

DEVELOPMENT CONTROL COMMITTEE

Thursday, 9th January, 2020
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 9th January, 2020 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: [Request To Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 8

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

3. Additional Items of Business

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

4. Declaration of Interest

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

5. Exclusion of the Public

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

6. List of Deposited Plans and Applications

9 - 10

To consider reports on planning applications for development permission:

a)	APP/2019/0155 - Land to the West Red Lees Road Burnley Lancashire	11 - 60
b)	FUL/2019/0537 - 1D Valley Gardens Hapton Lancashire	61 - 76
c)	FUL/2019/0396 - Wright's Upholstery, Claremont Street Burnley	77 - 90
d)	ADV/2019/0535 - Old Red Lion Hotel, 2-4 Manchester Road, Burnley	91 - 96
e)	FUL/2019/0478 - Land at Curzon Street and Pioneer Place Car Park, Burnley	97 - 124
7.	Decisions taken under the Scheme of Delegation	125 - 138
	To receive for information a list of delegated decisions taken since the last meeting.	

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

Friday, 20 December 2019

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 28th November, 2019 at 6.30 pm

PRESENT

MEMBERS

Councillors A Hosker (Chair), M Payne (Vice-Chair), A Anwar, G Birtwistle, F Cant, S Chaudhary, I Emo, A Fewings, S Graham, J Harbour, M Johnstone, G Lishman, N Mottershead, A Raja and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Senior Planner
David Talbot	– Senior Solicitor
Alison McEwan	– Democracy Officer

76. Apologies

None were received.

77. Minutes

The Minutes of the last meeting held on 14th November were approved as a correct record and signed by the Chair.

78. List of Deposited Plans and Applications

The following members of the public attend the meeting and addressed the Committee under the Right to Speak Policy:

David Waddington (against)

Jamie White (for)

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

79. FUL/2019/0315 Land to the North of Higher Saxifield Street, Burnley

Erection of 130no. dwellings with associated access roads, open space and landscaping and vehicular access from Standen Hall Drive following the demolition of No. 64 Standen Hall Drive. Proposal affects Public Footpath Nos. 174 and 224, Briercliffe.

A motion to approve the application was moved and seconded.

On being put to the vote the motion was declared to be lost.

A motion to refuse the application was moved and seconded. As this was contrary to officer recommendation, a named vote was carried out.

To refuse FUL/2019/0315 Land to the North of Higher Saxifield Street, Burnley (Motion)	
That FUL/2019/0315 be refused for the following reason:	
Highways reason:	
The proposal would result in an unacceptable impact upon highway safety as a result of introducing a significant number of additional vehicular movements to the locality which would exceed the capacity of the existing local transport infrastructure and fails to provide an adequate means of mitigating the impact. As such, the proposal is therefore contrary to policies SP1, IC1 and IC2 of the adopted Burnley Local Plan 2018 and the NPPF 2019.	
Councillor Alan Hosker	For
Councillor Mark Payne	Against
Councillor Afrasiab Anwar	For
Councillor Gordon Birtwistle	For
Councillor Frank Cant	Abstain
Councillor Saeed Chaudhary	Against
Councillor Ivor Emo	For
Councillor Andy Fewings	For
Councillor Sue Graham	Against
Councillor John Harbour	Against
Councillor Marcus Johnstone	Against
Councillor Gordon Lishman	For
Councillor Neil Mottershead	For
Councillor Asif Raja	For
Councillor Jeff Sumner	For
Carried	

Decision: That the application be refused. Highways reason: The proposal would result in an unacceptable impact upon highway safety as a result of introducing a significant number of additional vehicular movements to the locality which would exceed the capacity of the existing local transport infrastructure and fails to provide

an adequate means of mitigating the impact. As such, the proposal is therefore contrary to policies SP1, IC1 and IC2 of the adopted Burnley Local Plan 2018 and the NPPF 2019.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

9th January 2020

Housing and Development

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Housing & Development
Town Hall, Manchester Road

Ref.

APP/2019/0155

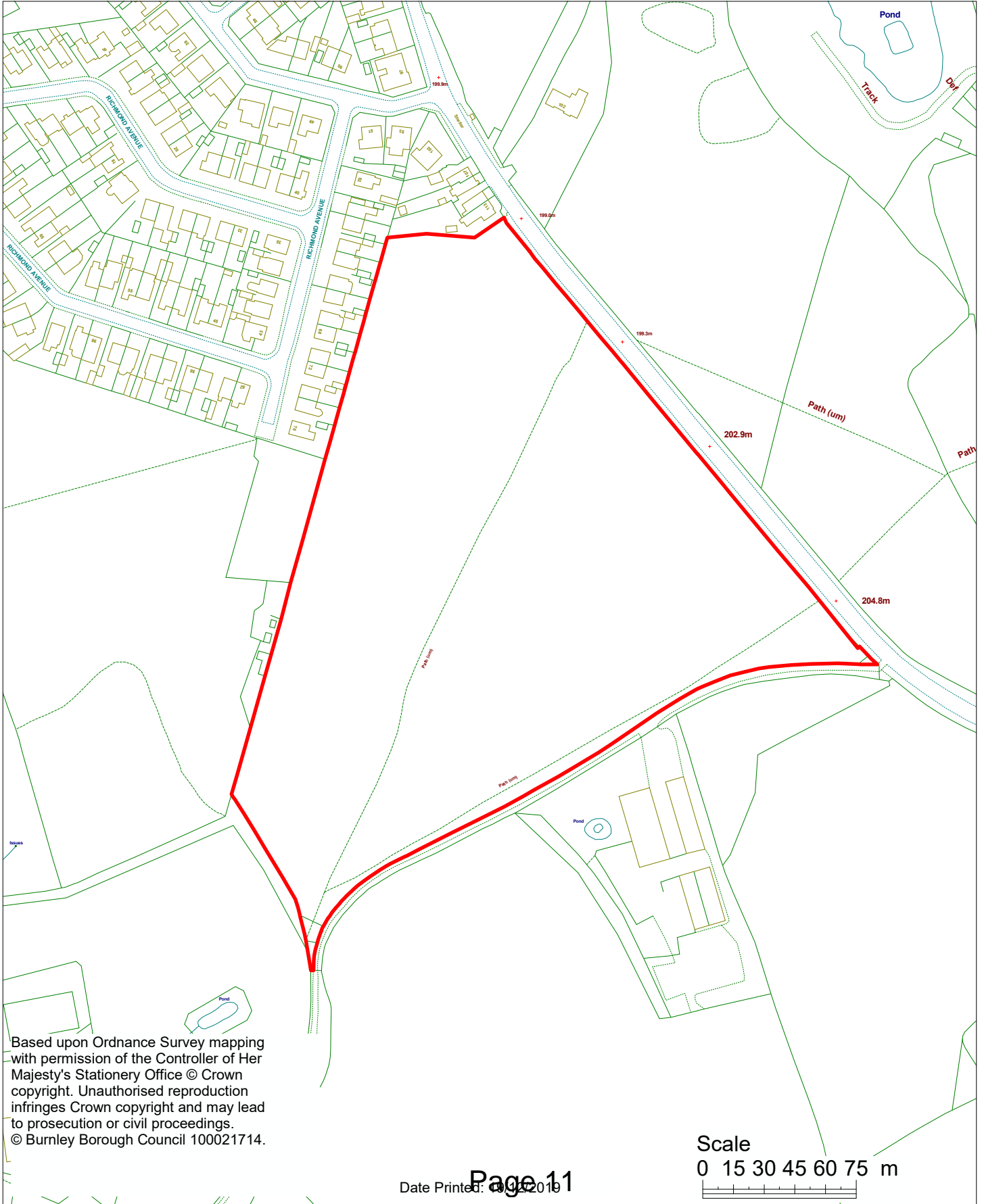
Paul Gatrell Head of Housing and Development

Location:



Land to the West of Red Lees Road, Burnley

1:2500



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Application recommended for Delegation

APP/2019/0155

Cliviger with Worsthorne Ward

Residential development for the erection 125 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:

This application was first considered by the DC Committee on the 21st August 2019 and was subsequently referred to the Full Council for determination due to the fact that the resolution of the DC Committee which would have been to refuse planning permission would represent a substantial departure from the adopted local plan. At a Full Council meeting (Extraordinary Council meeting) on the 16th October 2019, it was resolved that the application be deferred in order to allow further discussions with the developer. The applicant subsequently made the following key changes to the proposed scheme:-

- A reduction in the number of houses from 129 to 125 (a pair of semi-detached houses removed at the south end of the frontage onto Red Lees Road, one house removed near to the site entrance and one house removed by reducing a row of three houses to a pair of semi-detached houses at the westerly side of the site);
- The introduction of 5no. affordable houses on the site. The tenure of these will be discount to market sale at 80% of open market value with the remainder of the affordable housing offer being met off-site by way of a contribution of £396,355 (the Council would use this sum to re-use empty homes for affordable housing);
- Agreement to pay the full contribution of £980,832.54 towards education provision;
- An additional 63 semi-mature trees to be planted along the three most exposed boundaries (these being Red Lees Road, the South East boundary and the South West corner);
- A revised Energy Statement and the use of 10 No. Photovoltaic (PV) panels, to be distributed across five properties (Plots 63 to 67 - two panels per plot).

The applicant has also confirmed that they would agree to a re-dedication of the Public Footpath No.88 within the application site as Public Bridleway.

The Full Council met at an Extraordinary meeting on the 16th December to re-consider this planning application and resolved to refer a decision back to the Development Control Committee.

The Full Council has previously been provided with the following Officer comments on the reasons expressed by the DC Committee on the 21st August 2019 for rejecting the application. These are re-produced below:

Reason 1 - The development is contrary to Policy SP1 of Burnley's Local Plan;

Officer comments in relation to Reason 1

Whilst no specific reason for the view that the development did not accord with these policies was recorded, the concerns that Members of the Committee discussed related to the sustainability of the site, with reference to access to doctors, local schools and the impact of the amount of development on these facilities. For the purposes of this application, these concerns do not, however, fall within the scope of Policy SP1. Policy SP1 is a general policy setting out a positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF).

The NPPF states:-

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay”.

Applying the presumption in favour of sustainable development (as required by the NPPF) which is the approach taken in Policy SP1 means that proposals that are in accordance with Burnley's Local Plan should be approved without delay. This is stated in Policy SP1:-

“Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in any neighbourhood development plans) will be approved without delay, unless material considerations indicate otherwise”.

The agenda report examines the proposal and concludes firmly that the proposed development accords with the policies of the local plan. This was the position when the Council have previously considered the application (at the Development Control Committee on the 21st August 2019 and at the preceding Full Council meeting on the 16th October 2019) and this position is further affirmed by the changes that have been recently made (listed at paragraph 8 above). As such, Policy SP1 and the NPPF indicate that the development should be approved without delay. Whilst it is relevant to consider whether there are any other material considerations which indicate otherwise (other than issues which are addressed by other specific plan policies), no reference was made to any such matters by the Committee in the reasons for refusal.

The issues relating to access to doctors and the overall infrastructure that supports growth is a 'in principle' consideration that formed part of the considerations in the making, consultation and adoption of the local plan. Policy IC4 states that development will be required to provide or contribute towards the provision of the infrastructure needed to support it but that any contribution must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

No request for a contribution towards health facilities has been made to the Council and there is no evidence to support any view that this may be needed. Moreover, the growth that would occur from the development is planned rather than unexpected growth and would occur gradually over a significant length of time. Growth is expected

to occur in line with the adopted local plan and through this process health providers are aware where future increases in patient numbers will occur. This is not in this case therefore a valid material consideration and Policy SP1 would not support a view to the contrary.

In respect of local school places, the Schools Planning Team at Lancashire County Council (LCC) has requested a revised contribution (based on the revised scheme) of £593,869.98 to provide 37 primary school places and £386,962.56 to provide 16 secondary school places (total contribution of £980,832.54). Whilst previously the applicant had agreed to pay a contribution of £475,923 towards education, the applicant has now offered to pay the full contribution request. Lancashire County Council, being the body responsible for the provision of school places in this district, confirm that they have no objection to the proposed development.

It should be noted that the Officer view is that the previous lower contribution offer would also have been acceptable and complied with Policy IC4 as it was based on sound viability evidence. However, agreement to pay the full contribution which will be secured through a section 106 Agreement is conclusive in the finding that the proposed development adequately caters for additional school places that will be generated by the development.

LCC state that they would use the primary school contribution to provide additional school places at Burnley Springfield Community Primary School and would use the secondary school contribution to provide additional secondary school places at Burnley Unity College. In the event that the contribution is not used for these purposes, LCC state that they would return the sum to the developer. The responsibility for using the funds provided by the developer and providing school places would rest with Lancashire County Council.

The assumptions of the Local Plan Viability Assessment, calculated a ceiling of £1.12 million on all contributions for this site. Whilst the offer for an education contribution has risen by £504,909.54, the level of other contributions has not reduced. The development will therefore adequately contribute towards the provision of the infrastructure that is needed to support it and would comply with Policy IC4.

The concerns of the DC Committee in respect of school places and health facilities are adequately taken into account and do not raise a conflict with Policy SP1. Policy SP1 projects a positive approach that reflects the presumption in favour of sustainable development which the NPPF affirms means approving development proposals that accord with an up-to-date development plan without delay. Policy SP1 therefore indicates that the proposal should be approved without delay.

Reason 2 - The development is contrary to Policy SP5 of Burnley's Local Plan;

Officer comments in relation to Reason 2

The concerns that Members of the Committee discussed in relation to Policy SP5 related to the density of development, the design of the scheme/gateway location and the absence of renewable energy.

The applicant has amended the application by reducing the number of dwellings from 129 to 125. The previous figure of 129 dwellings was in accordance with the housing

allocation at HS1/8 which states that the site is acceptable for around 125 dwellings. However, the reduction to the exact number of dwellings as stated in Policy HS1/8 is also in accordance with the housing allocation which is necessary to make up the housing requirement (set out in Policy SP2) to be made up by site allocations (1,798 dwellings in the plan period). It also complies with Policy HS3 which states that at a minimum, developments should seek to achieve a density of 25dph (dwellings per hectare). The proposal would lead to a density of 25dph which is at the minimum level and is considered to be appropriate for this area where there is a transition from a rural to urban area. A lower density would be in conflict with this policy and would not generate the housing number for the site that is forecast to contribute to the housing requirement in Policy SP2.

The agenda report explains how the development has been designed to create a transition from the rural into the urban area. Careful attention has been made to the greening of the frontage, the greening of the approach from the rural area, the use of formal frontages set back from the main road and the use of reconstituted stone with detailing with heads, sills, kneelers, bays, projecting gables and the addition of chimneys to some of the frontage properties. The agenda reports refers to some improvements that the applicant made to the design and layout of the scheme during the application process. The resultant scheme is a high quality development that is well designed, includes public open space, respects the local area, and provides good quality family housing and complies with the expectations of Policy SP5. The applicant has, since the date of the Full Council meeting on the 16th October 2019, made steps to further improve the appearance of the scheme at the gateway location by providing an additional 63 semi-mature trees to be planted along the Red Lees Road frontage and the south east and south west boundaries. The removal of two houses at the south side of the Red Lees Road frontage has also provided a low dense edge which would be obscured from the approach views (from Cliviger) by new tree planting. The proposed scheme had previously addressed the gateway transition from the rural to urban areas and these further improvements reinforce that. As such, the proposal provides a carefully designed gentle transition from countryside to town which complies with the expectations in Policy SP5.

In respect of renewable energy, this forms part of section 1 of Policy SP5 which is headed 'Energy Efficiency' which requires applicants to incorporate measures to minimise energy and water consumption, to seek opportunities for on-site energy supply from renewable and low carbon energy sources, and to seek opportunities to contribute to local and community-led renewable and low carbon energy initiatives. The Energy Statement submitted by the applicant explains that the design has focussed on building fabric improvements to save energy as opposed to creating more energy to compensate for less well insulated homes. The proposed dwellings will achieve a reduction of 10.26% in energy use compared to building regulation compliance. The report states that by concentrating on fabric improvements it is ensured that the resultant reduction in energy demand will be effective for the life of the building (approx. 60 years) as opposed to some renewables which lose efficiency quickly and are costly to maintain or replace (approx. 25 year maximum lifespan). The applicant's approach to achieving energy efficiency as a whole which is the objective of the policy is accepted and the proposal that was considered previously by the DC Committee and Full Council complied with the Energy Efficiency requirements of Policy SP5.

The applicant has since the Full Council meeting sought to make further improvements by providing 10 No. Photovoltaic (PV) panels, to be distributed across five properties (Plots 63 to 67). This further demonstrates that the applicant has sought opportunities for the on-site supply of renewable energy which represents an enhanced level of energy efficiency to that which will be provided by fabric efficiency improvements. The applicant has also looked at the potential to contribute to local and community-led renewable and low carbon initiatives and concludes that there are no local initiatives that would be suitable to connect into the site. This position is accepted. The applicant has fulfilled the expectations of Policy SP5 in respect of Energy Efficiency and the proposal would result in an energy efficient development.

