles traditional to the area. Once approved by the Local Planning Authority the shopfront should be constructed in accordance with the approved details and shall be retained as such thereafter.
6. All of the internal and external doors to the retail use (Class A1) hereby permitted shall be fitted with a self-closing mechanism, which shall be maintained in working order, and shall be kept closed at all times when not being used for purposes of access into, or egress from, the building.
7. The retail use (Class A1) hereby permitted shall only be open for business between 08:00 and 18.00 hours unless otherwise approved in writing by the Local Planning Authority.
8. Before development is commenced a fully detailed scheme for the soundproofing the apartments hereby permitted against internally generated noise from the commercial uses hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented prior to the occupation of the residential uses hereby permitted. The approved works shall thereafter be permanently retained.
9. For the avoidance of doubt, this permission requires the removal of the existing external roller shutter to No.33 Burnley Road. Any proposals to install external roller shutters to the development hereby approved shall be subject to a separate planning application.

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 safeguard nearby residents from potential noise nuisance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
4. As insufficient information has been submitted and in order to protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies HE2 and HE3 of Burnley's Local Plan (July 2018)
5. As insufficient information has been submitted and in order to protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies HE2 and HE3 of Burnley's Local Plan (July 2018)
6. To safeguard nearby residents from potential noise nuisance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
7. To protect the amenities of nearby/attached residential properties in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
8. To safeguard the residents of the apartments hereby approved from potential noise disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
9. To protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies TC8, HE2 and HE3 of Burnley's Local Plan (July 2018).

EEP
12.08.19

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2019/0234

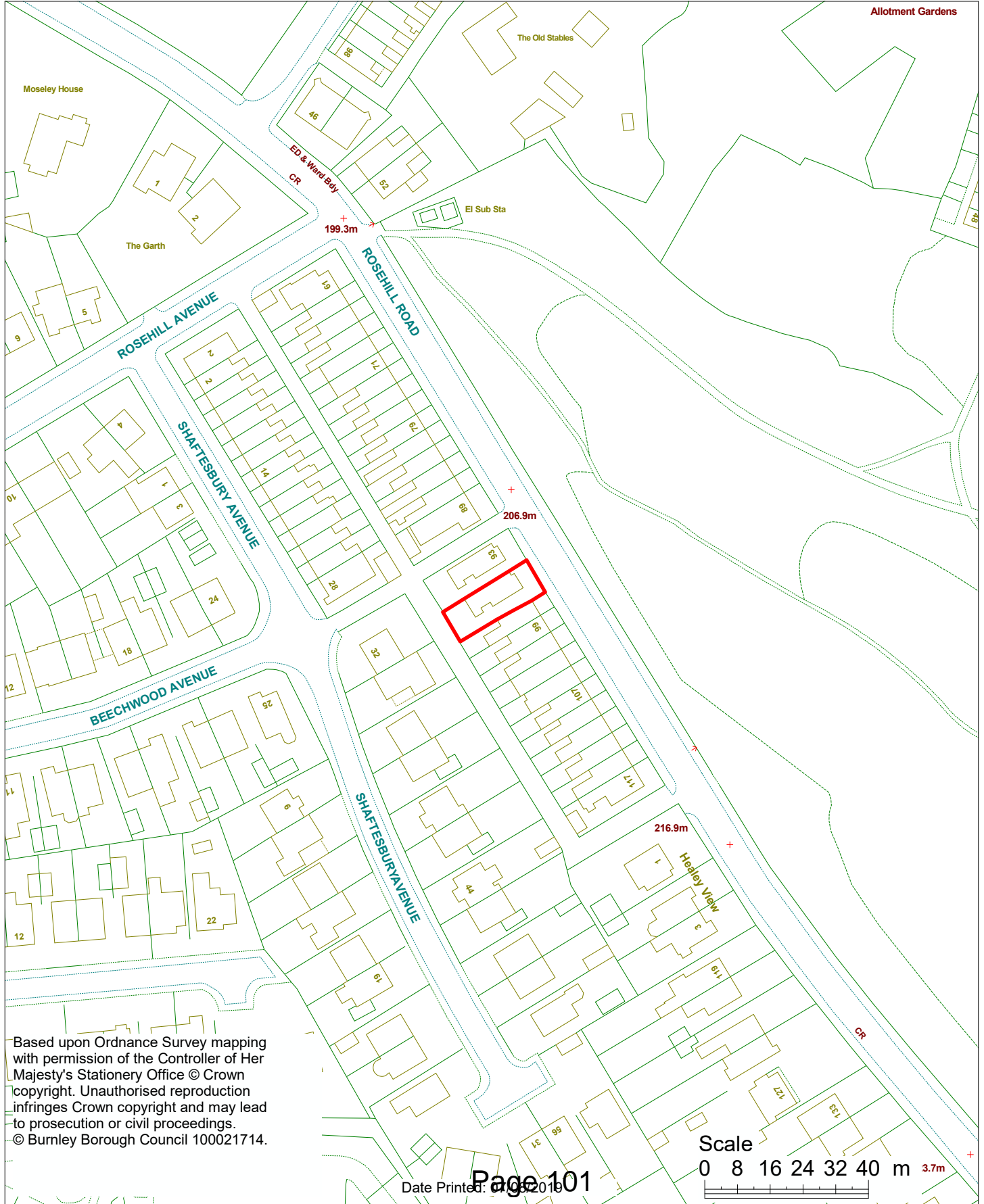
Paul Gatrell Head of Housing and Development

Location:



95 Rosehill Road, Burnley

1:1250



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Application Recommended for Approval
Rosehill With Burnley Wood

HOU/2019/0234

Town and Country Planning Act 1990
Proposed Conservatory extension to 1st floor rear terrace
95 Rosehill Road Burnley Lancashire BB11 2JH

Background:

The application site is a two storey detached dwelling fronting onto Rosehill Road. A large extension with roof terrace is located to the rear of the property. A detached small wooden garage is also located to the rear of the property. The application site benefits from private amenity space to the rear and side of the property, with a garden at the front of the property.

The surrounding area can be classified as a mix of house types, including, semi-detached, detached and terraced dwellings. Healy Woods is located adjacent and east of the application site.