The report set out below re-presents the application in its amended form. Some changes are also made to consultee and neighbour responses to account of further representations that have been received from members of the public and the Parish Council.

Proposal:

The submitted application sought 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 applicant has now amended the scheme to reduce the number of proposed dwellings to 125. 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 proposed scheme provides for a total of 125 two storey dwellings, consisting of a high proportion of detached houses (95no.) and lower proportions of semi-detached (24no.) and houses in a row of three (6no.). 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 stone 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.

Proposed Site Layout



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 stone 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 a 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.

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)



Rev E. 12.12.19
Dist Numbers unrelated in

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
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p>

- 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

An updated assessment has been provided based upon the reduced scheme of 125 dwellings:-

Education Assessment 15th November 2019

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced.

In accordance with Lancashire County Council's 'School Place Provision Strategy', the following will apply:

Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have.

This assessment shows the level of impact relevant to the following development:

Land to the West Red Lees Road

Pupil Yield

Through a detailed research project carried out during 2012 LCC have established a pupil yield to be applied for the bedroom mix within a development.

Using the Rightmove database (based on Land Registry information), a cross matching exercise was undertaken to match the first occupation of a house with the relevant School Census. The research enabled LCC to ascertain the likely impact of a dwelling with 1, 2, 3, 4, or 5+ bedrooms in terms of the child yield. This enabled LCC to project the pupil yield of new houses, based on the number of bedrooms per dwelling.

LCC will seek to apply these pupil yields to our assessment, however, if bedroom information has not been provided by the developer LCC will apply the 4 bedroom yield, to provide a medium to worst case scenario. Once bedroom information is available the impact of this development will be reassessed using the yield information provided in the 'Development details' section below.

Local primary schools within 2 miles of development

When assessing the need for an education contribution from this development Lancashire County Council considers primary school provision within a 2 mile radius of the proposed site. Details of the schools relevant to this site are provided below:

School Name	Latest Number on Roll *	Future Planned Net Capacity (Jan 2024) **	Projected Pupils by Jan 2024 ***
Worsthorne Primary School	213	210	210
Burnley Brunshaw Primary School	420	420	432
Burnley St Stephen's Church Of England Voluntary Aided Primary School	209	210	222
Burnley Springfield Community Primary School	206	251	217
St Mary's Roman Catholic Primary School Burnley	210	210	221
St John's Church Of England Primary School Cliviger	201	210	200
Burnley St Peter's Church Of England Primary School	209	210	222
Burnley Heasandford Primary School	631	630	636
Total	2299	2351	2360

* Latest Number on Roll (NOR) reflects the most up-to-date pupil numbers at the school. Assessments between 1st December and 31st March will use October NOR, assessments between 1st April and 31st July will use January NOR and assessments between 1st August and 30th November will use May NOR.

** The net capacity figure is agreed via consultation with the schools, during September each year. The future net capacity includes any agreed capacity changes, which LCC have been informed about.

*** Based on the latest projections at the time of the assessment. Please note that the figures provided are based upon current circumstances and this position is subject to change in response to a number of factors that can affect parental preference. The figures take into account the latest available birth information, evidence of migration and also the projected pupil place demand in 5 years.

Projected places in 5 years: -9

Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the schools affected by the development.

JAN 2020	JAN 2021	JAN 2022	JAN 2023	JAN 2024
2275	2286	2288	2294	2296

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate district's 5 year Housing Land Supply documents (or

equivalent) and migration figures in 5 years' time we forecast there will be **2360** pupils in these schools.

Development details

Number of bedrooms	Yield applied per dwelling	Number of dwellings	Primary yield for this development
1	0.01		
2	0.07		
3	0.16	48	7.68
4	0.38	77	29.26
5	0.44		
Totals		125	(36.9) 37 Places

Education requirement

Latest projections for the local primary schools show there to be a shortfall of 9 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document (or equivalent), which already have planning permission.

With an expected yield of 37 places from this development the shortfall would increase to 46.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 37 places.

Local Secondary schools within 3 miles of the development

When assessing the need for an education contribution from this development Lancashire County Council considers secondary school provision within a 3 mile radius of the proposed site. Details of the schools relevant to this site are provided below:

School Name	Latest Number on Roll *	Future Planned Net Capacity (Jan 2024) **	Projected Pupils by Jan 2024 ***
Burnley Unity College	1143	1200	1305
Blessed Trinity Rc College	1277	1290	1460
Sir John Thursby Community College	1101	1125	1257
Total	3521	3615	4022

** Latest Number on Roll (NOR) reflects the most up-to-date pupil numbers at the school. Assessments between 1st December and 31st March will use October NOR, assessments between 1st April and 31st July will use January NOR and assessments between 1st August and 30th November will use May NOR.*

*** The net capacity figure is agreed via consultation with the schools, during September each year. The future net capacity includes any agreed capacity changes, which LCC have been informed about.*

**** Based on the latest projections at the time of the assessment. Please note that the figures provided are based upon current circumstances and this position is subject to change in response to a number of factors that can affect parental preference. The figures take into account the latest available birth information, evidence of migration and planned housing development, to provide a 5 year projection.*

Projected places in 5 years: -407

Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the schools affected by the development.

JAN 2020	JAN 2021	JAN 2022	JAN 2023	JAN 2024
3688	3821	3906	3985	4073

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate districts 5 year Housing Land Supply documents (or equivalent) and migration figures in 5 years' time we forecast there will be **4022** pupils in these schools.

Development details

Number of bedrooms	Yield applied per dwelling	Number of dwellings	Secondary yield for this development
1	0.00		
2	0.03		
3	0.09	48	4.32
4	0.15	77	11.55
5	0.23		
Totals		125	(15.9) 16 Places

Education Requirement

Latest projections for the local secondary schools show there to be a shortfall of 407 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 16 places from this development the shortfall would increase to 423.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 16 places.

Summary and Final Calculations

The latest information available at this time was based upon the 2019 School Census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 37 primary and 16 secondary school places.

Calculated at the current rates, this would result in a claim of:

Primary places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$

= £16,050.54 per place

$£16,050.54 \times 37 \text{ places} = \mathbf{£593,869.98}$

Secondary places:

$(£18,469 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$

= £24,185.16 per place

$£24,185.16 \times 16 \text{ places} = \mathbf{£386,962.56}$

This assessment represents the current position on 15th November 2019. LCC reserve the right to reassess the education requirements taking into account the latest information available.

Expenditure Project

Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the primary education contribution to provide additional primary places at Burnley Springfield Community Primary School. This is the closest primary school to the development that has space to accommodate an expansion.

It has also been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at Burnley Unity College. This is the closest secondary school to the development that has space to accommodate an expansion.

Whilst the County Council have confirmed its intention to deliver projects at Burnley Springfield Community Primary School and Burnley Unity College it should be noted that this would be subject to the following:

- willingness of school governing body to expand
- suitability of site
- planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.
- consultation with local schools and the community
- parental preference at the time that the places are required
- school standards at the time that the places are required
- availability of other funding streams

Should the primary and/or secondary education contribution not be spent on the project named within this assessment, the County Council will return the entire sum to the owner. Furthermore, the County Council will ensure that sufficient local primary and secondary school places are provided to address the impact of the development at no cost to the owner.

Please Note

- The cost per place used in this assessment is in line with the Education Methodology at the point of assessment. However, the cost per place to be used within the s106 agreement, if this is the district's chosen method of mitigation of the development impact on school places, will be that within the Education Methodology at the point of sealing.
- This is the final position at: 15/11/19. If the decision is deferred at committee a reassessment will be required.

Further Information

If the education contribution assessment identifies the need for a contribution to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

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.

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 sitings 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 sitings 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 (HRA) in accordance with the regulatory requirements that has been completed. Natural England was reconsulted on the HRA and has commented as follows:-

Natural England notes that GMEU on behalf of your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. [A suitable condition as referred to above is included in the recommended conditions below].

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.

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.

The Parish Council are meeting on the 6th December 2019 and may have further comments to make following the changes that have been made to the scheme which

they wish to be taken into account.

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).

Ramblers Association

Do not object to the application. The diversion of paths 89 and 90 start and finish at roughly the same points and are not of any greater length. Footpath 88 should be maintained with the surface upgraded and all routes should have a 'green' aspect to them – trees and grass. All three footpaths should be well sign posted both at the edges of the development and within when necessary, where a change in direction occurs.

The Parish Council has considered the revisions to the scheme and state in a response, dated 7th December 2019, that they felt that none of the changes went far enough to enhance the scheme and that they are still strongly opposed to the application.

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.

Ward Councillor response (Councillor Cosima Towneley)

A summary of the points raised is provided below:-

- 129 is an excessive number of dwellings on greenfield site.
- Unimaginative layout and design would be at odds with the aspirations of the Local Plan.
- Design does not differentiate between the rural and urban setting.
- Schools closest to the site are already at over capacity.
- Lack of on-site affordable housing offers no benefits to families with ties to the area.
- Burnley is experiencing a decline in numbers and this is not the type of housing that is required in the Borough in such numbers.
- There is enough building land without extending the urban boundary.
- Would be a commuter belt dormitory settlement which adds no value to the local community.
- Site's hillside location above a significant listed Heritage Asset – will constitute a substantial intrusion on the landscape.
- The development will necessitate the removal/relocation of two well used footpaths leading to and from a major attraction in Burnley, Towneley Hall. This would be detrimental to the landscape and health and wellbeing of the surrounding and wider community.
- Lack of sustainability measures – such as, photovoltaic/ground source/wind) energy and a financial supplement to enhance and extend the urban greenway for horse, cycle and walker.

- The utilities in the parish of Cliviger are already over capacitated (sewerage).
- Red Lees Road is the arterial route between two public parks. No consideration given to the safe passage of the equestrian community or cyclists who have to use Red Lees Road verges to access the wider rights of way network. Riders will be forced into the fast traffic; the green verge should be retained.

Neighbour responses

The Council has received 81 letters from 53 addresses, principally from residents on Richmond Avenue, Red Lees Road, Hill Crest Avenue, neighbouring farms and the surrounding area. These letters object to the proposed development. 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.

Further comments from residents have been received following re-consultation on the changes to the proposed scheme. Ten letters of objection include objections already listed above and the following points:-

- The new proposals are mainly just cosmetic
- A small development would help to weave the footpaths into the development
- All the wild and bird life will be disturbed at once and a building site for four years
- Question why all the affordable housing is not on site so relatives of people who live in Cliviger can afford to buy
- Question how much of the education contribution will be used to provide a safe and healthy access for children to school
- The landscaping/wildflowers and pond will not replace what has been there naturally for years and will be lost
- 10 PV panels will not save much real energy
- Tree planting should also be planted to protect the site against the weather from the south west
- The local bus service has now been reduced

In addition 8 letters in support of the application have been received. The following points are made:-

- The development would provide much needed housing in a semi-rural location; that it would be sympathetic; and that St John's primary school is a good school that is undersubscribed.

Planning and Environmental Considerations:

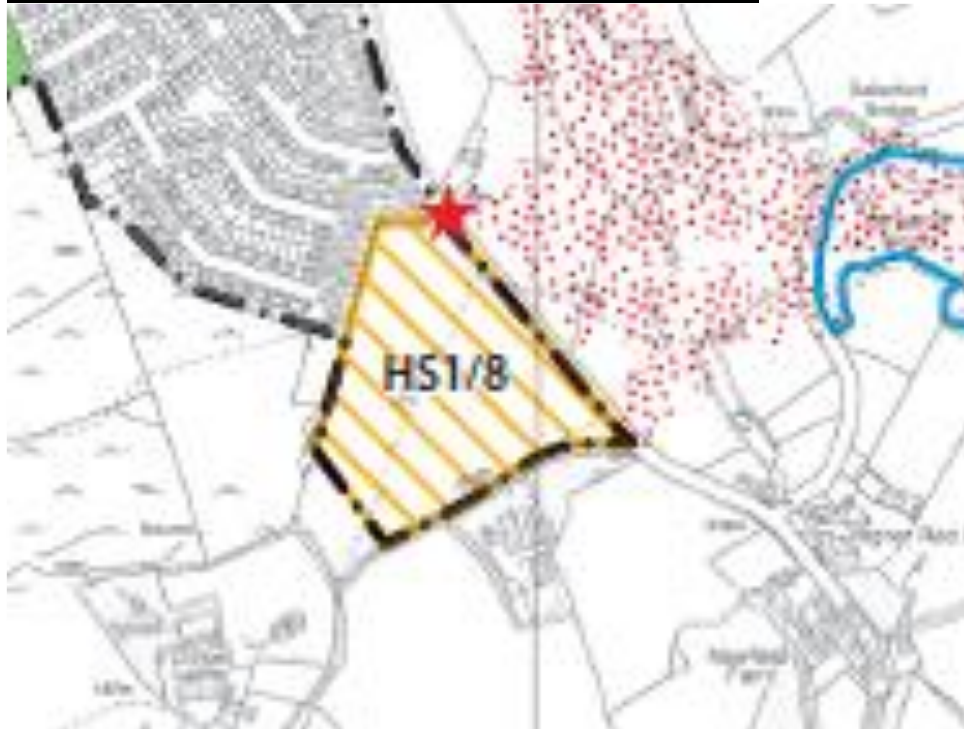
Principle of proposal

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, as amended, is for 125 dwellings which is entirely consistent with the local plan allocation. 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 25 dwellings per hectare) reflects the edge of urban location and also complies with Policy HS3 which states that developments should seek to achieve a minimum of 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. This has been enhanced further by the addition of a further 63 semi-mature trees which will provide landmark tree planting on the site's frontage and along its southern side. The reduction in two plots on the site frontage and four plots overall also provide a softer edge to the transition from the rural into the urban area. The use 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.

Planting on site frontage and approach from rural area



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

Proposed site layout showing areas of Public Open Space



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 house types to ensure that this policy requirement is met. The proposal would provide 26 adaptable homes which would be a positive attribute of the development.

Improvements have also been made to the development by an increase in electric car charging units such that each property will have a charger. This complies with Policy IC3.

In terms of the energy efficiency of new dwellings, the applicant states that the proposals can achieve a reduction of 10.26% in energy compared to building regulations compliance across the site. The proposed dwellings are also designed to meet a lowered water usage standard. The applicant has considered the suitability of the scheme for renewable energy provision and has made provision for photovoltaic (PV) panels to five of the proposed dwellings (10 PV panels in total). This would be provided to the proposed affordable houses on the site. The submitted Supplementary Energy Statement explains that the applicant has looked into the possibility of contributing to local low carbon initiatives but have not found any available in the area local to the scheme. The measures as proposed would provide energy efficient dwellings which would meet the expectations and comply with Policy SP5.

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 and complies with these policies.

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. The applicant has however agreed to re-dedicate Public Footpath No. 88 to a Public Bridleway which would be a significant benefit to horse riders/cyclists.

In conclusion, there is capacity within the road network to cater for the additional traffic that will be generated by 125 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 re-calculated the need for a contribution to education improvements based on changes to the scheme. Their assessment concludes a need for an additional 37 primary school places (£593,869.98) and 16 secondary school places (£386,962.56). The applicant agrees to this contribution in full. The making of a full contribution to child places in local schools in the area fulfils what can be expected from the developer and accords with Policy IC4. Whilst objections have been made by local residents on the lack of school places, this contribution would enable Lancashire County Council to make adequate provision to cater for the needs of the development which will be secured through 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, it is accepted that an off-site provision would be suitable to meet the site specific requirements of the housing allocation. The former proposal was for a full off-site contribution, amounting £644,077. The applicant has revised this since the date of the Full Council Committee on the 16th October 2019 to provide five affordable houses on site and the remainder of the provision off-site. The full provision equates to a 10% proportion of the development for affordable housing. The on-site affordable housing would be in the form of discounted homes for sale (20% less than market value) and the off-site contribution would be £396,355 which the Council would use to re-use empty homes for affordable housing.

The proposed affordable housing both on and off site would be a key benefit of the proposal and would be secured through a s106 Agreement. This provision would comply with Policy HS2.

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 affordable housing provision. The changes to the scheme represent further improvements which reinforce its compliance with Burnley's Local Plan. The proposal therefore complies with the development plan and there are no material reasons to outweigh this finding. The NPPF and Burnley's Local Plan therefore indicate that the application should be approved without delay.

Recommendation: Delegate authority to the Head of Housing and Development Control to approve the development subject to notification from the Secretary of State that they will not intervene in the decision and the completion of a s106 Agreement to secure contributions towards education provision and affordable housing and 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 listed on this notice below.
3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the Materials Layout on drawing no. 18132/1002RevL unless any variation is otherwise previously agreed in writing by the Local Planning Authority.
4. Details of surfacing materials to be used on the estate roads, driveways and parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of built development. The development shall thereafter only be carried out in accordance with the approved details.
5. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Masterplan (drawing number P.1064.18.13RevA) and planting plans on sheets 1-5 (drawing number P.1064.18.11 RevA) together with any variations to this agreed in association with condition 6 below, shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

6. Prior to the commencement of built development, a Biodiversity Mitigation Plan to provide further measures for mitigating against the loss of biodiversity, including details of nesting boxes across the site and in domestic gardens and details of how these will be maintained and managed in the future to secure long term benefits for biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out within the first planting season following the completion of the development or following the first occupancy of any dwelling, whichever is the sooner; or, in respect of bird boxes in domestic curtilages, prior to the first occupation of each dwelling to which that relates. The whole of the site shall be maintained and managed in accordance with the approved Biodiversity Mitigation Plan at all times.
7. Prior to the first occupation of any dwelling, a landscape and open space management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space management plan shall be carried out and adhered to as approved in perpetuity.
8. The new estate road and access between the site and Red Lees Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development, other than demolition and site clearance, takes place and shall thereafter be constructed to at least base course level within that each successive phase prior to development being commenced in that phase in accordance with the approved Route of Build Plan (drawing number RLRC/ROB/01RevC) unless any variation to this is first approved in writing by the Local Planning Authority.
9. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement broadly in accordance with the General Arrangement Plan (drawing number 2661-F01RevD) prepared on behalf of the applicant by Croft Transport Planning and Design, shall be submitted to and approved in writing by the Local Planning Authority.
10. No dwelling shall be first occupied until the approved scheme referred to in condition 9 above has been constructed and completed in accordance with the scheme details.
11. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.
12. The pedestrian links between the development and Red Lees Road as indicated on the approved plans, shall be constructed and available for use prior to any dwelling being occupied within the phase to where each pedestrian link relates, in accordance with detailed specifications that shall include

sections, gradients, surfacing materials and details of lighting (the latter relates to the pedestrian path at the north end of the site) which shall be previously submitted to and approved in writing by the Local Planning Authority. The pedestrian links shall remain open and available for use at all times thereafter.

13. No built development shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads 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.
14. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
15. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) details of working hour;
 - viii) contact details for the site manager; and,
 - ix) routing of delivery vehicles to/from the site.
16. 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 1800 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.
17. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable, in accordance with drawing number RLR/VCP/01RevA.
18. Prior to the commencement of the development the archaeological field investigations detailed in the submitted and approved Written Scheme of Investigation (WSI) for an Archaeological Evaluation (prepared by Wardell Armstrong, reference GM10245, RPT-0003 Version (0.1), dated October 2018) 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 Local Planning Authority. 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.

19. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including a restricted rate of discharge of surface water and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling being first occupied. The approved drainage scheme shall be retained at all times thereafter.
20. No dwelling shall be first occupied until details of a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed at all times in accordance with the approved plan.
21. Prior to the commencement of built development, a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. The location of the point of connection for foul water to the existing public sewer;
 - b. The details for foul water pumping;
 - c. Separate systems for foul and surface water; and,
 - d. Design of foul drainage to provide odour mitigation measures on Richmond Avenue that include sealed lids on the rising main demarcation chamber and the receiving manhole.

There shall be no connection to the foul sewer other than in accordance with the approved details and the approved scheme shall be carried out and completed in accordance with the approved details prior to the first occupation of any dwelling.

22. The development hereby approved shall not be carried out otherwise than in accordance with the noise mitigation measures contained within sections 5 and 6 of the Noise Impact Assessment submitted with this application (reference REC: AC106059-1R1, dated 18 March 2019).
23. Prior to the commencement of built development a lighting plan for the street and any other non-domestic external lighting shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify areas/features on site that are potentially sensitive to lighting for bats; and,
- b) show how and where street lighting and other lighting will be installed and through appropriate lighting contour plans demonstrate clearly that any impacts on bats is negligible.

All external lighting shall be installed in accordance with the approved lighting plan.

- 24. No works to trees or shrubs shall occur or any part removal of drystone walls commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has first been submitted to and agreed in writing by the Local Planning Authority.
- 25. A visitor pack for new homeowners detailing the location of the European designated South Pennines Special Protection Area and including the reason for the designation, the importance of functionally linked land and the sensitivity of both to recreational impacts and the risk of fire, shall be provided to the first occupiers of each property within the approved development.
- 26. The stone wall to the site's frontage shall be retained at its current height and appearance in accordance with the details indicated on the approved plans. Prior to any dwelling being first occupied the wall shall be repaired as necessary in accordance with details of a conditions survey that shall be first submitted to and approved in writing by the Local Planning Authority.
- 27. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the waste Management Layout (drawing number 18132/1004RevG). The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
- 28. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended), the garages hereby approved (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.
- 29. Notwithstanding the provisions of Article 3 and Part 1 of the second schedule of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development as specified in Class B of Part 1 of Schedule 2 of that Order shall be carried out at plots 59-71 inclusive without express planning permission first being obtained from the Local Planning Authority.
- 30. The proposed boundary treatments as indicated on drawing number 18121/1002RevL shall be carried out and completed within each phase of the development and shall be wholly completed prior to the occupation of any dwelling within the final phase of the development.

31. Prior to the commencement of development, a phasing plan and strategy, which shall include the timing for the provision of open space and an equipped childrens play area, shall be submitted to and approved in writing by the Local Planning Authority. The approved phasing plan and strategy shall thereafter be adhered to unless any variation is otherwise approved in writing by the Local Planning Authority.
32. Prior to the commencement of built development, details of a locally equipped area for play to be sited within the open space as indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specifications of equipment, layout, surfacing materials, seating and perimeter fencing. The play area shall be constructed, completed and made available for use in accordance with the approved details at a timescale to be agreed as part of the phasing plan and strategy required by condition 31.
33. The development shall be constructed in accordance with the provisions for adaptable homes as set out on the submitted M4(2) Compliant Site Layout (drawing number 18132/2000Rev A), received on 2 September 2019.
34. No development shall take place that obstructs or removes any part of the Public Footpath Nos 89 and 90 on the site unless a public footpath diversion order has first been obtained to do this.
35. Prior to the commencement of built development, the following shall be carried out, submitted and approved in writing by the Local Planning Authority:-
 1. An intrusive ground investigation with gas monitoring report in accordance with the recommendations of the Desk study and Ground Investigation report (Report no. 18MIL028/GI, dated November 2018) to further investigate contaminants affecting the site; and,
 2. a Remediation and Enabling Works Strategy, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme as a whole or within the approved phases of the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within that phase of the development is first occupied.

Reasons for the Conditions:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
4. To ensure a high quality appearance to the development, in accordance and access/parking facilities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
5. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
6. To ensure that the overall scheme provides adequate mitigation to off set the loss of habitat for wildlife, in the interests of the biodiversity of the site and of the wider area, in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
7. To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
8. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
9. To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.
10. To ensure that new occupiers have a safe means of access to and from the site, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
11. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
12. To ensure the site is accessible within its surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
13. To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

14. To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
15. To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
16. To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
17. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
18. To ensure and safeguard the investigation and recording of matters of potential archaeological/historical importance associated with the development, in accordance with Policy HE4 of Burnley's Local Plan (July 2018). The investigation is required prior to the commencement of development to ensure that any archaeological interest can be identified and recorded prior to any work which may remove, harm or destroy any such finds.
19. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.
20. To ensure adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).
21. To ensure that the foul drainage from the site is adequate and in order to manage the risk of flooding and pollution from the public sewerage system and to ensure that there are no odours resulting from a connection to the foul sewer that would have an adverse impact on the amenity of neighbouring properties, in accordance with Policies NE5 and SP5 of Burnley's Local Plan (July 2018).
22. To ensure a satisfactory level of amenity for future occupiers of the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
23. To ensure that the external lighting that will result from the development has no negative impacts on any features of value to bats and other wildlife, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

24. To protect any potential nesting birds, in accordance with Section 1 of the Wildlife and Countryside Act 1981 (as amended) and Policy NE1 of Burnley's Local Plan (July 2018).
25. To mitigate against harm from increased visitor numbers to the designated site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018) and the National Planning Policy Framework.
26. The stone wall is an historic boundary feature that should be retained and preserved in the interests of the character and appearance of the rural area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
27. To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
28. To ensure that car parking levels for each property are preserved to ensure the continued compliance with the Council's parking standards, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
29. To allow the Local Planning Authority to assess the impact of any future changes relating to the enlargement within the roof at plots 59-71 inclusive having regard to their relationship with bungalows on Richmond Avenue, in accordance with Policies SP5 and HS4 of Burnley's Local Plan.
30. To ensure a satisfactory appearance to the development from within the site and its environs, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
31. To ensure the satisfactory implementation of the proposal and the provision of amenities within the development at appropriate stages in the development, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
32. To ensure that the details of the play area to be provided to cater for the needs of the development are satisfactory, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
33. To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).
34. To ensure that the existing public rights of way are not affected prior to the applicant gaining authority to do so through the requisite process for doing so, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
35. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

20/12/2019

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2019/0537

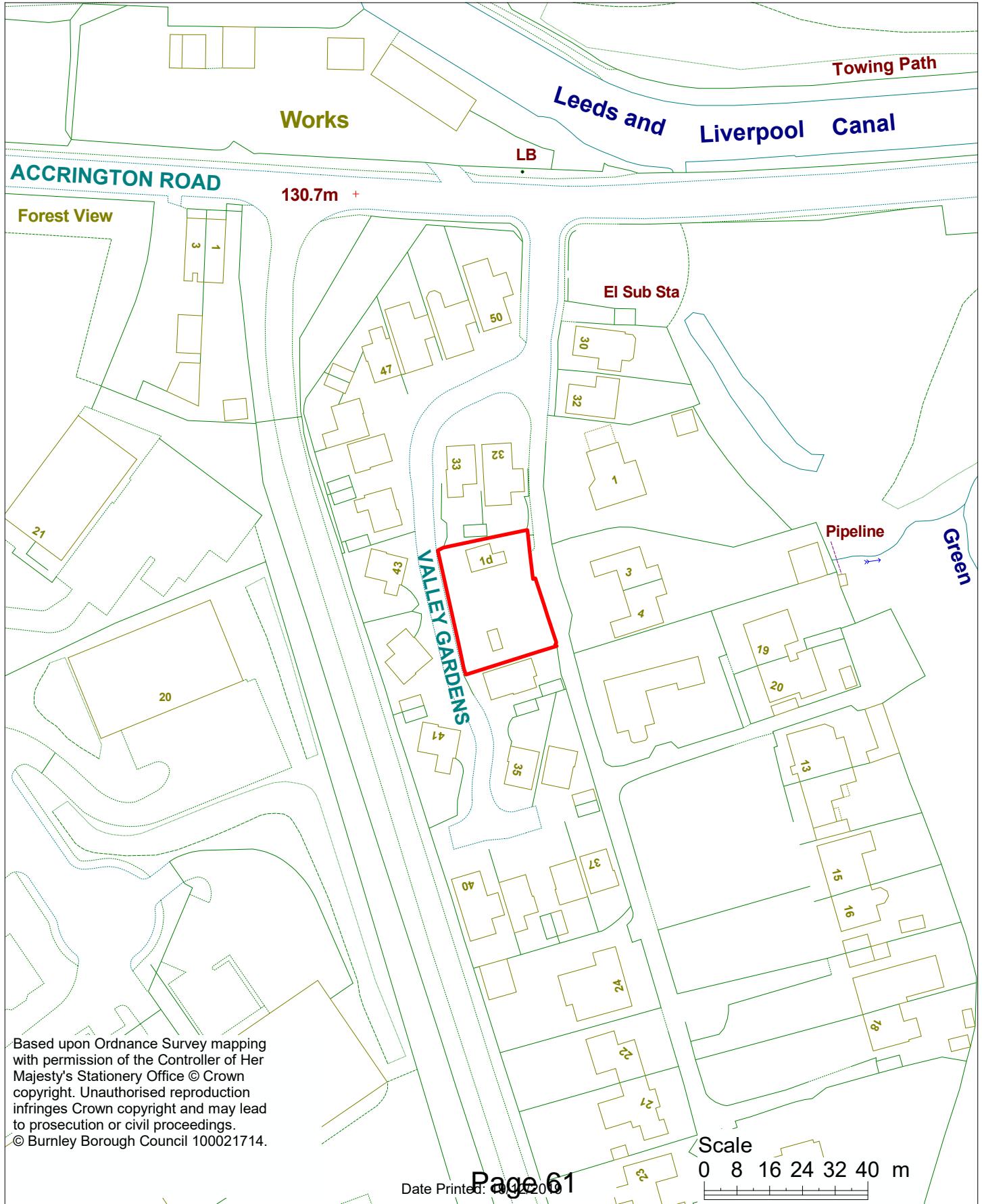
Paul Gatrell Head of Housing and Development

Location:

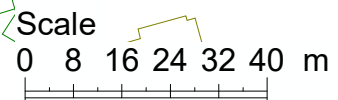


1D Valley Gardens, Hapton

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**Application Recommended for Approve with
Conditions**

FUL/2019/0537

Hapton With Park

Town and Country Planning Act 1990

Erection of 2 no. dwellings (resubmission of APP/2019/0047)

1D Valley Gardens Hapton Lancashire BB11 5QE

Background:

The application site is situated off Accrington Road, on a small estate of properties Valley Gardens. The site is located within the defined settlement boundary as designated in Burnley's adopted Local Plan.

The site is approximately 340 sqm and currently is an undeveloped site with a mobile home located to the eastern boundary. The site forms an 'island' site being surrounded on all sides by development. To the north is the main road which serves Valley Gardens with properties 42-44 being adjacent to the site. To the east are numbers 32 and 33 Valley gardens with the rear garden areas sharing a common boundary with the site. To the south is an unadopted lane which leads to a collection of other properties and will form the main access to the site. Numbers 1, 3 and 4 Valley Gardens face onto the application site, separated by approximately 20m of front garden and the lane which separates them. To the west is number 34 Valley Gardens which shares a common boundary with the site and an established hedgerow.



Existing home on the site and current gated access

Access to No. 3 and 4 Valley Gardens



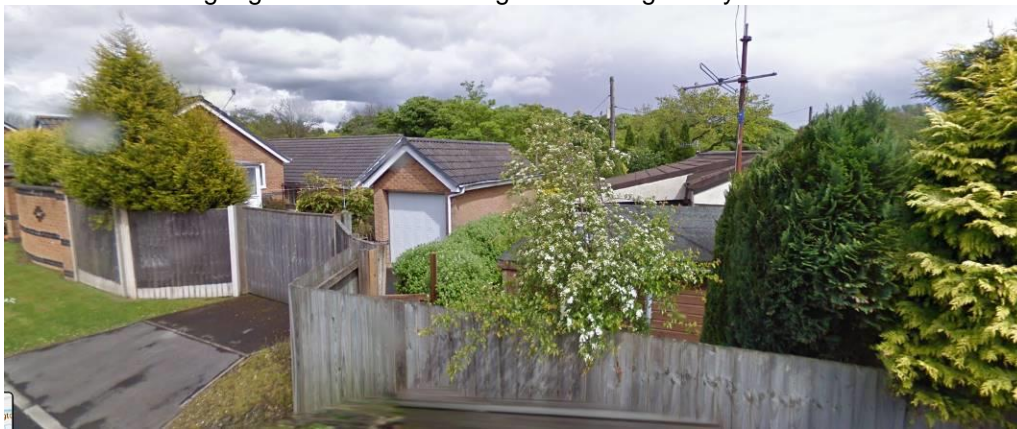
View looking north along the lane

Existing boundary to the fence to the site



Current structure
on the site

View taken from google street view looking south along Valley Gardens



Existing view showing of the garage which belongs to No. 33 Valley Gardens

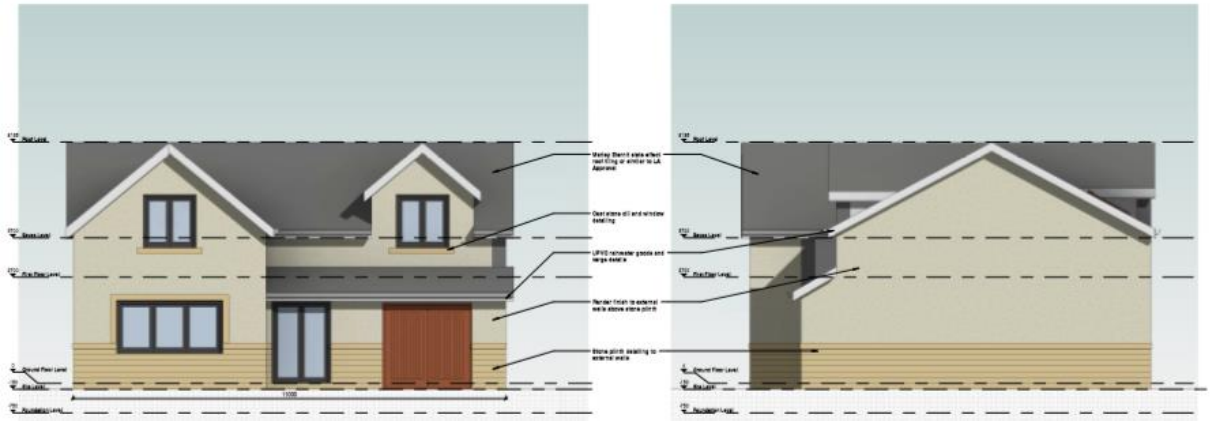
Proposal

The application seeks consent for 2, 3 bedroom detached properties with access from the unadopted part of Valley Gardens.