Photograph A – rear of property



Photograph B – rear of property



Proposal

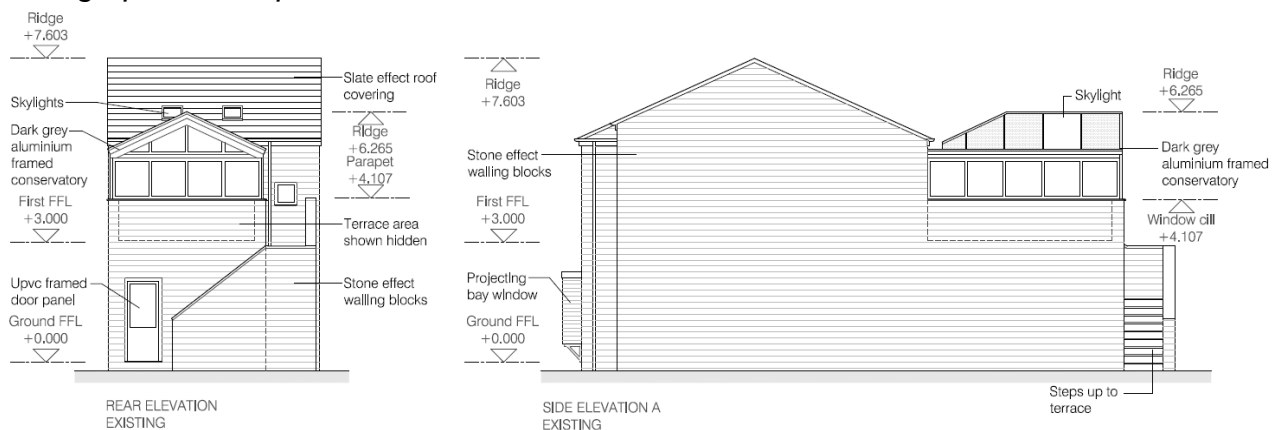
This application seeks planning permission for a proposed conservatory extension over the existing 1st floor rear terrace.

The proposed conservatory extension would have a maximum height of 2.15m, dropping to 1.25m at the eaves. The proposed width would be 3.95m and the depth would be 4.95m. The proposed conservatory extension would have a pitched roof design.

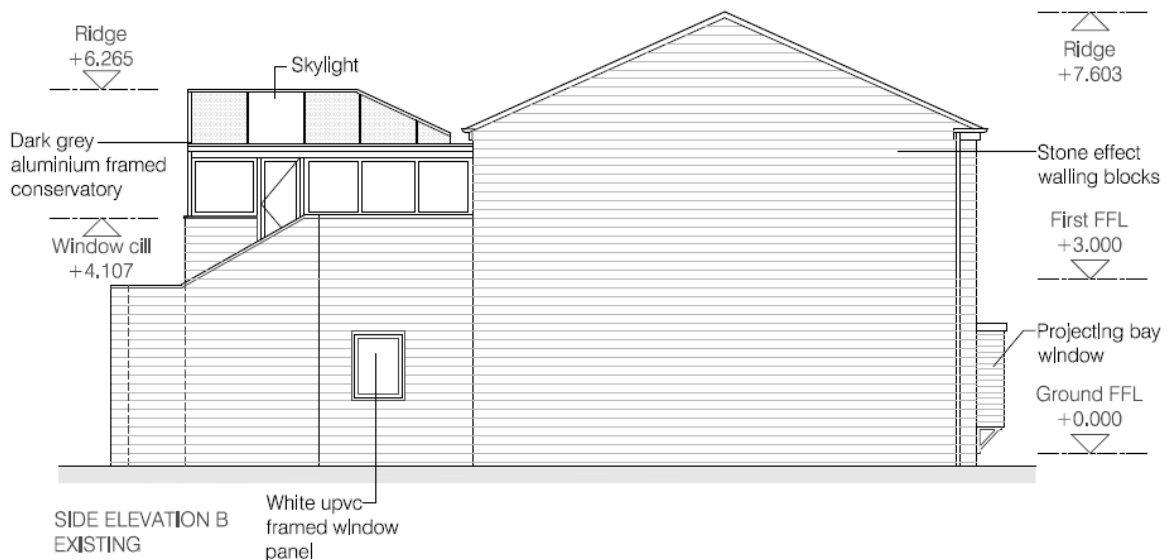
The applicant has stated that the proposed materials would be as follows:

- Walls – Dark grey aluminium frame

Photograph C – Proposed Rear and Side Elevations



Photograph D – Proposed Side Elevations



Relevant Policies:

- National Planning Policy Framework 2019
- National Planning Practice Guidance
- Burnley's Local Plan 2018
 - HS4 – Housing Developments
 - HS5 – House Extensions and Alterations
 - SP4 – Development Strategy

- SP5 – Development Quality and Sustainability

Site History

Reference: APP/2003/0898

Address: Land Adjoining 97 Rosehill Road, Burnley

Decision: Permission Granted subject to conditions

Decision Date: 8TH December 2003

Description: Erection of 2 dwellings including details of means of access (all other matters reserved for future approval)

Reference: APP/2005/0967

Address: Land Adjacent 97 Rosehill Road, Burnley, Lancashire, BB11 2JH

Decision: Permission Granted subject to conditions

Decision Date: 3RD February 2006

Description: Proposed erection of two, two-storey detached dwellinghouses

Consultation Responses

None

Publicity

One objection has been received regarding the proposed development. There objections have been summarised below:

- Loss of privacy.
- Significant loss of sunlight into the rear garden

Consultees

No consultations were necessary.

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. The Councils main policy in relation to extensions to houses/dwellings is outlined in HS5 'House Extension and Alterations'.

Main issues

- Impact on the character of the area including design and appearance

Design: Impact on the character of the area

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. Policy SP 5 of the adopted Local Plan, amongst other considerations, seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in Policy HS5 of Burnley's Local Plan, stating the following:

Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction

and design in accordance with Policy SP5. The Council will permit extensions and modifications to existing residential properties where:

- a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;
- b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;
- c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);
- d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles; and
- e) The proposal does not lead to an unacceptable loss of useable private amenity space.

Regarding criteria a), the proposed conservatory extension would convert the existing outrigger to the rear into a two storey element. The conservatory extension at first floor level is considered to be subordinate in scale when compared to the main dwelling. The proposed extension would be set approximately 1.3m below level with the ridgeline of the main dwelling. The proposal results in a development which would allow for the form of the original building to be understood.

For criteria b), the extension has been designed taking into account the existing characteristics and traits of the main dwelling. The proposed conservatory extension, if approved would result in a form of development which is considered to compliment the dwelling. This development and appear sympathetic, and with the extension being to the rear of the property it would not have an impact upon the street line.

Regarding criteria c), it is noted that the proposed extension is approximately 4.4m from the shared boundary with No.97 Rosehill Road. The extension would be constructed flush with the shared boundary with No.93 and would be 2.6m from the dwelling. The extension would be built on the existing footprint of the terrace. While it is noted that the development would result in some loss of sunlight and overshadowing to No.93, it is not of a level which would be so significant as to warrant refusal of the application. Concerns have been raised regarding loss of privacy, however, it is noted that the current site is used as a roof terrace with no balcony screen. The proposal would not therefore result in an increase in overlooking over and above what currently exists on the site. Therefore, the proposed extension is not anticipated to have any significant detrimental impact on amenity of the neighbouring properties.

With regards to criteria d), the proposal would not result in an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles

The proposed development would not lead to an unacceptable loss of useable private amenity space, therefore complying with criteria e).

Conclusion

The proposed raised conservatory would not lead to a unreasonable level of overlooking or cause a significant loss of sunlight/daylight to neighbouring properties. The proposed scale, design and appearance of the extension would be acceptable.

Recommendation: Approve

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

Ronan Kelly
13th August 2019

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Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2019/0237

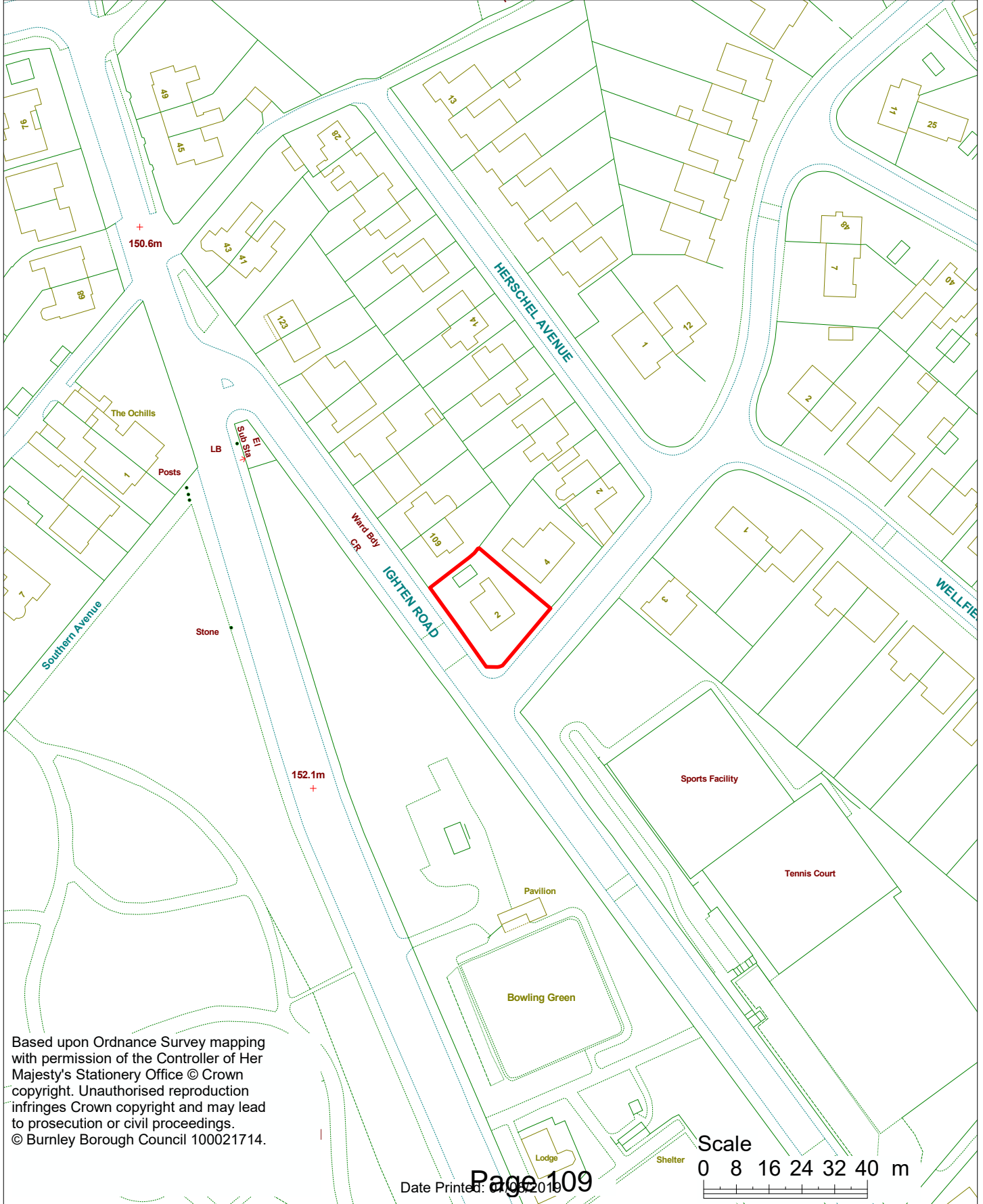
Paul Gattrell Head of Housing and Development

Location:

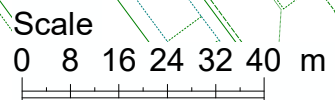


2 Westwood Road, Burnley

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Town and Country Planning Act 1990

Proposed two storey side extension and a single storey side extension
2 Westwood Road Burnley Lancashire BB12 0HR

Background:

The application site is a two storey dwelling fronting onto Ighten Road. A detached garage is sited in the western section of the property. The application is a corner site located at the junction of Westwood Road and Ighten Road. The application site benefits from private amenity space to the rear and side of the property, with a garden at the front of the property.

The surrounding area can be classified as a mix of house types, including, semi-detached and detached. Ightenhill Park is located south of the application site and is within close proximity.

*Photograph A – taken from Ighten Road
Westwood Road*



*Photograph B – taken from
Westwood Road*



Proposal

This application seeks planning permission for a proposed two storey side extension and a single storey side extension.

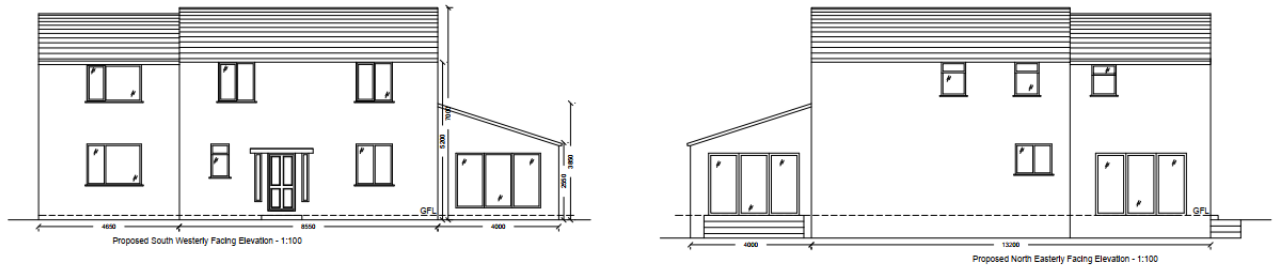
The proposed two storey extension would have a maximum height of 6.8m, dropping to 5.2m at the eaves. The proposed width would be 4.65m and the depth would be 7.4m. Two windows are proposed to the front elevation facing Ighten Road, three windows and one door on the side elevation and one window and one bi-folding door to the rear elevation. The proposed two storey extension would be set 0.2m below the ridgeline of the main dwelling, with pitched roof design.