The dwellings would have approximate measurements of 10m in length and 11m in width, 3.7m to the eaves and 6.1m to the ridge. The proposed materials are a mixture of render, stone plinth with stone cills, slate effect Marley roofing and dark grey windows.

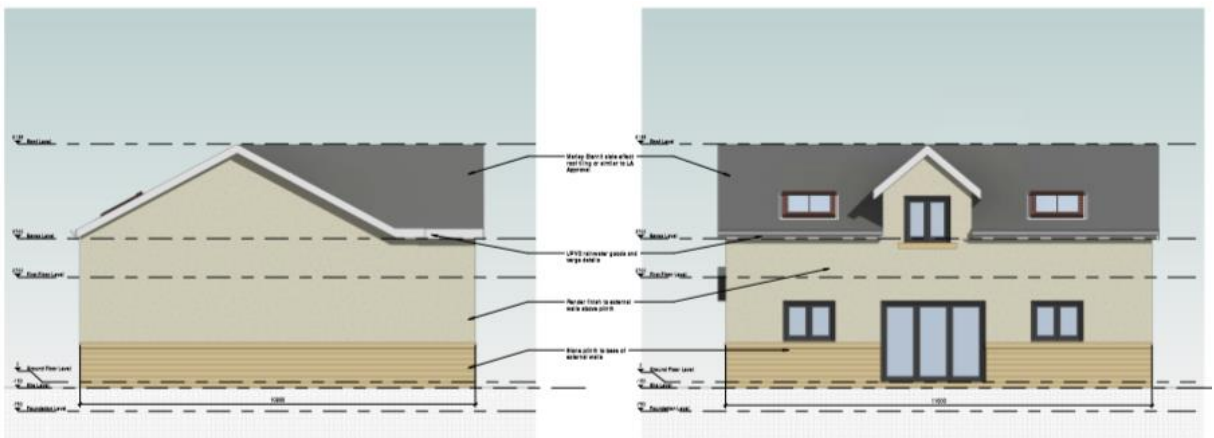
Each dwelling would have useable private garden space to the rear with soft landscaping to the front. Existing fences to the rear of the site onto Valley Gardens will be retained and post and panel fencing installed to other boundaries.

The existing access from the unadopted lane will be slightly repositioned and will serve the dwelling which share a common boundary with rear of 32 and 33 Valley Gardens (1d). A new access will be created for second dwelling which shares a common boundary with no. 34 Valley Gardens.



Proposed front elevations (east)

Proposed north elevation facing onto 32 & 33

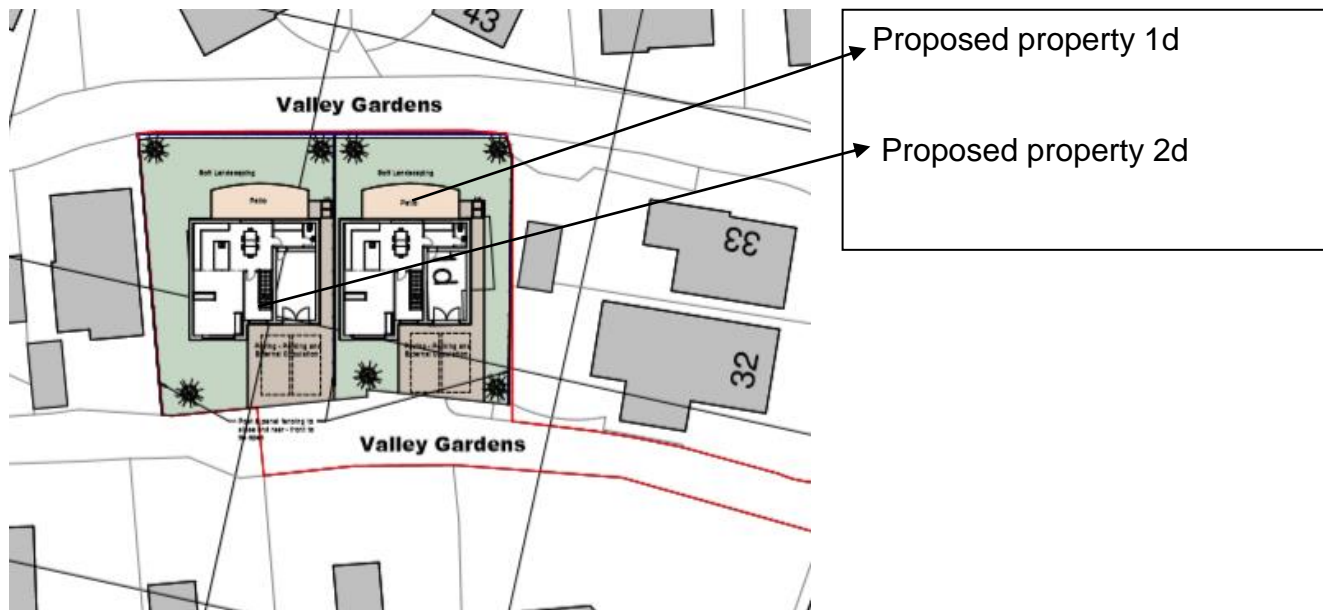


Proposed south elevation facing No. 34

Proposed rear elevation (west)



Proposed site section



Proposed block plan showing the areas of hard and soft landscaping and the in curtilage parking, both properties having 2 spaces

For the purposes of this report the proposed dwellings shall be referenced as 1d (closest to numbers 32 and 33 Valley Gardens) and 2d closest to number 34 Valley Gardens)

Burnley Local Plan

- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- HS4 – Housing development
- IC3 – Car parking standards

National Planning Policy Framework 2019

Site History:

APP/2019/0047 – erection of 2 dwellings (re-submission of APP/2019/0047)
 Withdrawn 10/10/19

Consultation Responses:

Environmental Health – no comments to make

LCC Highways –_No objection

With respect to this application we would not wish to raise an objection. Should you wish to support the application we would look for the following conditions to be added to the decision notice;

1. *Before the access is used for vehicular purposes, that part of the access extending from the highway boundary detailed as Paving Parking and External Circulation site*

shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.

Reasons: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

2. Before the development hereby permitted becomes operative the highway frontage of both plots shall be maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the new access road. The land within 2m of the back edge of the carriageway shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

United Utilities – no objection subject to the following conditions

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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. We request the following drainage conditions are attached to any subsequent approval to reflect this approach:

Foul Water - Condition 1

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Surface Water - Condition 2

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

A total of 11 objections have been received from nearby neighbours. The following points are a summary of the comments made. Full comments can be viewed on the file.

- very little has seem to have changed from the original application
- if the plan was for a true bungalow I would have no objection, the roofline is still too high
- the adjoining bungalows would be overlooked and loose their privacy
- increased noise and disturbance.
- loss of privacy and overlooking
- The proposed rear of this site development is at such an angle that the primary amenity area of our garden, a raised terrace with seating, would be severely overlooked from the gardens of the new development, resulting in a serious invasion of our privacy
- The design of the proposed development does not afford adequate privacy for the occupants of the building or of surrounding residential properties, particularly with regard to rights to the quiet enjoyment of garden amenities.
- We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land
- proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property
- loss of privacy
- would be compatible with adjacent dwellings and not overshadow or be incompatible with other homes
- There are hedges and shrubbery at 2 boundaries which are dismissed in this application alongside no indication of treatment of existing boundary fences
- opposing the application on the basis of the size, height, privacy, access and drainage
- The occupants will be able to look out of their windows directly into my living room and bedroom (Two main living areas) which is an invasion of our privacy.
- there is not enough room on the road to access both properties safely as it is a single track road
- there is not enough room to reverse cars out of either our drive or the proposed drive without going into each others, the road is not wide enough
- access should be via the new Valley Gardens Road, this would be much safer and sensible option
given the state of the old road, plus there would be much more space for cars to access the properties
- Due to the height, the proposed dwellings would take a lot of natural light from our property especially in our living room and bedroom. The loss of light would affect the usage of our front lawn to sit out and affect the grass and foliage
- Drainage issues on the site especially surface water
- the track is in urgent need of repair and is prone to a high level of flooding
- the current designed appearance or height of the current single storey bungalows that surround this proposed development on all sides

Planning and Environmental Considerations:

The principle of development

Paragraph 59 of the Framework states, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

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 site is considered to be in a sustainable location and in principle the development of a residential development would be appropriate subject to the proposals meeting all other relevant policies.

Main issues

The main issues in the consideration of this application are;

- design and appearance
- the impact of the development on residential amenity
- traffic/parking
- other considerations

Design and Appearance

Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The surrounding properties which form the context to the site are predominantly bungalows. The bungalows which front Valley Gardens Road are all orientated differently to the main road and many have detached garages leading from a driveway.

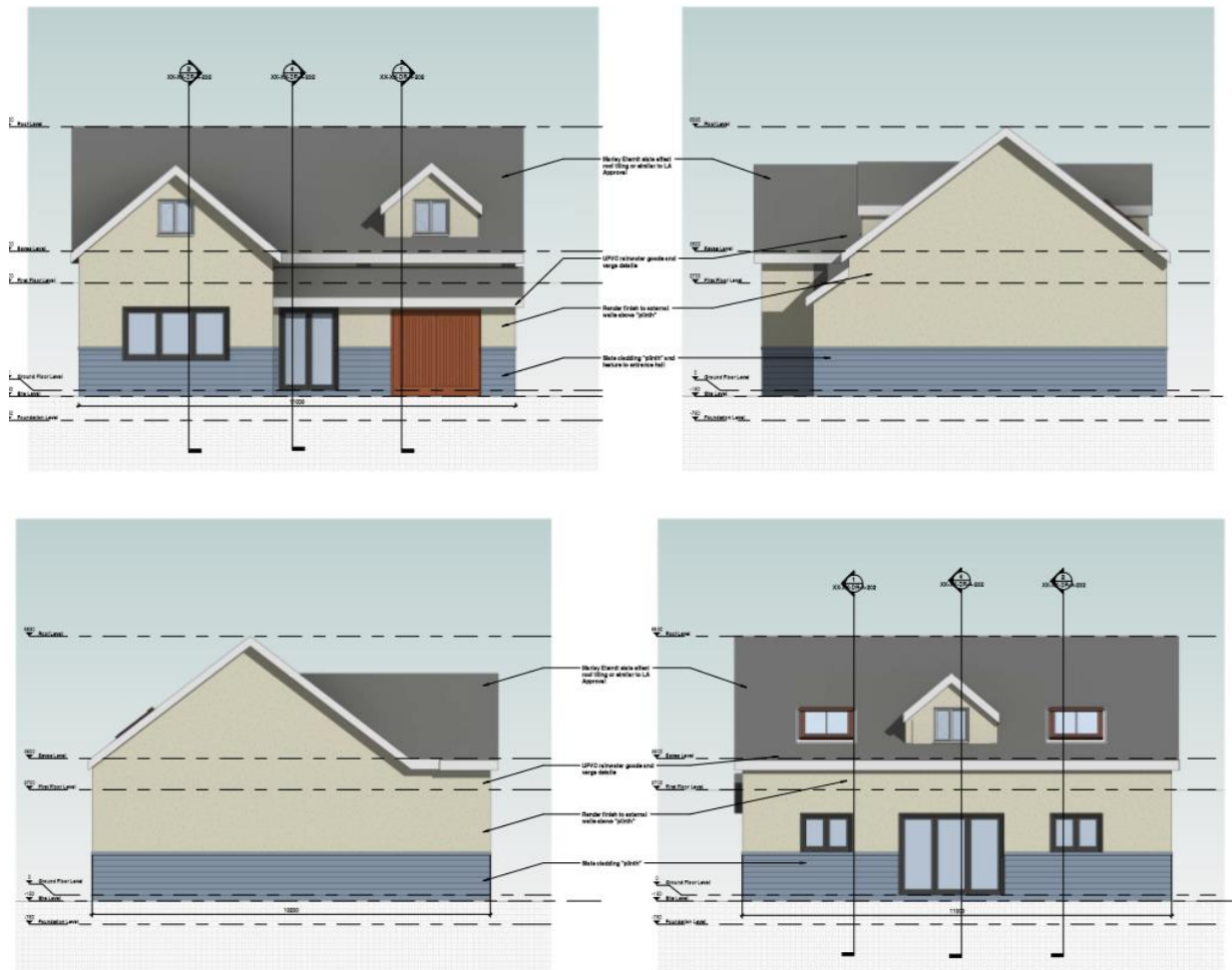
The properties along the unadopted element of Valley Gardens have a greater set back (approximately 10m) from the lane and have established fence and hedgerow.

The proposed dwellings would be visible from both sides of Valley Gardens, with the front elevation fronting on to the unadopted road, facing onto numbers 3 and 4 Valley Gardens.

The design of the dwelling has been altered since the initial submission and the withdrawn application (APP/2019/0047). Concerns were raised over the overall height of the dwellings and general design.

The main alteration to this submission is a reduction in the height of the ridge by approximately 500mm and the use of more appropriate materials as described under the proposals section.

Whilst the reduction in overall ridge height may only be considered to be modest, the complimentary use of materials and the sufficient set back interms of privacy distances has created two dwellings which are considered not to have a detrimental impact on the character and appearance of the surrounding area, in accordance with policy SP5 of the adopted Local Plan.



Withdrawn scheme (June 2019)

Residential Amenity

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 by reason of overlooking.

By virtue of the siting and location the site has residential properties on all sides. To the east (principal elevation) will face onto numbers 3 and 4 Valley Gardens. A measurement has been taken from the proposed site plan from the front elevation to the existing front elevation of numbers 3 and 4 which is approximately 20m to number 4, and 18m from number 3. Policy HS4 of the adopted Local Plan states that between facing windows of habitable rooms a distance of no less than 20m should be created.

The 18m falls slightly short of this, however given there is an established hedgerow in front of numbers 3 and 4 and there is a slight fall in land, I do not consider there to be any direct overlooking or issues of overbearing.

To the north are the rear of properties 32 and 33 Valley Gardens which share a common boundary with the site. There are no windows on the side elevation of property 1d and there is an approximate distance of 11m to the rear elevation of No. 32 and 14m to the rear of No.33. There is an established boundary hedge which runs along the rear of both properties which forms a natural screen and within the rear garden area of No. 33 is a detached garage which runs upto to the boundary with the application site.

To the west are properties 41- 44 Valley Gardens, these properties are at a slightly higher gradient to the application site and are all positioned differently along the road frontage. Number 42 has its front elevation facing south which means that the elevation directly facing the application site is a blank gable, located approximately 15m away from the rear elevation of the property (2d). A measurement of approximately 17m has been taken from the proposed rear elevation of 1d to the blank gable elevation of No.43. Both 42 and 43 have rear garden areas and conservatories. The only habitable window on the proposed rear elevation is the single window opening in the piked dormer which serves a bedroom. Policy HS4 states that where a window of habitable rooms face a blank gable no less than 15m should be created. These distances are met and in terms of privacy distances and overlooking the proposals would comply with the policy SP5.

There was a bank of trees and shrubs along the western boundary of the application site, the majority of which have been removed. The applicant could plant a reasonable height of tree to this boundary which in time will help to create a softer landscape edge along that part of Valley Gardens.

To the western boundary is No. 34 valley Gardens which has a blank gable facing onto the site. There is also an established conifer hedge. The proposed gable elevation of 2d will be positioned approximately 3m (at the shortest) to the boundary of No. 34 and approximately 4.2m gable to gable. There are no proposed windows on the gable of 2d and there are no existing windows on No. 34 aside from a conservatory to the rear.

Whilst the site is surrounded by other properties, having assessed the relevant policies I do not consider the development to cause an overbearing impact on the surrounding dwellings. Whilst the existing site has an existing single storey home the rest of the site is open and has been for sometime, however this does preclude development coming forward.

Traffic and Parking

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.