The proposed single storey side extension would have maximum height of 3.85m dropping to 2.55m at the eaves. The width would be 4m and the depth would be 3.35m. One window has been proposed to the front and side elevation, with one bi-folding door to the rear elevation. Two velux rooflight have been proposed to the roof of the extension measuring 0.95m x 0.7m.

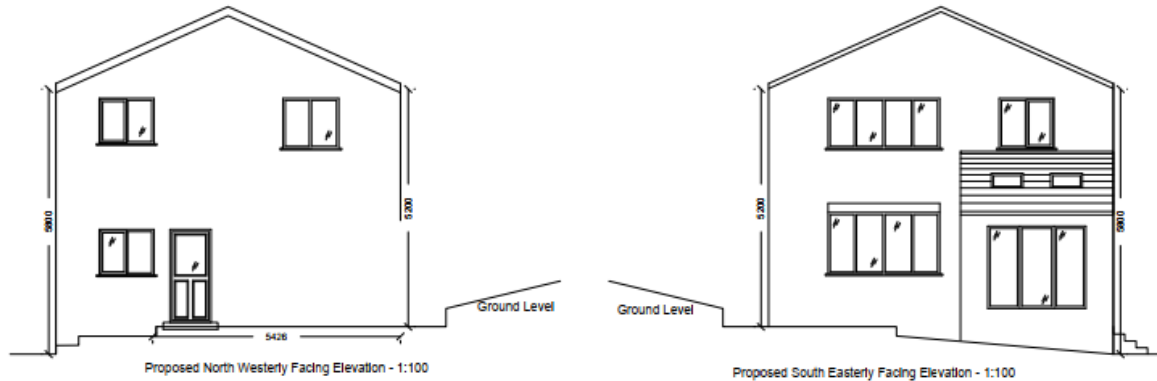
The applicant has stated that the proposed materials would be as follows:

- Walls – Red facing brick
- Roof – Concrete Tile
- Windows – Upvc white
- Downpipes and guttering – Upvc black

Photograph C – Proposed Front and Rear Elevations



Photograph D – Proposed Side Elevations



Relevant Policies:

- National Planning Policy Framework 2019
- National Planning Practice Guidance
- Burnley's Local Plan 2018
 - HS4 – Housing Developments
 - HS5 – House Extensions and Alterations
 - SP4 – Development Strategy
 - SP5 – Development Quality and Sustainability
 - IC3 – Car Parking Standards

Site History

Reference: APP/2017/0518

Address: 2 Westwood Road, Burnley, Lancashire, BB12 0HR

Decision: Permission Granted subject to conditions

Decision Date: 25th January 2018

Description: Proposed two storey extension, single storey extension and new roof to garage

External Consultations

LCC Highways

Raised no objection to the principle of the proposal, however, raise concerns regarding the lack of detail regarding the proposed car parking spaces, and of the view that the proposal has failed to illustrate the required parking standards set within Burnley's Car parking standards.

Publicity

Consultation letters were sent to two neighbouring properties. One objection has been received regarding the proposed development. Their objections have been summarised below:

- Loss of sunlight, daylight and overshadowing.
- Increase overlooking and loss of privacy.
- Increased flood risk.

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. The Council's main policy in relation to extensions to houses/dwellings is outlined in HS5 'House Extension and Alterations'.

Main issues

- Impact on the character of the area including design and appearance
- Car parking requirements
- Third party representation

Design: Impact on the character of the area

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristic street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in Policy HS5 of Burnley's Local Plan, stating the following:

Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5. The Council will permit extensions and modifications to existing residential properties where:

- a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;
- b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;
- c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);

- d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles; and
- e) The proposal does not lead to an unacceptable loss of useable private amenity space.

Two storey side extension

Regarding criteria a), the two storey side extension is considered to be subordinate in scale when compared to the main dwelling. The proposed extension would be set below the level of the ridgeline of the main dwelling, and would match the front building line of the property. The proposal results in a development which allows for the form of the original building to be understood.

For criteria b), the extension has been designed taking into account the existing characteristics and traits of the main dwelling. The proposed two storey side extension, if approved would result in a form of development which is considered to compliment the dwelling. This development would appear sympathetic, and with the extension being set below the ridgeline of the main dwelling it would have an impact upon the street line.

Regarding criteria c), it is noted that the proposed extension is approximately 13m from No.4 Westwood Road, and approximately 16m from No. 109 Ighten Road, Burnley. The side extension would not project beyond the rear wall of the property and that No.4 Westwood Road does have a window to the side elevation which is obscurely glazed. The space between both properties would not be compromised and so no amenity space would be affected. It is appreciated that the land levels differ and the proposed site is located higher, however the neighbour already experiences such surroundings and the proposal would not significantly alter the situation to a point that a significant level of harm is being caused over and above the present situation. Therefore, the side extension is not anticipated to have any detrimental impacts on amenity through over-shadowing, over-looking or an over-bearing impact of the neighbouring properties.

With regards to criteria d), LCC Highways have been consulted who have stated that while they have no objection in principle to the development, the applicant has failed to illustrate the necessary parking requirements on the site. Amended plans have been submitted to the Council, and it appears the parking requirements have been met. This will be discuss further in 'Car parking requirements' section.

The proposed development would not lead to an unacceptable loss of useable private amenity space, therefore complying with criteria e).

Single Storey Side Extension

The proposed extension is considered to be well composed, proportionate to the size and scale of the host building and would have a roof with x2 velux roof lights. It is considered that the proposal would not be harmful to the appearance or the character of the existing dwelling house and is acceptable.

The proposed extension would be sympathetic to the original dwelling and would be of an appropriate scale in relation to the existing dwelling. The proposal would not cause any demonstrable harm to the character and appearance of the dwelling due to its use

of matching materials (white upvc, facing brick, concrete roof tiles to match the existing house).

Car parking requirements

LCC Highways have raised concerns regarding the level of parking to be provided on the site.

The existing property is a single storey 4-bedroom dwelling, with a detached garage. The dwelling is required to have 3 parking spaces as a minimum which includes the garage. The site currently meets the car parking standards set out within Burnley Local Plan 2018.

The proposed layout plans have annotated that four bedrooms will be implemented if planning permission was approved. The proposal has retained the garage, and as such they would have to provide three car parking spaces including the garage, in accordance with Burnley Local Plan 2018.

Three parking spaces have been provided on the site layout plan, demonstrating that sufficient parking is available. It is noted that there is further parking available on street along Ighten Road and Westwood Road. The proposal is unlikely therefore to lead to parking congestion or unacceptable highways conditions.