LCC highways have provided comments on the application and do not object to the principle of development. The submitted plans show incurtilage parking space for 2 vehicles which would meet the parking standard requirements.

A number of objections which have been supported with photos and videos were submitted. When visiting the site it is clear that the existing unadopted road is not in a great condition. The road serves several other properties along the road and it is clear that some up grading would be beneficial to the residents who use it regularly. As highways have assessed the application and the parking requirements have been met, issues on maintenance would be a civil issue which would need to be picked with the applicant.

Conclusion

The proposed dwelling which falls within the Development Boundary as defined in Burnley's Local Plan can be accommodated on the proposed site without any significant impact on the character and appearance of the surrounding area, on existing residential amenities and on highway safety. The proposal complies with the development plan and there are no material considerations which outweigh this finding.

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 1/11/19 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. Prior to development taking place, including any works of demolition, a construction method statement shall be 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

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

5. The development shall not be occupied until the car parking areas to serve the development have been laid out and hard surfaced in accordance with approved drawings and made available for use and retained as such thereafter.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

- 6 Before the access is used for vehicular purposes, that part of the access extending from the highway boundary detailed as Paving Parking and External Circulation site shall be appropriately paved in tarmac, concrete, block paviours, or other approved materials.

Reasons: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

- 7 Before the development hereby permitted becomes operative the highway frontage of both plots shall be maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the new access road. The land within 2m of the back edge of the carriageway shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

8. 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.

Reason: Reason: To enable the local planning authority to consider future development having regard to policies SP5 and HS5 of Burnley's adopted Local Plan.

9. 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 SP5 of Burnley's adopted Local Plan.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12. An electric vehicle charging to serve the dwellings shall be installed prior to first occupation.

Reason: In accordance with policy IC3 of Burnley's adopted Local Plan.

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2019/0396

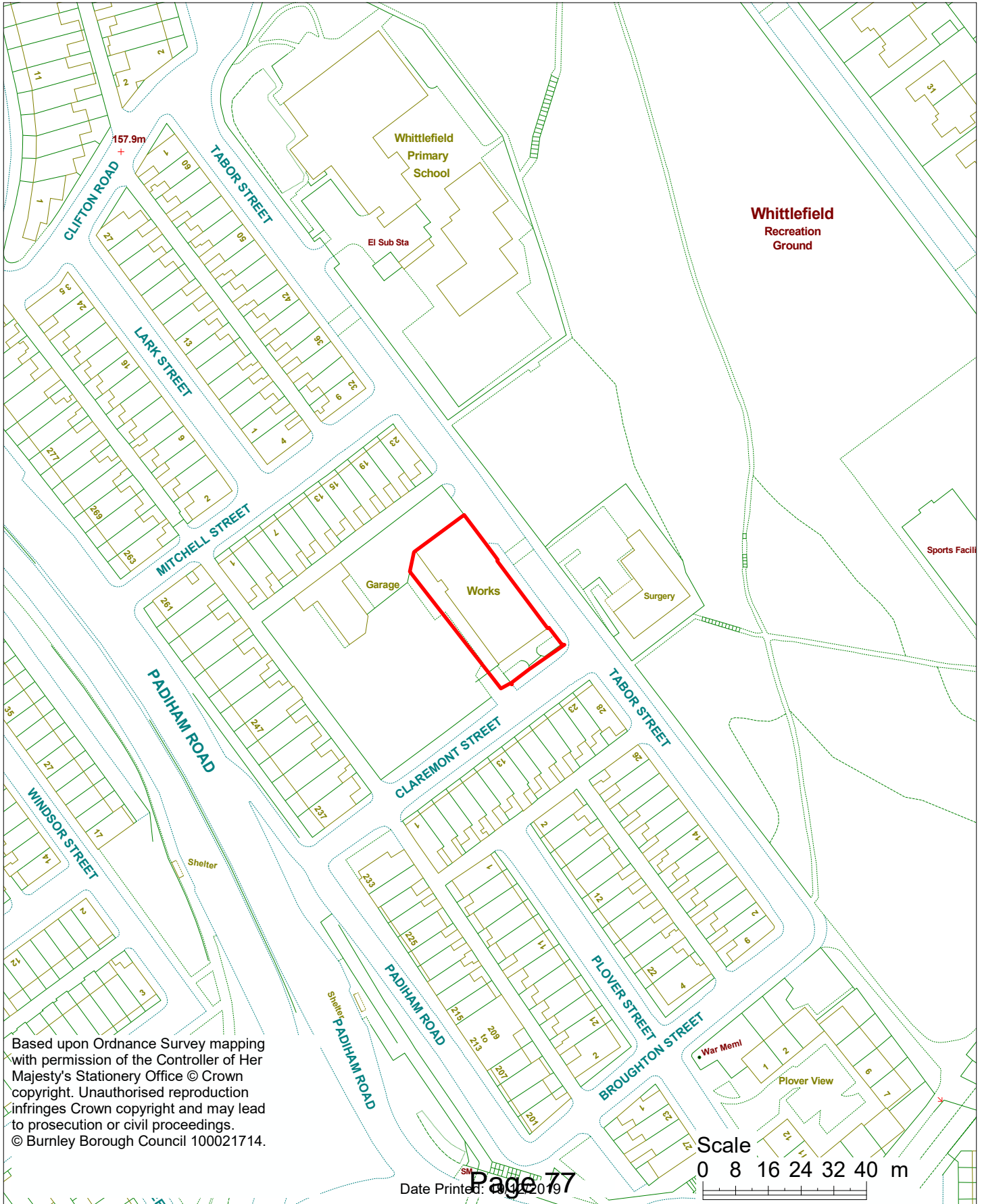
Paul Gatrell Head of Housing and Development

Location:



Wrights Upholstery, Claremont Street, Burnley

1:1250



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Proposed conversion of works (former church) to 18no. assisted living (Class C2) apartments
Wrights Upholstery, Claremont Street, Burnley

The application property:

The application property, the former Claremont Street United Free Methodist Church, is located at the junction of Claremont Street and Tabor Street. It is a prominent building within the streetscene, visible across the waste ground to the west that was formerly the site of an adjoining school. While the building in the main still retains its external character as a place of worship, along the northern flank a modern workshop has been added which along with a vehicle repair garage gives this aspect a distinctly industrial appearance. The surrounding area is characterised by a mix of uses with predominantly Victorian terraced houses to the south west of Tabor Street and a primary school, medical centre and recreational ground to the north east.

The church (c.1891) ceased use as a place of worship in the 1960s and since that time has been used for light industrial and retail purposes. Though the building has been subject to a number of insensitive later alterations and additions during its period of industrial use, it is considered to retain sufficient heritage interest at a local level which is reflected in its status as a locally listed building (non-designated heritage asset). The nature of its significance lies principally in its architectural and historical interest as a late nineteenth century Methodist Church and for its presence within the street-scene. While the exterior retains its character as a place of worship, the interior has lost most of this character owing to extensive alteration and insertion of floors, with the exception of the few original features which remain. These are chiefly the plasterwork of the chancel, a staircase and several memorial tablets. The modern garage/workshops at the rear of the former church are of no interest and detract from its significance and character.

The building is presently vacant and is showing signs of lack of maintenance.

The site is accessed by vehicles, pedestrians and cyclists from the existing highway, Claremont Street and Tabor Street, which are lightly trafficked side streets with no Traffic Regulation Orders restricting on-street parking of vehicles. Cycle access to the site is relatively good and there is presently high levels of bus accessibility and service frequency.

The site is located within the development boundary for the settlement of Burnley as defined in Burnley's Local Plan.



Elevation (south-west) fronting Claremont Street

View north-east across the site



Elevations fronting Claremont and Tabor Streets

Elevation to Tabor Street (north-west gable)

The proposal:

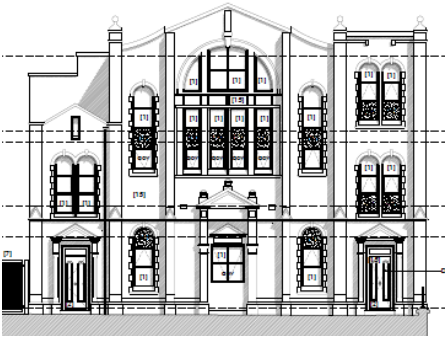
This application seeks planning permission for the conversion of the existing building and adjoining two storey workshop/garage last used as an upholstery workshop with associated warehouse and retail showroom (Use Class B2) into 18 one bedroomed assisted-living apartments (Use Class C2).

The end user is a charitable housing association and registered social landlord. The tenants will live largely independent lives but benefit from easy access to the support functions. Staff will regularly visit properties for the purposes of conducting property and maintenance inspections, to provide tenant advice and guidance and to attend emergency call outs (if required).

The proposal includes the following:

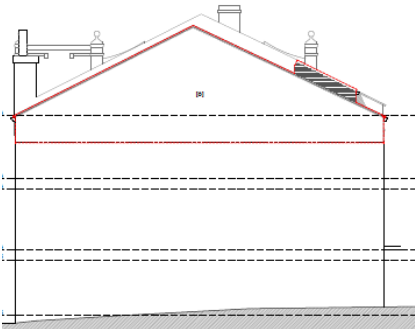
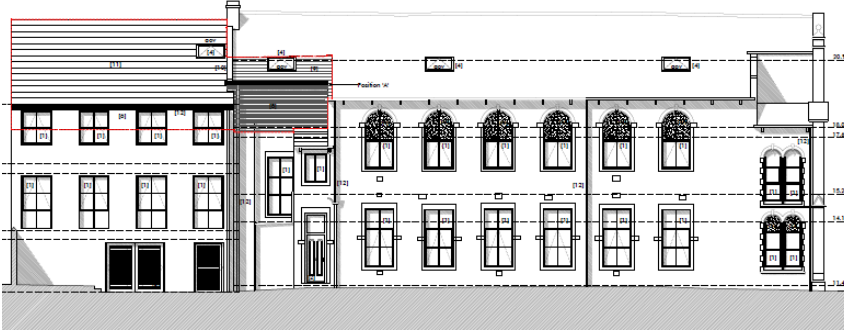
External: The principal elevations of the former Church will remain essentially unaltered. Blocked window openings will be re-instated and existing frames replaced with Crittall style steel windows. The greatest change is to the roof-space, where on the north-east plane of the nave a series of dormers are to be introduced, to light the second floor apartments. The dormers and steel windows add a complementary modern aesthetic to the building. At the rear the modern red-brick workshop/garage extension is proposed to be remodelled to give it a domestic appearance including rendered elevations, vertically proportioned windows and an increase of approximately 2.5m in height with a steeper roof pitch to provide an additional floor.

Internal: The three existing floors are proposed to be subdivided to create 18 apartments comprising 5 at ground floor, 7 at first floor and 6 at second floor. The surviving historic features will be retained.



Proposed South-West Elevation

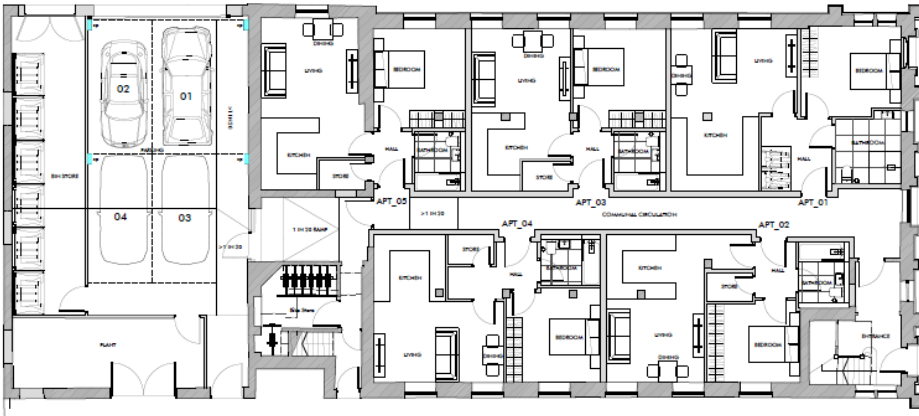
Proposed East Elevation to Tabor Street



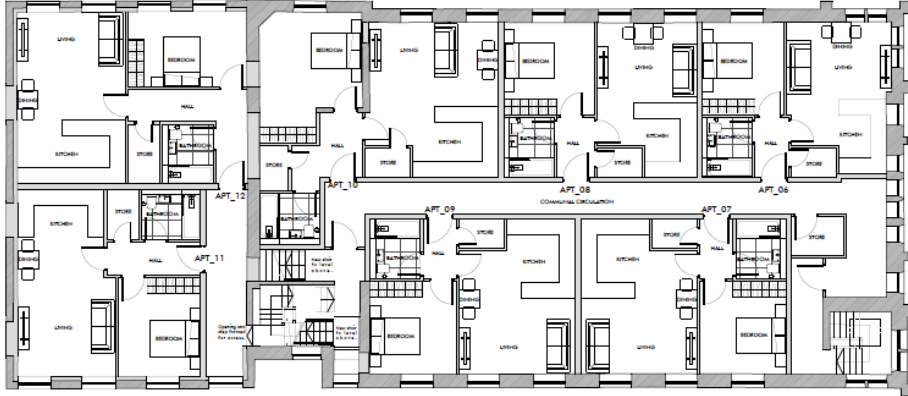
Proposed West Elevation

Proposed North-West Elevation

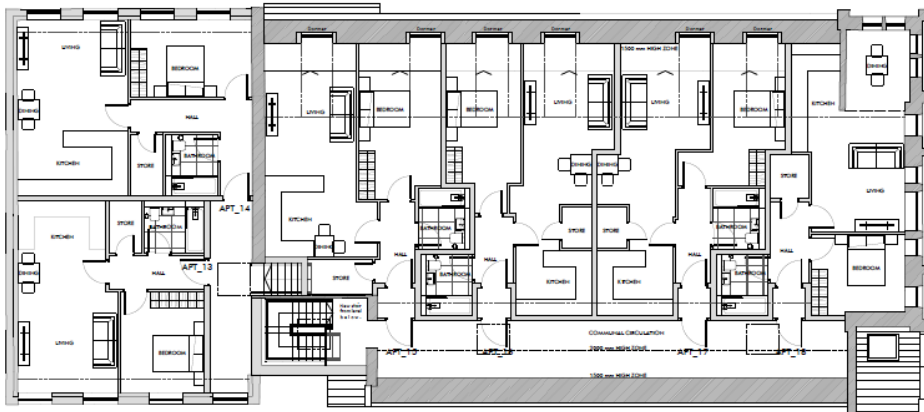
Proposed Floor Plans



Ground Floor



First Floor



Second Floor



Visual showing the proposed alterations to the elevations fronting Claremont and Tabor Streets

Access: The present pedestrian access arrangement via the adopted highways will be retained. A secondary pedestrian access (via the side access path from Claremont Street) will also be provided as part of the proposed development.

Parking and Refuse/Recycling Facilities: The existing garage building to the rear will house a facility at ground floor for 4 car parking spaces accessed off Tabor Street. The bin store will also be facilitated here.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS4: Housing developments
- EMP3: Supporting Employment Development
- HE3: Non-Designated Heritage Assets
- NE1: Biodiversity and Ecological Networks
- NE5: Environmental Protection
- IC1: Sustainable Travel
- IC3: Car Parking Standards

The National Planning Policy Framework (2019)

Relevant Planning History:

APP/2018/0089 - Proposed change of use to childcare facility – withdrawn

APP/2008/0261 – Outline application for the demolition of the church and erection of 15 apartments (landscaping reserved for future approval) – Granted

Consultation Responses:

LCC Highways

Following the submission of additional information and amendments to the submitted plans, there are no objections to the proposal on the basis that the apartments are for assisted living (C2

Residential Institution) and not a C3 dwelling house. A section 278 agreement is required to form two new dropped kerb crossing point on Claremont and Tabor Streets.

Environmental Health

Recommend the imposition of a condition to secure, where practical, a single electric vehicle charging point within the resident's parking area.

Greater Manchester Ecology Unit (GMEU)

The preliminary bat roost report assessed the building as having moderate bat roost potential and recommended two nocturnal bat surveys which were subsequently carried out in August and September 2019. No bats were found to be roosting in the building at the time of survey. GMEU confirms that the nocturnal bat surveys have been undertaken by suitably qualified ecologists and to appropriate standards. They accept the findings of the bat surveys and consider that no further surveys are needed before determining the application.

Publicity

Three neighbour responses have been received, including two objections. The comments provided have been summarised below:

- Observations about roosting bats
- Loss of historic features of the building
- Lack of on-site car parking provision
- Highway disruption
- Private land dispute

The Principle of Development:

Local Plan 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 buildings; 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 the re-use of existing buildings within the development boundary provided they are compatible with other relevant policies of the Local Plan.

The proposed development is located within the development boundary, it re-uses an existing building and is considered to be locationally sustainable. The proposal is therefore considered acceptable in principle subject to the acceptability of the details of the proposal.