Third Party Representation

One objection has been received regarding the proposed development. There objections have been summarised below:

- Loss of sunlight, daylight and overshadowing.
- Increase overlooking and loss of privacy.
- Increased flood risk.

The issues regarding sunlight, daylight and overshadowing have been addressed in the previous section, along with overlooking and loss of privacy. With regards to Flood Risk, officers note that the proposal is located within a Flood Zone 1 where there is low risk to flooding.

Conclusion

The proposed extensions would not lead to a unreasonable level of overlooking or cause a significant loss of sunlight/daylight to neighbouring properties. The proposed scale, design and appearance of the extensions would be acceptable.

Recommendation: Approve

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

Ronan Kelly
13th August 2019

Housing & Development
Town Hall, Manchester Road

Ref.

HOU/2019/0358

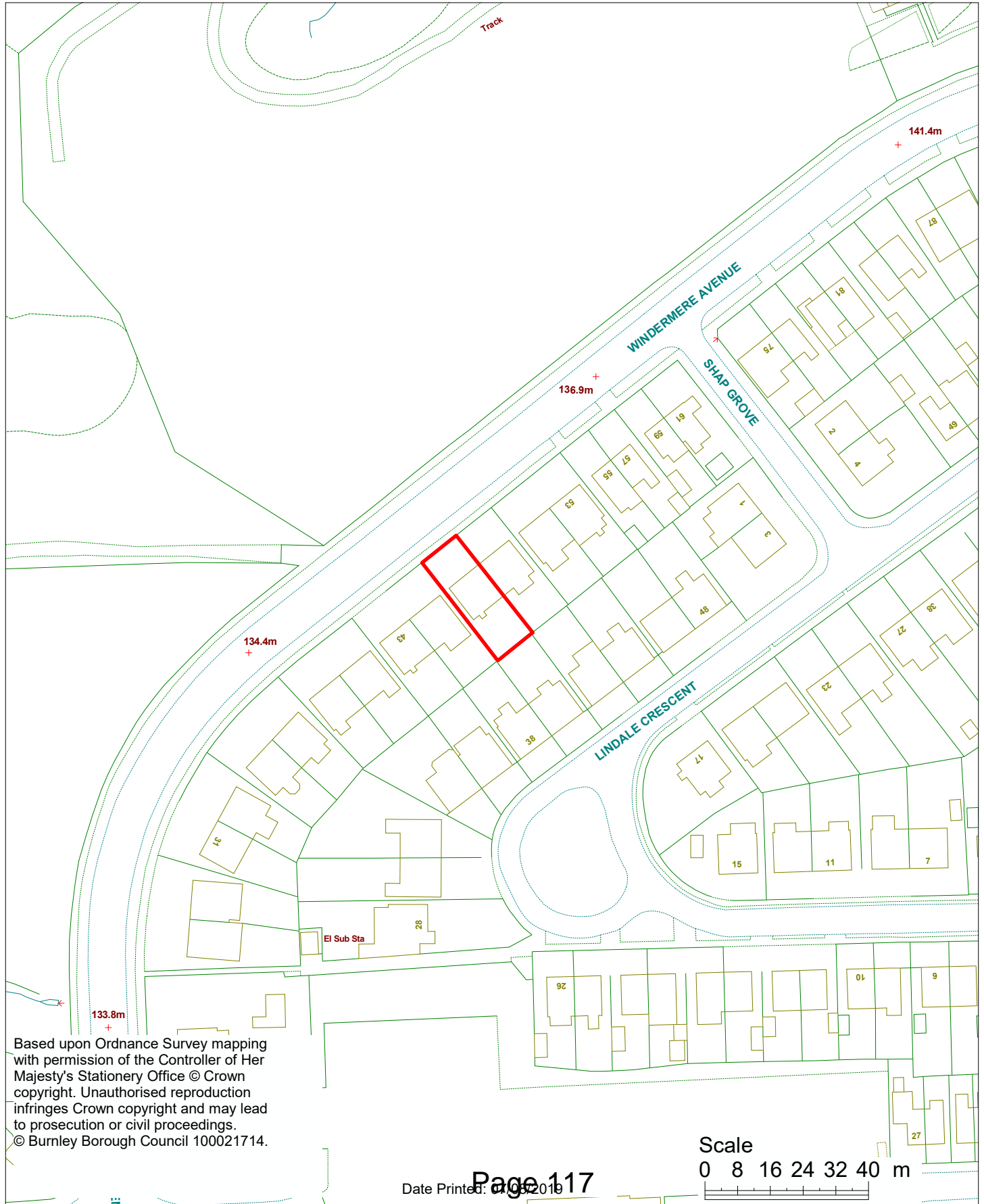
Paul Gatrell Head of Housing and Development

Location:

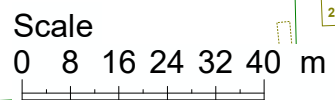


47 Windermere Avenue, Burnley

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Town and Country Planning Act 1990

Proposed single storey extension to kitchen and sun room to rear and construct dormers to front and rear and porch to front.

47 Windermere Avenue Burnley Lancashire BB10 2AB

Background:

The application site is a single storey semi-detached property. The application site benefits from private amenity space to the rear of the property, with a driveway to the front of the property.

The surrounding area can be classified as a mix of house types, including semi-detached single and two storey dwellings. Peter Finch Golf is located north of the application site.

Existing front elevation



The application is being considered at this committee due to the applicant being an elected borough Councillor.

Proposal

This application seeks planning permission for a proposed single storey extension to kitchen and sun room to rear and construct dormers to front and rear and porch to front.

The proposed front porch would have a width of 3m, project 2m from the front building line, and a maximum height of 3.3m dropping to 2.5m. One window is proposed to the front elevation, and one door to side elevation.

The proposed single storey rear extension would have a depth ranging between 2.3m – 4.3m. The extension would have a height ranging between 2.7m – 3.8m. The width of the extension would be 6.5m. One window and one door is proposed to the rear elevation.

The proposed rear dormer would have a height of 2.4m, a depth of 4.15m and a width of 8.3m. Three windows are proposed to the rear elevation. The dormer would be 0.2m below the ridge line of the main dwelling and set in 0.55m from the edge.

The proposed front dormer would have a maximum height of 1.95m, a depth of 2.8m and a width of 8.3m. Three windows are proposed to the front elevation. The dormer would be 0.5m below the ridge line of the main dwelling and set in 0.55m from the edge.