The main issues arising from this proposal relate to the loss of employment floorspace; the impact on the significance of the non-designated heritage asset; the impact on visual and residential amenities, highway safety and parking; and refuse and recycling arrangements. Matters relating to ecology and land contamination have also been assessed.

Loss of Employment Floorspace

The proposal involves the loss of employment floorspace of around 880 sqm. Local Plan Policy EMP3 allows for the loss of an employment use to an alternative use where redevelopment would not prejudice the operating conditions or viability of adjacent land uses. The application site is in a predominantly residential area and there are no adjacent employment uses. It is to be noted that the last use of the building, as an upholsterers' workshop, operated with minimum impact on the amenities of the area. However the building could be re-occupied by a different industrial operator without the need for planning permission. There are limited car parking, delivery and servicing facilities, with access through residential streets and used to its potential, there is a strong likelihood that an industrial use would be incompatible with the surrounding residential uses and

cause harm to the amenities of the residents. Having regard to this, the loss of employment use on the site is justified in terms of Policy EMP3.

Impact on the Significance of the Non-Designated Heritage Asset

The property is a locally listed building (Non-Designated Heritage Asset) which is valued for its architectural and historic interest as a late nineteenth century Methodist Church. Its significance primarily resides in its external form and appearance and its presence within the street-scene, all of which establish its character and legibility as a former place of worship. It is noted that the building has been subject to insensitive later alterations and additions, both internal and external, which have resulted in a reduction in its authenticity and heritage interest. Local Plan Policy HE3 requires proposals affecting non-designated heritage assets to relate appropriately in terms of siting, style, scale, massing, height and materials.

The significance of the building, as a heritage asset, has been assessed and the impact of the proposal examined. The conclusion being that the significance of the heritage asset, which resides primarily in its external qualities, will be essentially unharmed. While a limited degree of change will result from the addition of roof dormers to light the proposed second floor apartments, it is considered this is counterbalanced by enhancements to the exterior of the building and the wider public benefit of securing a viable alternative use for the building which will ensure its long term prospects. Furthermore the proposal will retain and restore the important aspects of the historic fabric and will relate appropriately to its architectural and historic interest. The overall impact the proposal will be to sustain the significance of the heritage asset and as such is considered acceptable under Local Plan Policy HE3 and the NPPF.

Visual Amenity - Design and Appearance

Local Plan Policy SP5 seeks high standards of design that positively address local context and characteristics.

Minimal changes are proposed to the principal elevations of the former Church building. The greatest change is to the roof-space on the Tabor Street (north east) elevation where a series of 6 dormers are proposed to be introduced, to light the second floor apartments. At the rear the modern red-brick workshop/garage extension is proposed to be remodelled to give it a domestic appearance, with rendered elevations and vertical windows, and extended in height to provide an additional floor.

Precise details have not been provided for windows, doors, rooflights, dormers, facing materials, roof materials and rainwater goods. The submitted drawings refer to these details being subject to approval by the Local Planning Authority. It is considered appropriate and necessary in the circumstances of this case to require the submission of details through condition in order to ensure that the proposed alterations complement the building's historic character and context in terms of style, appearance and materials.

The proposed alterations have the potential to enhance the character and appearance of the building which is supported in view of its local heritage value and its prominence in the streetscape. Subject to appropriate conditions to control the precise details it is considered possible for the conversion work to be carried out to a high standard of design and without detriment to visual amenity in accordance with Policy SP5.

Impact on the amenity of neighbouring properties

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 nearest properties with the potential to be impacted by the proposal are Nos 23 to 17 Mitchell Street, with habitable room windows to their rear elevations which are positioned at a distance of approximately 18m from the north-west gable of the existing modern red-brick workshop/garage, proposed to be remodelled. There are presently windows to the ground and first floor of the north-

west gable. The proposed remodelling includes the removal of these window openings as they are incompatible with the proposed internal layout.

Local Plan Policy HS4 sets out the separation distances where habitable room windows face a blank gable and for a three-storey apartment the separation distance is a minimum of 18m. The habitable room windows are adequately distanced and positioned such that the proposal will not present opportunities for direct overlooking of neighbouring residential properties.

It is recommended that a condition be attached to this permission restricting the hours of construction in order to safeguard the amenities enjoyed by the nearby residents.

Taking account of the above, it is considered proposal would not cause a significant loss of privacy or overlooking with neighbouring properties and would not result in a significant or unacceptable reduction of outlook or daylight in accordance with Policies SP5 and HS4.

Highway Safety and Parking

Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards Appendix 9 allows for local circumstances to be taken into account which includes the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision or on-street parking nearby; and whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems.

The site is situated within a highly sustainable and accessible location. It is accessed by vehicles, pedestrians and cyclists from the existing highway, Claremont Street and Tabor Street, which are lightly trafficked side streets with no Traffic Regulation Orders restricting on-street parking of vehicles. Cycle access to the site is relatively good and there is presently high levels of bus accessibility and service frequency.

Given the expected economic profile of future tenants, it is anticipated that car ownership levels amongst residents will be very low indeed i.e. typically less than 5%. Some visitor car parking demand is expected to occur at the site, i.e. staff and tenants' friends and family. This is expected to result in around 4-5 vehicle arrivals per day. Car parking surveys have been submitted that demonstrate significant levels of on-street parking availability surrounding the application site. It can therefore be concluded that the local highway network has the capacity to safely accommodate any future resident / visitor car parking demand generated by the proposed development.

It is proposed that the existing garage building to the rear will house a facility at ground floor for 4 on-site car parking spaces accessed off Tabor Street. LCC Highways have confirmed that this is acceptable having regard to the sustainable location of the site and that there would be convenient on-street space for visitor parking.

It is considered that parking for cycles could adequately be provided on site and this should be controlled by a condition.

Taking into account the scale and nature of the proposal and other local circumstances as set out above it is considered that the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Refuse and Recycling Arrangements

Local Plan Policy SP5 requires adequate and carefully designed storage for bins and recycling containers located and designed in a way which is both convenient and safe for occupants and supports the quality of the streetscene. The remodelled former garage building to the rear will house a facility at ground floor for refuse/recycling facilities. These arrangements are considered to meet the requirement in Policy SP5.

Other Considerations

In terms of land contamination from previous industrial textile uses. Following the submission of a preliminary desk top assessment it is accepted that the site can be classified as low risk in terms of contamination.

In terms of ecology, the site is generally of low ecological value with the main potential being the potential for bat roosting and bird nesting opportunities. Bat surveys have been carried out which found no evidence of bats foraging, commuting or roosting at the buildings. The results of the surveys have been assessed on behalf of the Council by a qualified ecologist at the Greater Manchester Ecology Unit who confirms acceptance to the risk of the development to bats being low and is satisfied that the works to the building can proceed without being detrimental to maintenance of the local bat population. A condition is recommended to require a further bat survey if works are not begun by September 2020. In order to mitigate for any loss of bat roosting and bird nesting habitat a condition is recommended that requires the installation of one bat brick and one house sparrow terrace fitted to the retained building.

Conclusion:

The proposed development would be beneficial in bringing the building into active viable use, providing convenient and accessible accommodation and securing sensitive alterations and repairs that would safeguard the integrity and future of the non-designated heritage asset. Subject to suitable conditions, the proposed development does not raise any significant concerns in terms of visual and residential amenity and is considered to be acceptable in relation to highway safety and parking. The proposal complies with the development plan and it represents a sustainable form of development and there are no material considerations which would outweigh this finding.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No RBA-143-(2)-A100 (Proposed Location Plan Scale 1:500) dated 7.11.19; Drawing No RBA-143-(2)-A201 (Proposed Sectional Study Sheet 01 Scale 1:100) dated 7.11.19; Drawing No RBA-143-(2)-A202 (Proposed Sectional Study Sheet 02 Scale 1:100) dated 7.11.19; Drawing No RBA-143-(2)-A101 (Proposed Site Plan Scale 1:100) dated 7.11.19; Drawing No RBA-143-(2)-A102 (Proposed Plans Sheet 01 Scale 1:100) dated 7.11.19; Drawing No RBA-143-(2)-A103 (Proposed Plans Sheet 02 Scale 1:100) dated 7.11.19; and Drawing No RBA-143-(2)-A200 (Proposed Elevations Scale 1:100) dated 7.11.19.

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

3. Prior to the commencement of any development, full and precise details of the proposed windows, doors, rooflights, dormers, facing materials, roof materials and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

4. Prior to the commencement of any development, details and representative samples of the external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018). The details of materials are required prior to the commencement of development to ensure that only approved materials are used throughout the development process.

5. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

7. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy IC3 of Burnley's Local Plan (July 2018).

8. Prior to first occupation of the development hereby permitted, cabling and dedicated socket should be installed to all parking spaces that adjoin a wall where practical to allow for future installation of ULEV charging points at the owner's discretion.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generation in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

9. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy IC1 and IC3 of Burnley's Local Plan (July 2018)

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or dormer windows other than those expressly authorised by

this permission shall be constructed in the north western elevation of building hereby approved without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Policies SP4, SP5 and HS3 of Burnley's Local Plan (July 2018)

11. If the development hereby permitted has not begun by 01 September 2020, a further daytime assessment will be required to confirm bats are not using the site as a roost

Reason: In order to satisfy current wildlife guidance and legislation including the NPPF and Policy NE1 of Burnley's Local Plan (July 2018).

12. Prior to first occupation of the development hereby permitted details showing the type, number, location and timescale for implementation of a compensatory bat brick and house sparrow terrace shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

13. 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.

Reason: To safeguard the amenities of nearby residents in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

14. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with Policy NE5 of Burnley's Local Plan (July 2018).

EEP 19.12.19

Informatives

Nesting Birds: The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

Bats: The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly

disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

Part One Plan

Housing & Development
Town Hall, Manchester Road

Agenda Item 6d

Ref.

ADV/2019/0535

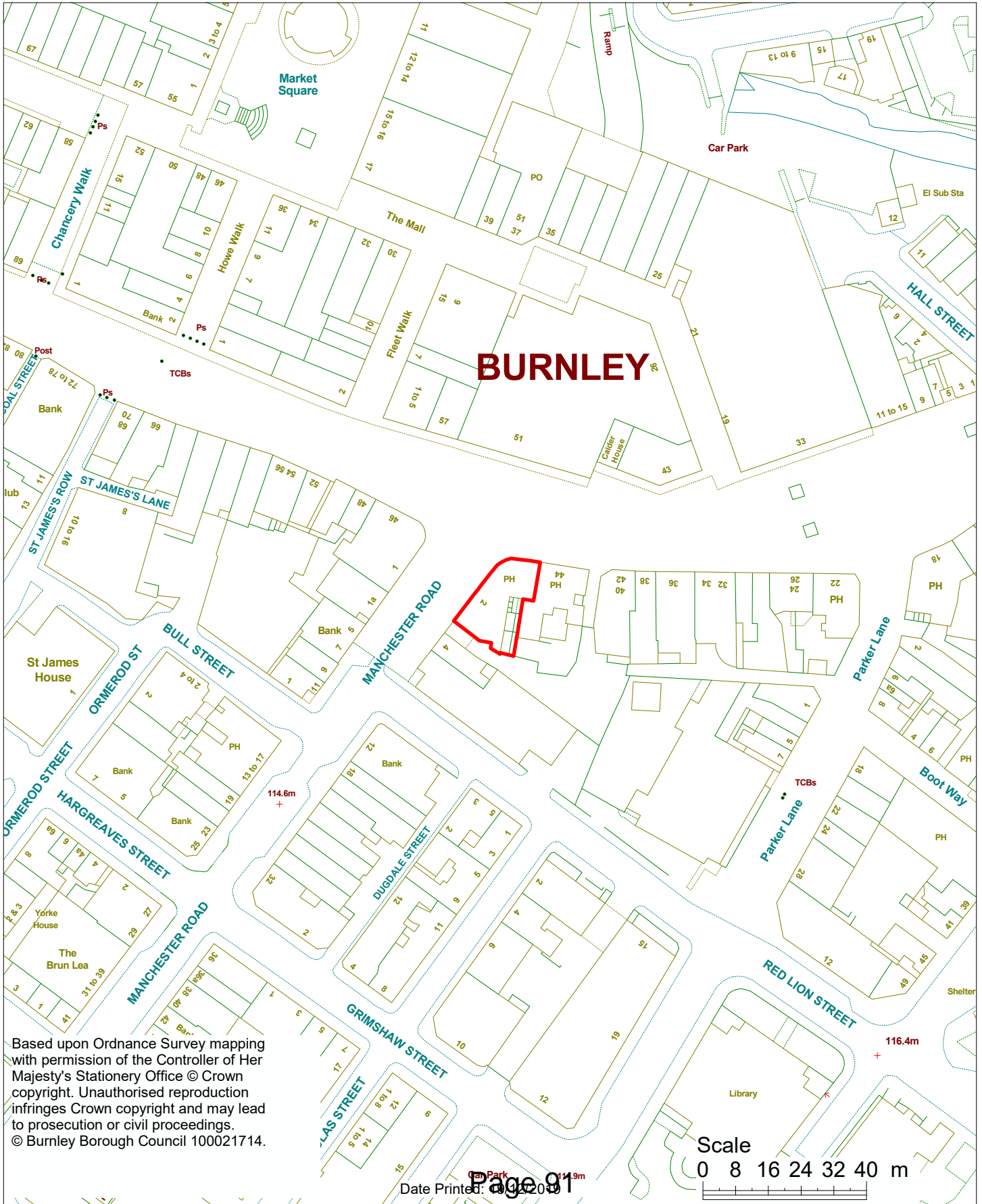
Paul Gatrell Head of Housing and Development

Location:

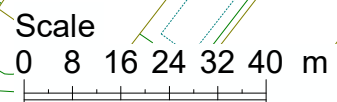


Old Red Lion Hotel, 2-4 Manchester Road, Burnley

1:1250



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Application Recommended for Approve with Conditions

ADV/2019/0535

Daneshouse With Stoneyholme

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

Temporary display of fabric banner secured to scaffold
Old Red Lion Hotel 2-4 Manchester Road Burnley Lancashire

Background:

The proposal is for the display of a large fabric banner that stretches across the full width of the property which is a Grade II listed building at a prominent corner within the pedestrianised area of Burnley Town Centre, within the Burnley Town Centre Conservation Area.

The proposed sign is not fixed to the building but wraps around scaffolding that has been constructed across the frontage of the building. The banner is non-illuminated and measures approximately 30m long by 8m in height with the lowest part of the advert at a height of approximately 2.3m above footpath level.

Proposed advert in situ



The proposed advertisement is already being displayed.

The application would normally be determined under the scheme of delegation but a request for call-in to the DC Committee has been made by Councillor Towneley.

Relevant Policies:

Burnley's Local Plan (July 2018)

TC8 – Shopfront and advertisement design

HE2 – Designated heritage assets

Supplementary Planning Document
Shopfront & Advertisement Design (June 2019)

The National Planning Policy Framework

Site History:

The property has been vacant for a number of years and was last used as a public house.

Consultation Responses:

Publicity

An objection has been received from a nearby business, making the following points:-

1. The advertisement is for the owners of the building and not there to provide a safety barrier.
2. The structure on which it is mounted is not erected on the property owned by the applicant but on LCC land.
3. There is no application from the site owner for the use of this advertisement attached to the planning application [applications for planning permission and listed building consent) have now been submitted.
4. No notice as required in your letter advertising the application has been displayed on site [a site notice has been displayed].
5. The advertisement conflicts with Burnley Local Plan Policy HE2 as the Town Centre Conservation Area is seriously affected as to amenity caused by the advertisement.
6. The application as published does not state a period for a 'temporary advertisement' [the application form seeks a temporary consent up to the 1st May 2020].

Planning and Environmental Considerations:

The relevant considerations relate to amenity and public safety.

Amenity

Policy TC8 states that the design of new or alterations to existing shopfronts and advertisements should satisfy a number of criteria, requiring, amongst other things, for the design to be appropriate to the character of the existing building and streetscene in terms of its size, detailing and use of materials. The size, design, positioning and materials of advertisements should not have an unacceptable adverse impact on the amenity of the areas in which they are displayed. Key architectural features should not be obscured, quality materials are expected and adverts should not normally be permitted above the fascia level and should not be overbearing. The Council's Supplementary Planning Document relating to advertisement design provides detailed guidance on appropriate, high quality and proportionate signage.

A key consideration in terms of the visual impact of the proposed advertisement is its impact on the Grade II listed building and Town Centre Conservation Area.