The applicant has stated the proposed materials as follows:

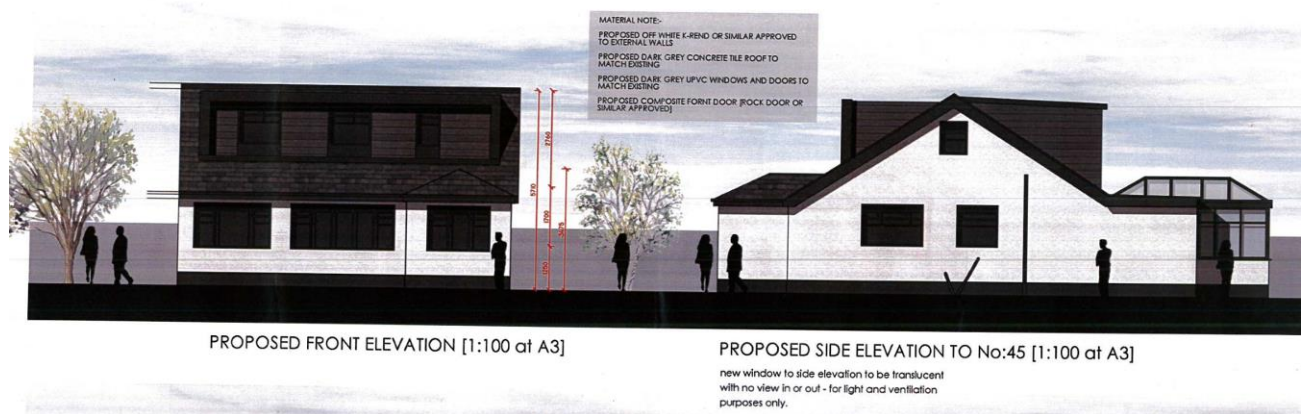
Single storey extension/Front porch

- Walls – White render
- Roof – Dark grey concrete roof tile
- Windows – White upvc
- Door – White upvc

Dormer extensions

- Roof – Dark grey concrete roof tile
- Windows – White upvc

Proposed Front and side elevation



Proposed rear and side elevation



Relevant Policies:

- National Planning Policy Framework 2019
- National Planning Practice Guidance
- Burnley's Local Plan 2018
 - HS4 – Housing Developments
 - HS5 – House Extensions and Alterations

- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability

Site History

No relevant site history.

Consultation Responses

LCC Highways

Raised concerns regarding the level of parking to be provided on the site. Their comments are as follows:

The plans associated with this application indicate that there are 3 bedrooms and a study, the study is adjacent to 2 other bedrooms and is considered large enough to be a bedroom. Whilst the applicant may use the room as a study, any future occupant could use the study as a bedroom and for the purposes of this application it is being considered as a bedroom. In line with Burnley's Local Plan a dwelling with 4 bedrooms should have 3 off street car parking spaces.

The car parking spaces should be 5m x 2.4m and in order to aid their accessibility at least 2 of them should be capable of being used independently of each other. This may require an alteration the existing vehicle crossing.

It is noted that the existing garage is to be incorporated into the habitable part of the dwelling and that there appears to be no further provision for any cycle storage, in order to promote sustainable transport additional covered and secure outdoor storage should be provided.

These comments will be taken into consideration when determining the application.

Publicity

No comments or objections have been received from neighbouring properties.

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. The Councils main policy in relation to extensions to houses/dwellings is outlined in HS5 'House Extension and Alterations'.

Main issues

- Impact on the character of the area including design and appearance
- Impact on car parking

Design: Impact on the character of the area

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally

characteristics street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in Policy HS5 of Burnley's Local Plan, stating the following:

Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5. The Council will permit extensions and modifications to existing residential properties where:

- a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;
- b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;
- c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight, using the distances set out in Policy HS4 3)c);
- d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles; and
- e) The proposal does not lead to an unacceptable loss of useable private amenity space.

Single storey rear extension/Front porch

Regarding criteria a), the proposed single storey rear extension and front porch is considered to be subordinate in scale when compared to the main dwelling. The proposal results in a development which would allow for the form of the original building to be understood.

For criteria b), the extension has been designed taking into account the existing characteristics and traits of the main dwelling. The proposed single storey rear extension and front porch, if approved, would result in a form of development which is considered to compliment the dwelling. This development would appear sympathetic. While the front porch would be visible from Windermere Avenue it would not have a detrimental impact upon the street line.

Regarding criteria c), it is noted that the proposed extension is approximately 1.2m from the shared boundary with No.45 Windermere Avenue. The extension would be constructed 2.4m from the shared boundary with No.49 Windermere Avenue. These elements of the proposal would not result in loss of sunlight, overshadowing or loss of privacy. Therefore, these elements of the proposal are not anticipated to have any significant detrimental impact on amenity through over-shadowing, over-looking or an over-bearing impact of the neighbouring properties.

With regards to criteria d), the proposal would not result in an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles

The proposed development would not lead to an unacceptable loss of useable private amenity space, therefore complying with criteria e).

Front and Rear Dormer extensions

Regarding criteria a), the proposed front and rear roof dormers is considered to be subordinate in scale when compared to the main dwelling. The proposal results in a development which would allow for the form of the original building to be understood.

For criteria b), the extension has been designed taking into account the existing characteristics and traits of the main dwelling. The proposed front and rear roof dormers, if approved, would result in a form of development which is considered to compliment the dwelling. This development would appear sympathetic, and while the front dormer would be visible from Windermere Avenue, it would not have a detrimental impact upon the street line.

Regarding criteria c), it is noted that the proposed front and rear roof dormers is approximately 1.2m from the shared boundary with No.45 Windermere Avenue. The extension would be constructed 0.3m from the shared boundary with No.49 Windermere Avenue. These elements of the proposal would not result in loss of sunlight or overshadowing. These elements of the proposal would not result in overlooking or loss of privacy to the adjoining neighbours. Therefore, these elements of the proposal are not anticipated to have any significant detrimental impact on amenity through over-shadowing, over-looking or an over-bearing impact of the neighbouring properties.

With regards to criteria d), the proposal would not result in an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclist or vehicles

The proposed development would not lead to an unacceptable loss of useable private amenity space, therefore complying with criteria e).

Car parking

LCC Highways have raised concerns regarding the level of parking to be provided on the site.

The existing property is a single storey 3-bedroom dwelling, with an attached garage. The dwelling is required to have 2 parking spaces as a minimum which includes the garage. The site currently meets the car parking standards set out within Burnley Local Plan 2018.

The proposed layout plans have annotated that three bedrooms will be implemented if planning permission was approved, with a study which could be converted into a fourth bedroom. The proposal has removed the garage, and as such they would have to provide four car parking spaces, in accordance with Burnley Local Plan 2018.

Two parking spaces have been provided on the site layout plan, and while it is required that 4 off-street parking should be made available, sufficient parking is available. It is noted that there is further parking available on street along Windermere Avenue. The proposal is unlikely therefore to lead to parking congestion or unacceptable highways conditions. A condition will be attached based on the recommended condition from Highways relating on the provision of cycle storage

Conclusion

The proposed single storey extensions and dormers would not lead to a unreasonable level of overlooking or cause a significant loss of sunlight/daylight to neighbouring properties. The proposed scale, design and appearance of the extensions would be acceptable.

Recommendation: Approve

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

Ronan Kelly
13th August 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

21st August 2019

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2019/0314		Former Ridge Wood Community School Burleigh Street Burnley Lancashire BB12 0DA	Application for approval of details reserved by condition on planning permission APP/2017/0576 (Condition 13 - Verification Report)	Conditions discharged	18th July 2019
FUL/2019/0303	Mr Bhag Singh	298 Padiham Road Burnley Lancashire BB12 6ST	Proposed rear dormer and installation of ground floor door to rear elevation	Approve with Conditions	23rd July 2019
HOU/2019/0259	Mr Rob Townson	Lea Green 48 Stirling Court Briercliffe Lancashire BB10 3QT	Proposed retention of 2 no. rear dormers	Approve with Conditions	23rd July 2019
HOU/2019/0307	Sakina Begum	163 Grey Street Burnley Lancashire BB10 1PX	Proposed bedroom and wet room extension	Approve with Conditions	23rd July 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PAH/2019/0322	Mrs Rachel Turner	Lea Hurst Honeyholme Lane Cliviger Lancashire BB10 4SR	Proposed rear single storey extension	Prior Approval not required accept	24th July 2019
ADV/2019/0211	Mr Andrew Walls-Hester	Unit 2 Trafalgar Street Burnley BB10 1TQ	Display of one front illuminated fascia sign (static and externally illuminated)	Approve with Conditions	25th July 2019
HOU/2019/0240	Mr Ian Scholes	Greenacres Park Road Cliviger Lancashire BB10 4SL	Proposed 2 storey side extension, with single storey rear extension with roof terrace and alterations to form 1 no. external door in the existing house in former window opening. (Re-submission of APP/2018/0311)	Approve with Conditions	25th July 2019
PAH/2019/0299	Mr S Heap	6 The Spinney Burnley Lancashire BB12 0PB	Proposed single storey extension with pitched roof and tiles to match existing dwelling	Prior Approval not required accept	25th July 2019
HOU/2019/0325	Mr And Mrs Paul And Michelle Parker	12 Moseley Road Burnley Lancashire BB11 2RG	Proposed retention of raised kitchen roof and raised patio/balcony to rear	Approve with Conditions	25th July 2019
PAR/2019/0298	Mr And Mrs P Strange	8 Mill Hill Lane Hapton Lancashire BB11 5QU	Prior approval for proposed conversion of agricultural building to dwelling	Prior Approval refused	26th July 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2018/0503	Alison Eason	Braestones The Long Causeway Burnley Lancashire BB10 4RN	Application to fell 25no. trees and the crown reduction of 14no. trees (within A21) covered by the Burnley (Brun Valley, Map 6) Tree Preservation Order 1974.	Approve with Conditions	31st July 2019
HOU/2019/0200	Mr Graham Knott	Lea Hurst Honeyholme Lane Cliviger Lancashire BB10 4SR	Proposed detached garage	Approve with Conditions	31st July 2019
HOU/2019/0273	Mr Kaiser Aziz	95 Waddington Avenue Burnley Lancashire BB10 4LA	Proposed bedroom and wet room extension	Approve with Conditions	31st July 2019
PAA/2019/0296	Miss Kelly Bland	30 St Jamess Street Burnley Lancashire BB11 1NQ	Prior approval for change of use from Class A1 retail to Class A3 cafe/restaurant	Prior Approval Granted	31st July 2019
APP/2018/0599		Land To Rear Of Nos. 78-108 Gannow Lane Burnley Lancashire	Proposed erection of 5no. light industrial units (Class B1(c))	Refuse	1st August 2019
APP/2019/0134	Mr Syed Tumheed Zafar	35 Green Street Burnley Lancashire BB10 1UZ	Proposed change of use from retail shop to a teaching & training centre with a conference hall, including internal alterations to the building (re-submission APP/2018/0196)	Approve with Conditions	2nd August 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
ADV/2019/0242	Ms Jan Clark	1-3 Lowerhouse Lane Burnley Lancashire BB12 6HU	Integral illumination ATM fascia and Internally illuminated Blue LED halo illumination surround	Approve with Conditions	2nd August 2019
HOU/2019/0272	Mr Mark Slattery	5 Loweswater Crescent Burnley Ightenhill Lancashire BB12 8TW	Proposed extension to existing bedroom over existing garage and balcony	Approve with Conditions	2nd August 2019
HOU/2019/0289	Mr Paul Kaye	A 114 Westgate Burnley Lancashire BB11 1SD	Installation of log burner flue	Approve with Conditions	7th August 2019
ADV/2019/0347	Mr Kazi Rahman	5 Albert Street Burnley Lancashire BB11 3DB	New signage to front of property	Application Withdrawn	8th August 2019

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

21st August 2019

Housing and Development

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

21st August 2019

PART III

**Application for Public Footpath Diversion Order under section 257
of the Town and Country Planning Act 1990**

Application Reference: FDO/2019/0275

Date of Application: 15 May 2019

**Proposal: Proposed diversion of part of Public Footpath Nos. 89 and 90
(Cliviger) (under section 257 of the Town and Country Planning Act 1990)**

At: Land To The West Red Lees Road Cliviger

1. Purpose of report

To inform members that changes have been made to the draft Order and seek authorisation to make an Order in accordance with these changes. The Order relates to the diversion of Public Footpaths 89 and 90 at the above site in connection with a planning application for a residential development of 129 houses (reference APP/2019/0155) which is also being considered at this meeting.

2. Background

Section 257 of the Town and Country Planning Act 1990 allows a Local Planning Authority as “competent authority” to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission whether an application has already been approved or has been submitted.

The Council make the Order and then follow a process of advertisement by press and site notice and consultation with statutory undertakers, the Cliviger Parish Council and the Ramblers Association, neighbouring residents for a period of 28 days. In the event that there are no objections to the Order then the Order would be confirmed unopposed. However, should there be any objections and these objections are not subsequently withdrawn then the Order would be referred to the Secretary of State for determination. The costs for making the Order and any subsequent referral (which would be dealt with by written representations, a hearing or public inquiry) would be borne by the applicant.

3. Recommendation

To authorise the Head of Legal and Democratic Services to make an Order under section 257 of the Town and Country Planning Act 1990 to divert public footpaths 89

and 90 (Cliviger) as shown on the plan submitted with the application and in the event that there are outstanding objections following a period of consultation and negotiaton, to refer the Order to the Secretary of State for determination.

4. Reasons for Recommendation

To, subject to the grant of planning permission, allow the carrying out of development which is subject to a planning application which is currently under consideration.