The proposed sign being of a fabric material and attached to a temporary scaffolding is unsuitable on a permanent basis. This is due to its size and coverage of the listed building's façade. However, the scaffold on which the advertisement is displayed is

itself a temporary construction and the proposed advertisement currently obscures the scaffold rather than the listed building. The visual impact of the advertisement is substantially reduced in this respect. The applicant seeks consent to display the advertisement on a temporary basis up to the 1st May 2020. Notably, a planning application (COU/2019/0593) and application for listed building consent (LBC/2019/0594) has been submitted by the same applicant for a change of use of the ground floor of the premises to an estate agents (Class A2) with offices (Class B1) above. The building requires substantial maintenance and the scaffold is necessary to carry this out. On a short term temporary measure only, the proposed sign projects a tidy and clean appearance that obscures the unsightly appearance of scaffold works. Subject therefore to a temporary consent only, the proposed sign has an acceptable impact on the visual amenities of the town centre, on the character of the Town Centre Conservation Area and on this Grade II listed building.

Public safety

Policy TC8 requires advertisements to be displayed only where there is no effect on public safety. Public safety issues normally arise from distraction to drivers, particularly where advertisements are illuminated. In this case, the site is within a pedestrianised area of the town centre and is non-illuminated. The proposed advertisement would not in this case have any significant impact on highway and public safety.

Summary

The proposed advertisement, permitted for a temporary period up to the 1st May 2020, would have an acceptable impact on amenity and safety.

Recommendation: Approve

Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans listed on this notice below.
2. This consent is for a temporary period up to the 1st May 2020 only; the advertisement shall be wholly removed from the site on or prior to this date.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.

Reasons:

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. The advertisement would be unsuitable on a permanent basis and is only acceptable as a short term measure to screen scaffolding, having regard to the visual prominence and impact of the advertisement and its impact on the Burnley Town Centre Conservation Area, in accordance with Policies TC2 and HE2 of Burnley's Local Plan (July 2018).
- 3.to 7. Required to be imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007. Imposed by Regulation 14 (7) (a).

Janet Filbin
20th December 2019

Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2019/0478

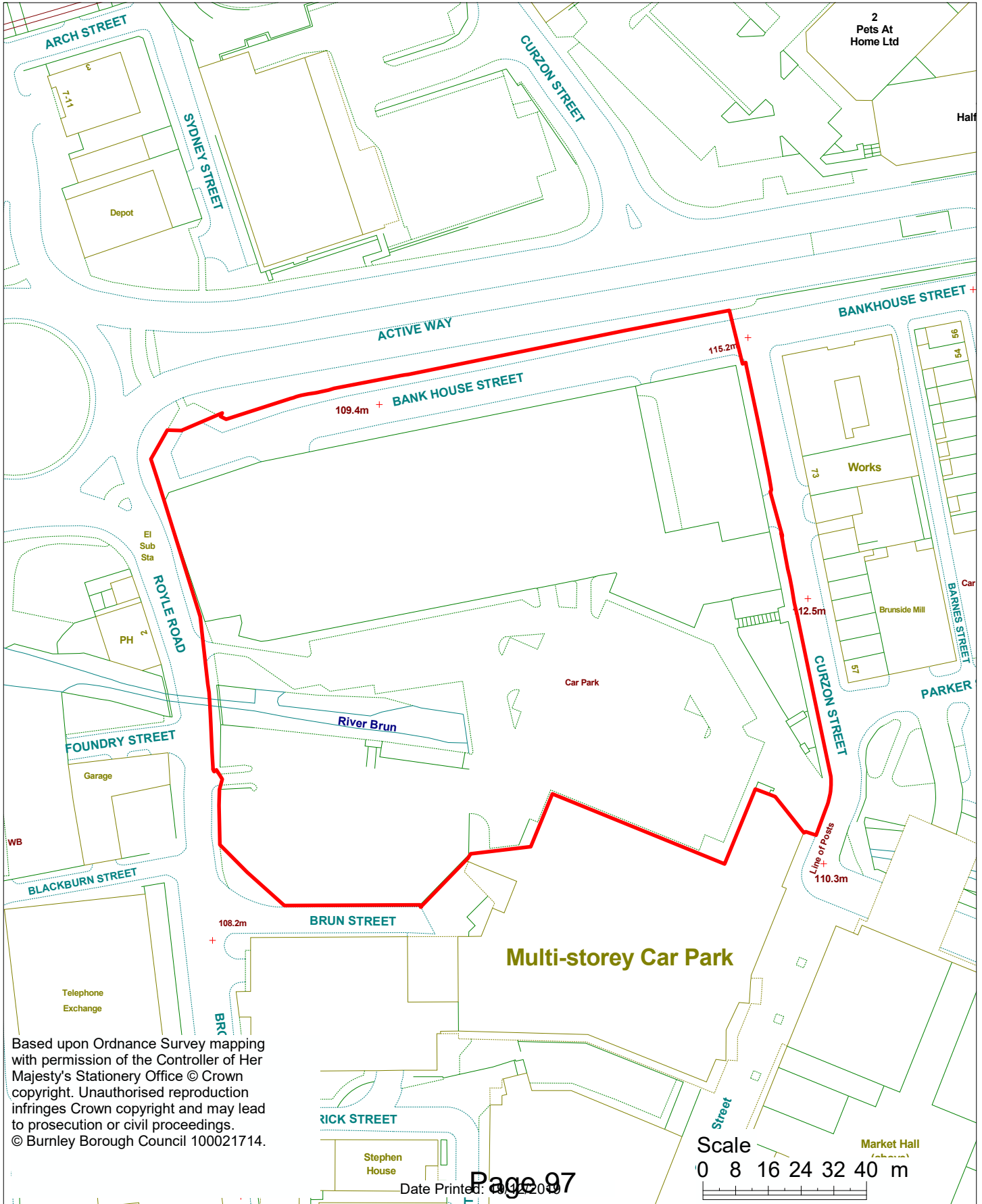
Paul Gatrell Head of Housing and Development

Location:



land at Curzon Street and Pioneer Place Car Park, Curzon Str

1:1250



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Town and Country Planning Act 1990

Erection of mixed use development comprising cinema, 7no. food and beverage units (Class A3), 2no. retail/leisure units (Class A1 or A3) with associated service yard with access from Curzon Street serving units 1-6, customer car park and service access from Royle Road serving units 8-10 together with associated public realm and landscaping

Land At Curzon Street And Pioneer Place Car Park Curzon Street Burnley



Aerial site photo

Background:

Site and surroundings

The application site is located within the defined Town Centre boundary of Burnley on the edge of the Primary Shopping Area. The site comprises two sections - a car park known as Pioneer Car Park and a storage compound siting on a large area of hardstanding. The site measures 1.5ha and is largely rectangular in shape with the southern boundary skirting existing buildings and a car park. To the north east corner are large retaining walls within the site running adjacent to Curzon Street.

The topography of the site sees significant levels difference along Bankhouse Street (6.96m) and Curzon Street (4.20m).

The site is open to all four sides, the River Brun runs directly through the site from west to east and is culverted in part. To the north lies Active Way (A679) which is the main A road that runs through Burnley Town Centre. The Anchor retail park lies on the opposite side of the A679, to the north, and includes a number of retail premises. To the south are also retail uses including Primark, Next and Curzon Square Multi-

storey Car Park. To the east on the opposite side of Curzon Street is made up of independent shops including a pet shop, a tanning studio, a salon and a photography studio. To the west lies the Town Mouse Public House which is a grade II listed building. A scrap metal and motor garage are also located to the west of the site, which can be accessed from Royle Road.

The site is serviced by Burnley Central Railway Station which lies approximately 180 metres to the north of the site and provides direct connection to Preston, Blackburn and Colne. Bus services are located on St.James' Street, and provide a number of regular services to locations including Preston, Clitheroe, Colne, Trawden and Accrington.

Proposal



Proposed Aerial View Looking East

Planning consent is sought for the construction of leisure & retail development comprising an 8 no. screen multi plex cinema, 7 no. food and beverage units (Class A3), 2 no. retail/ leisure units (Class A1/ A3) with associated service yard with access from Curzon Street serving units 1-6, 125 car parking spaces and service access from Royle Road serving units 8 -10 together with associated public realm and landscaping. The total leisure and retail floorspace extends to 5767.3 sqm.

Unit	Use	Floorspace (sq m)
1	Cinema	1,707
2	Restaurant	323
3	Restaurant	297
4	Restaurant	283
5	Restaurant	372
6	Retail	709
7	Restaurant	907
8	Restaurant	335
9	Retail	289
10	Restaurant	248

Unit floor space 1

Cinema and Unit 2

The Cinema building will be visible over two distinct heights, a large glazed & brick frontage serving the attached A3 food and beverage unit measuring approximately 5.2m in height and a rear box section hosting the cinema building at an approximate height of 11.4m. The cinema will be served by a separate entrance way facing outward towards Curzon Street. The cinema is proposed to be constructed in a predominantly light weight manufactured metal cladding in grey and black.

Units 3 - 7

Units 3-7 have been designed to act as a barrier to Active Way while creating South facing restaurant frontage to the town centre. The design also establishes a focal corner creating an attractive entrance to the development. The units back of house areas are located on the North side of the site, allowing the most efficient use of the site given the level differences at 'ground' level and the retaining wall structure. At first floor, the north east corner of the service yard sits at the same level as Curzon Street. The ground floor is organised to step back into the site responding to the site boundary and retaining wall as well as to allow better pedestrian flow. Unit 6 sits separately from units 3, 4, 5 & 7 and acts as a focal point at the South East side of the site. The building will have an approximate height of 13.4m (including plant) and be constructed in a range of materials which includes glazing, standstone effect ceramic tiles, cladding and feature concrete panels.

Units 8-10

Units 8-10 have been designed to respond to the sight line from the existing Primark unit. The angled side of unit 10 responds to the site boundary to draw people through into the site, with the orientation and length of the unit seeking to conceal the servicing zone and car park from the main public realm.

The building will have an approximate height of 6m. The materials proposed for the building are lightweight in appearance with full glazing on the North, East and West Elevations where opaque panels are also proposed. To the rear of the pavilion building facing black brickwork is proposed to the South elevation which conceals

back of house areas and the service bay. The material palette compliments the anodized cladding used on Unit 2. The colours used reflect the tones used to clad units 3, 4, 5 & 7 and unify the development. The unit is single storey to allow views through the site to the cinema. The roof top plant to this unit will be concealed on three sides with light coloured horizontal cladding and a balustrade to the fourth side. It is located at the south side of the building to reduce its impact on the entrance into the site.



Proposed site plan

Public Realm and Car parking

The development has been designed to incorporate a new public realm with seating and landscaping to help create a place sense of place. In the evening ambient lighting will be used to illuminate the seating and newly landscaped areas. These landscaped areas will include large white granite seating steps from Curzon Street to draw visitors into the development and to create a meeting point.

Further public realm works will guide visits through the development from Active Way through the introduction of new tree planting, lawns, bulb planting and lighting. Existing trees in this location will be retained and protected during construction. The main vehicular access to the development is via Royle Road. 125 car parking spaces are provided on the main car park, including 6 accessible spaces, 3 parent and child spaces, 2 electric charging bays and 5 motorcycle spaces. A further 11 car parking spaces are provided at Bankhouse Street.

To support the proposal the application has been accompanied by the following reports

- Heritage Assessment
- Drainage Strategy
- Flood Risk Assessment
- Ecology Survey and Assessment
- Tree Survey Amenity Tree Care
- Ground Investigation Vol 1 and 2
- Energy Strategy Statement
- Transport Assessment
- Travel Plan
- Noise Assessment
- Design & Access Statement
- Crime Impact Statement Smith & Love

Relevant Policies:

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Burnley's Local Plan (July 2018)

In determining the current proposal, the following are considered to be the most relevant policies:

- SP1 – Achieving sustainable development
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- SP6 – Green infrastructure
- TC1 – Retail Hierarchy
- TC2 – Development within Burnley and Padiham Town Centres
- TC4 – Development Opportunities
- TC4/1 – Former Pioneer, Curzon Street
- HE1 – Identifying and Protecting Burnley's Historic Environment
- HE2 – Designated heritage 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

Other Material Planning Considerations

National Planning Policy Framework 2019 (The Framework).

The following headings and content of the NPPF are considered the most relevant to the consideration of the current proposals:

- 2. Achieving Sustainable Development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and Safe communities
- 9. Promoting sustainable transport;
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

Additional planning considerations:

- National Planning Practice Guidance (NPPG)
- Planning (Listed Buildings and Conservation Areas) Act (Adopted 1990)
- Burnley Town Centre & Canalside Masterplan
- Burnley Retail, Leisure and Office Assessment

Site History:

App Number	Proposal	Status	Decision Date
Application ref: APP/1997/0199	Erection of retail units and multi storey car park, including details of siting and means of access (design, external appearance and landscaping reserved for subsequent approval)	Granted	July 1997
Application ref: APP/1997/0418	Design, external appearance and landscaping of two retail units, multi-storey car parking and new shop fronts	Granted	Nov 1997
Application ref: APP/2001/0291	Proposed change of use from retail store (Class A1) to public car park	Refused	April 2004
Application ref: APP/2003/0117	Change of use from parking area of former food store to short stay pay and display public car park for a temporary period of three years	Granted	May 2003
Application ref: APP/2004/1001 Application ref: APP/2006/0170 Application ref: APP/2007/0679 Application ref: APP/2009/0042 Application ref:	Use of land for parking	Granted	Various

<p>APP/2010/0213 Application ref: APP/2007/0679 Application ref: APP/2009/0042 Application ref: APP/2010/0213 Application ref: APP/2011/0548 Application ref: APP/2012/0462</p>			
<p>Application ref: APP/2006/0452</p>	New retail and restaurant development; service access onto Active Way and multi-storey car park	Granted	September 2006
<p>Application ref: APP/2011/0052</p>	New retail and leisure development together with multi-storey car parking, access and landscape works	Granted	May 2011

Summary of Consultation Responses:

Highways - The Highways Depot (Burnley District)	No Comment Received.
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Coal Authority Initial response	<p>The Coal Authority Response: Substantive Concern</p> <p>Our mining records indicate that the site may have been subject to past coal mining activities, which may include historic recorded and unrecorded underground coal mining at shallow depth.</p> <p>The Coal Authority notes the submitted Ground Investigation Report (November 2018, prepared by CCG), the content of which appears to focus generally on contaminated land issues, but with the ground investigations undertaken not being considered in anyway sufficient to provide an understanding of coal mining conditions. The Coal Authority therefore objects to this planning application and recommends that a CMRA be submitted. Protecting the public and the environment in mining areas 2</p> <p>The accompanying CON29M Mining Report is not a CMRA and provides no assessment of risk.</p>
Re-consultation response 4 th December 2019	<p>The Coal Authority previously objected to this planning application in a letter to the LPA dated 24 October 2019. The objection was raised on the grounds that the supporting information generally focused on contaminated land and not coal mining legacy.</p> <p>Whilst it is noted that the applicant has now submitted some coal mining information to accompany this planning application, the Coal Authority still does not consider this adequately addresses the impact of coal mining legacy on the proposed development.</p> <p>The Coal Authority therefore maintains its objection to this planning application, and we consider that the applicant needs to submit a Coal Mining Risk Assessment Report to the LPA.</p>

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<p>United Utilities</p>	<p>No objection subject to following conditions:</p> <p>Condition 1 – Surface water No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:</p> <ul style="list-style-type: none"> (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and (iii) A timetable for its implementation. <p>The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In accordance with the submitted details, no surface water communicate with the combined sewer system either directly or indirectly.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p> <p>Condition 2 – Foul water Foul and surface water shall be drained on separate systems.</p> <p>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</p>
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<p>Highways - The Highways Depot (Burnley District)</p>	<p>With respect to the proposed application we would not wish to raise an objection. However, there are a number of areas that either raise concerns or require further information to be provided. In order to fully support the application, we would look for further details, plans and discussions to ensure that our concerns may be allayed.</p> <p>The following points are intended as a basis for discussion and are not in any order of preference:-</p> <ol style="list-style-type: none"> 1. From Burnley's Local Plan the Mobility Parking provision should be at provided at a minimum level of 1 per 10 car parking spaces, with the hatched area of 1.2m being provided at both sides of the vehicle (unless one side is open) with a hatched area at 1m to the rear. 2. A number of swept path analyses will be required, these include all servicing entrances and exits, there is a particular concern regarding the access and egress to the Curzon Street service yard and the existing Limited Waiting. The swept paths should include access for a 3 axle Refuge Collection Vehicle up to 10m in length and a shorter form of articulated HGV up to 26 tonnes, Manual for Streets would suggest that 4 Wheeled Commercial refuge Bins should not be wheeled more than 15m from a storage point to the collection vehicle
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	<p>3. A Traffic Regulation Order may be required to stop up the end of Bankhouse Street and formalise any alterations to the existing Limited Waiting Orders this is likely to be carried out as part of a section 278 agreement</p> <p>4. In addition to the traffic order a section 278 agreement will needed to replace a number of existing unused vehicle crossing points, a number of existing points will need to be constructed to current Lancashire County Council standards including the provision of some tactile paving.</p> <p>5. A Street Lighting assessment for Royle Road, Bankhouse Road and Curzon Street, will be required to ensure that the area is suitably lit to current British Standards</p> <p>6. A lighting plan, schedule and iso-lux drawing will be required to ensure that there is no excessive glare to the surrounding adopted highway</p> <p>7. The cycle parking facilities should be in a more centralised position where they are more overlooked</p> <p>8. A car park management strategy will be required as the existing off street parking provision will be reduced by the development with the additional increased demand of the development.</p> <p>9. There are proposed remedial works to the existing culvert at the junction of Bankfield and Curzon Street these will be carried out by Lancashire County Council and are provisionally scheduled for July 2020. Whilst these works are of no relevance to the planning application process they could be a concern during the construction phase.</p> <p>10. A waste collection strategy will need to be formulated, an amended plan would indicate that units 1 & 2 could be serviced by area north of the River Burn, conformation of this and how it will be achieved will be required. The servicing of buildings via an essentially public open space is problematic from a traffic separation view.</p>