5. Summary of Key points

A new draft Order has been submitted with the application which will be reviewed and amended if necessary by the Head of Legal and Democratic Services before the making of the Order. This Order will set out the requirements for the diversion.

Footpaths Nos. 89 and 90 cross the site and converge at a stile at Red Lees Road. Public Footpath No. 88 lies to the south side of these paths and would not be affected by this Order. The proposal is to stop up the parts of Public Footpaths Nos. 89 and 90 that are shown by the solid line on the map below and in substitution for alternative routes indicated by the bold dashed line.

The alternative routes take into account that the development of the site for residential purposes which would require building over parts of the existing footpaths with roads, drives and new dwellings. The alternative routes would provide a reasonable and practical diversion.

Minor changes have occurred due to minor changes to the proposed development, to delete the alternative route previously indicated along Red Lees Road which is not required (due to the fact it already provides a public right of way) and to take into account the need for a ramp to replace a stile at Red Lees Road. A plan of the proposed diversion is shown below.

In the event that an Order is made and confirmed (without subsequent challenge) then the Order would still not come into effect until the associated planning permission has been granted. The diversion of the footpaths would not therefore occur without first having a planning permission in place.

1. Financial implications

The costs of making the Order, advertisement and any subsequent costs associated with referring the Order to the Secretary of State will be met by the applicant.

2. Background Papers

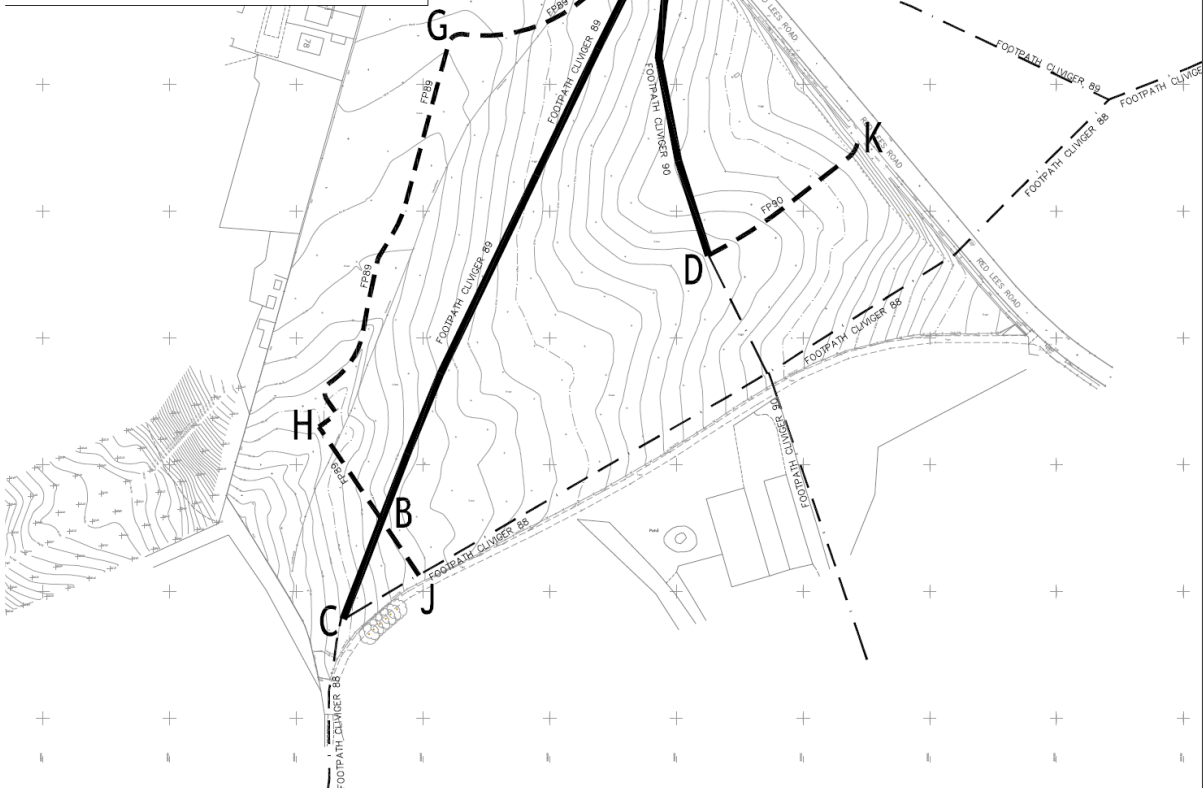
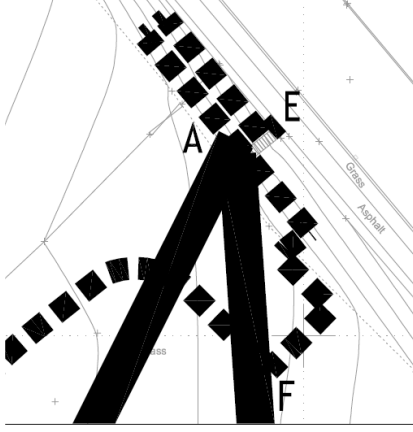
Planning application APP/2019/0155.

Report Author: Janet Filbin, Principal Planner Ext 3216

13/8/2019

Proposed Footpath Diversion Plan

INSET 1 - PROPOSED ALTERNATIVE LENGTH OF FP89 ROUTING DOWN THE PROPOSED RAMP AND INTO THE DEVELOPMENT.
SCALE 1:500



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Revision History	Date	
A	UPDATED FOLLOWING COMVS FROM BCGLCC	10.05.19
B	OS BASE ADDED FOR SITE CONTEXT	03.07.19
C	NEW PROW FP90 AMENDED NEAR PLOTS 9+10	04.07.19
D	REVISED NEW FP DETAILS AND WIDTHS	09.07.19
E	ALIGNMENT OF EXISTING PROW CHANGED	31.07.19
F	MINOR TEXT CHANGES	01.08.19

KEY

LENGTHS TO BE DIVERTED
(A-B-C) - FOOTPATH CLIVIGER 89
(A-D) - FOOTPATH CLIVIGER 90

ALTERNATIVE ROUTES -
(E-A-F-G-H-B-J) FP89
(D-K) FP90

UNAFFECTED PUBLIC RIGHTS OF WAY

NOTES:

GRID REFERENCE POINTS

- POINT A - SD 8694 3151
- POINT B - SD 8683 3127
- POINT C - SD 8681 3123
- POINT D - SD 8696 3138
- POINT E - SD 8694 3151
- POINT F - SD 8694 3149
- POINT G - SD 8686 3147
- POINT H - SD 8680 3131
- POINT J - SD 8684 3125
- POINT K - SD 8702 3142

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scale(s): 1:2500@A4 UNLESS STATED				
planning environment design				