<p>Environment Agency</p>	<p>Ground Investigations</p> <p>We have reviewed the Additional Ground Investigation at Curzon Street Burnley, Vol 2 Interpretive Report dated November 2018, by CCG, ref no CCG-C-18-10479.</p> <p>The investigation finds some areas of Asbestos Contaminated Ground, which are restricted to the south west part of the site south of the River Brun. The potential for this material to be used on the site is based upon how much level change is proposed. At best only 600mm of the site (below existing slab level) is described as a possible solution. Three of the samples were from 0.4 metres below ground, therefore consideration needs to be given to suitable handling and appropriate disposal of these soils.</p> <p>The potential for re-use on the site of soils is possible, and would be subject to the CLAIRE definition of waste code of practice, and appropriate remediation and or re-use methods (suitable depths).</p> <p>Analysis of groundwater quality has found various PAH's within the soils, and as the site stands these are probably prevented from contaminating the water course due to the presence of the overlying</p>
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	<p>bases from the previous development. Long term impact from these soils is assessed as low impact, and we agree with this interpretation.</p> <p>Assessment of the downstream water quality in the River Brun suggests that no impact is currently taking place. During redevelopment there is a potential for these soil to be exposed and leache at a greater rate. Proposals for appropriate surface water monitoring during development to ensure that this contamination does not seep into the water course to be developed.</p> <p>As at the time of writing the development levels are not known, we would suggest that at appropriate remediation plan is drafted and include an associated validation/completion report to demonstrate that environmental conditions have been protected.</p> <p>Flood Risk</p> <p>The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Betts Hydro Consulting Engineers. We have reviewed the FRA in so far as it relates to our remit and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.</p>
Canal & River Trust	No Comment to make.
Heritage and Conservation	No objection as the development would not give rise to any unacceptable impacts on any adjacent/nearby heritage assets.
LCC - Flood Risk Management	No Comment Received.
Lancashire County Archaeology Team	<p>No objection subject to the following condition:</p> <p>No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, as well as the proper reporting of that work and archiving of the project.</p>
Contaminated Land Officer	<p>As per reports CCG-C-18-10479 Vol. 1 & Vol.2, Environmental Health are satisfied that there are no contaminant risks based on the current site status and proposals, and therefore further action is not required.</p> <p>Should the design of the development alter in the future to include any area of public open space/landscaping/floor</p>

	voids, a re-assessment will be required of the risks to human health
Streetscene (Refuse)	No Comment Received.
Architectural Liaison Unit	The response from the ALU has been provided to the applicant and will be included as an informative note.
Parks - Green Spaces & Amenities Unit	No Comment Received.
Environmental Health	<p>EH have no objection to the variation and would suggest consideration of the following points of the August 17' list of Planning Conditions:</p> <ul style="list-style-type: none"> • 10; construction hours • 11; operating hours (suggested 7am-midnight for operations and 7am-6pm for deliveries Mon-Fri, 8am-5pm Saturdays only) • 64; burning of waste • 76; Electric Vehicle Charging Point (to be increased from 2 spaces to 12 (10% of overall spaces)) <p>The combined noise from external plant from all units shall be restricted to maximum LAEq sound pressure levels as indicated in 7.3.5 of SCP/18498/TP/1. I would also suggest that should noise complaints be received specifically related to any one tenant, that the tenant be responsible for assessing the noise individually.</p> <p>In addition., we would ask that Environmental Health is kept informed and updated on the progress of the Travel Plan (as per document reference SCP/18498/TP/1) as this will be useful information for us to use when compiling our annual Air Quality Status report to DEFRA.</p>
Health & Safety Team	No Comment Received.
Burnley Wildlife Conservation Forum	No objection.
Local Plans & Policy Team	No Comment Received.
Lower St James Street Development Group	No Comment Received.
Publicity	The application was advertised with a press notice, site notices and letters to surrounding properties. No letters of representation have been received.

Principle of the development

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".

The NPPF, at paragraph 80 states 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The Framework further states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation

The application site is allocated in the Local Plan as being a 'Development Opportunities site in Burnley Town Centre' (TC4 Policy TC4/1). Policy TC4/1 indicates that, " the site is located within the Town Centre on the edge of the Primary Shopping Area and is suitable for a mix of retail, office and leisure uses comprising or including A1 uses together with other A2, A3, A4, B1a, C1 or D2 uses. C3 and A5 uses would only be acceptable as an ancillary part of a mixed-use scheme.



The site is located within the Town Centre on the edge of the Primary Shopping Area and is suitable for a mix of retail, office and leisure uses comprising or including A1 uses together with other A2, A3, A4, B1a, C1 or D2 uses. C3 and A5 uses would only be acceptable as an ancillary part of a mixed use scheme.

Additional and Site Specific Policy Requirements and Design Principles

Uses

- 1) A minimum of 1,500 sq.m (net) of A1 comparison floorspace must be included within the mix of uses.

Quality and Design

- 2) The site is located on a Key Gateway into Burnley Town Centre. Development will be expected to reinforce the site's Key Gateway role. An opportunity exists to create a new townscape and a positive and appropriate relationship with surrounding buildings and spaces. A substantial building of high quality is envisaged to the north west corner of the site (a minimum of 3 storeys) addressing Active Way, with specific attention also given to the frontages to Active Way and Curzon Street to ensure an attractive and permeable edge to the town centre.
- 3) Key buildings should use a palette of materials which includes high quality locally distinctive materials in accordance with Policy SP5. High quality suitable and complementary contemporary materials and designs may also be acceptable.
- 4) The site is within an area at risk of flooding, the majority of it lying within Flood Zone 2. The layout and design of any development should take account of the recommendations of the Council's Strategic Flood Risk Assessment. Any development will need to be accompanied by a site specific Flood Risk Assessment in accordance with Policy CC4 and seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and through the provision of an appropriate sustainable drainage scheme.

5) The site has local archaeological significance. A formal programme of archaeological investigation is required including trial trenching and recording of surviving elements on site. Further investigation or recording works may be necessary dependent upon the results of the trial works.

Public Realm

6) Proposals should contribute to an improved public realm consistent with the Burnley Town Centre Public Realm Strategy SPD with clear, safe and convenient pedestrian linkages to the existing Primary Shopping Area. Bank House Street is setted and this surface could be incorporated into the new public realm scheme and the scheme should incorporate the River Brun as a feature. To reduce flood risk, improve the quality of the River Brun and enhance the amenity value it brings to the town centre public realm, the opening up of the culverted section of the river within the site should be explored, taking account of the Council's Strategic Flood Risk Assessment.

Supporting Information

1) The River Brun crosses the site both as an open watercourse and in culvert. Proposals will need to take account of the easement requirements of the Environment Agency to provide unobstructed access to the open water course for inspection and maintenance.

Policy TC4/1 (i) states that a minimum of 1,500sqm of retail floorspace should be provided in the development. The amount proposed is approximately half the identified amount (755.2sqm) and as a consequence the proposal is in conflict with criterion 1 of the policy. The applicant has set out as part of the submission why they consider a flexible approach should be taken when considering the Policy TC4/1 as a whole and guidance contained with the NPPF.

The supporting information identifies that the uses proposed within the application proposal comprise A1 (retail), A3 (food and drink) and D2 (leisure) which are all listed as acceptable and appropriate uses within Policy TC4/1. The applicant put forward their case as to why the proposal accords with the long-standing objective of national Government to focus main town centre uses in existing centres so as to enhance their vitality and viability.

It must be considered therefore if material reasons exist for allowing a reduced retail offer.

The Council have been made aware that due to the site restraints, which include retaining walls and site levels, it has not been possible to incorporate built development into the north eastern area of the site. This has resulted in the developable area being reduced and such, it is considered that a reduced figure can be deemed acceptable in this instance.

Additionally, the role and function of town centres has in recent times begun to change with the way in which consumers meet their shopping needs. The growth of the on-line retail sector and home deliveries has resulted in well-known national chain store closures over recent years. This has placed significant pressure on local authorities and retailers who are tasked with re-purposing empty units and rebranding centres in order to attract inward investment and consumers back to the high street.

The Local Government Association produced guidance on 'Revitalising town centres' (2018) notes a report on eating out in town centres, by Springboard and the NPD Group, improved performance of high streets is being driven by a booming and inventive food and drink sector. The report estimates population growth will lead to

800 million more eating out visits by 2027. Whilst day-time footfall has declined cumulatively by 3 per cent since 2013, footfall post-8pm has risen 1.4 per cent.

National planning policies have sought to ensure the vitality of town centres. Nationally Planning Policy Guidance Paragraph 001 notes that evening and night-time activities have the potential to increase economic activity within town centres and provide additional employment opportunities. They can allow town centres to diversify and help develop their unique brand and offer services beyond retail. The National Planning Policy framework advises that planning policies should, define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

It is acknowledged that Policy TC4/1 refers to the provision of a minimum of 1,500sqm (net) of retail floorspace. The proposal as presented has the potential to provide 755.2sqm of retail floorspace (units 6 and 9) falling short of the required floorspace. However, in taking the site restraints into consideration and the need to ensure a flexible approach which takes into consideration rapid changes in the retail and leisure industry. It recognised that the proposal would give rise to an opportunity for the town centre to grow and diversify in full accordance with paragraph 85(a) of the Framework in a manner which will secure the town centre's long-term vitality and viability.

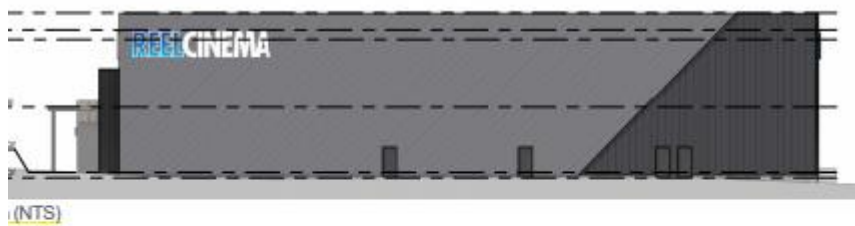
On balance, the principle of the development is, therefore, accepted and encouraged, in accordance with Local Plan Policies and NPPF's presumption in favour of sustainable development, which should proceed without delay; acknowledging its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.

Design and Layout

The NPPF 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. Policy TC4/1 further states: The site is located on a key gateway into Burnely Town Centre and therefore an opportunity exists to create a new townscape and a positive and appropriate relationship with surroundings buildings and spaces. A substantial building of high quality is envisaged to the north west corner of the site (a minimum of three storeys) addressing Active Way, with specific attention also given to the frontages to active way and Curzon Street to ensure an attractive and permeable edge to the town centre. Key buildings should use a palette of materials which includes high quality locally distinctive materials in accordance with policy SP5. High quality suitable and complementary contemporary materials and designs may also be acceptable.

In respect of design and layout, a detailed Design and Access Statement accompanies the application, and sets out the key design principles which are taken forward in the application proposals design response, reflecting not only the policy requirements but the comments given by officers as part of pre-application discussions. These design driver considerations include:

- Raising the profile of Burnley town centre as a leisure destination/night-time economy
- Varying the towns retail and leisure offer
- Improve links to the bus and railway stations
- Introducing a development of modern architectural design
- Providing active frontage and a new public square
- Enhancing Public Realm
- Enhancing arrival points
- Reducing the impact of Active way as a barrier to the town centre
- Providing high quality units



Unit 1 & 2 elevations 1

The cinema and unit 2 building have a modern, yet sympathetic flat roof design positioned over two-levels incorporating a parapet. The large glazed section adds variety when views are taken from the central public realm area against the foyer entrance of the cinema providing an active frontage to entice people into the public realm. Materials include glazing & brick to unit 2 with a predominantly light weight manufactured metal cladding in grey and black to the cinema building.



Proposed Aerial View Looking North West



Proposed View from Curzon Street

The building housing Units 3-7 have been designed to act as a barrier to Active Way while creating South facing restaurant frontage to the town centre. The design also established a focal corner creating an attractive entrance to the development. The units back of house areas are located on the North side of the site, allowing the most efficient use of the site given the level differences at 'ground' level and the retaining wall structure. At first floor, the north east corner of the service yard sits at the same level as Curzon Street. The ground floor is organised to step back into the site responding to the site boundary and retaining wall as well as to allow better pedestrian flow. Unit 6 sits separately from units 3, 4, 5 & 7 and acts as a focal point at the South East side of the site. The building will be constructed in a range of materials which includes glazing, standstone effect ceramic tiles, cladding and feature concrete panels.

The building housing units 8-10 have been designed to respond to the sight line from the existing Primark unit. The angled side of unit 10 responds to the site boundary to draw people through into the site, with the orientation and length of the unit seeking to conceal the servicing zone and car park from the main public realm. The materials proposed for the building are lightweight in appearance with full glazing on the North, East and West Elevations where opaque panels are also proposed. To the rear of the pavilion building facing black brickwork is proposed to the South elevation which conceals back of house areas and the service bay. The material palette compliments the anodized cladding proposed used on Unit 2. The colours used reflect the tones used to clad units 3, 4, 5 & 7 and unify the development. The pavilion unit is single storey to allow views through the site to the cinema. The roof top plant to this unit will be concealed on three sides with light coloured horizontal cladding and a balustrade to the fourth side. It is located at the south side of the building to reduce its impact on the entrance into the site.

The car park is to be enclosed to the south to harmonise with the existing multi- storey car park and provide safety and security to users of the site. This design approach ensures the development sits well within the context of the area, reduces the visual impact on the surrounding buildings, and is positioned to frame the public realm and reduce harm to the Grade II Public House.

On balance, the proposed scheme is considered to be well designed, forming a sympathetic yet contemporary addition to the surrounding area. Construction materials are key to the design, and it is considered important to ensure that those used are sympathetic to the surrounding area so as not to compromise the overall appearance of the locality. As such, a condition requiring material samples to be submitted is recommended.

In summary, the comprehensive details submitted relating to the design and layout of the proposal are considered to demonstrate that the building and infrastructure accords with the provisions of the relevant policies of the development plan, and landscaping details can be finalised by way of planning condition.

Amenity Impact

Policy SP5 requires development to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking. Additionally, development should not result in unacceptable conditions for future users and occupiers of the development.

The Council does not have any prescribed minimum separation distances between dwellings and community buildings, such as a cinema. However, minimum distances of 20m between habitable room windows are identified within the Council's adopted Local Plan. A figure that can be revised upwards by 3m if there is a substantial difference between building heights or levels. The proposal would adequately safeguard existing residential amenities and provide satisfactory amenity for new occupiers/users of the development which would comply with Policy SP5.

The application has also been accompanied by a comprehensive suite of documents including an Acoustic Planning Report which have been reviewed by the Council's Environmental Health Team. The Environmental Health Team has requested

conditions in relation to construction hours, operating hours (suggested 7am-midnight for operations and 7am-6pm for deliveries Mon-Fri, 8am-5pm Saturdays only), burning of waste and Electric Vehicle Charging Points. Additionally, a condition restricting combined noise from external plant from all units has been requested.

Given the town centre location, the consideration that the surrounding area is predominantly commercial in character, the suggested hours of operation would unnecessarily restrict the operational abilities of the units for leisure purposes. For this reason officers have not sought to control the operating or servicing hours. In making this recommendation officers consider that there are no known residential properties that would suffer a loss of amenity from unrestricted hours. This is also considered to be same for the nearby commercial buildings. There are not considered to be any other nearby receptors that would suffer any unacceptable amenity impacts from the introduction of the proposed development.

Subject to the recommended conditions the proposal is considered to be compliant with the development plan and can be adequately controlled to ensure compliance with the Council's Development Plan and the NPPF.

Highways, 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.

The Local Plan Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays. Policy IC2 seeks to manage transport and travel impacts from development. Policy IC3 identifies car parking standards that should be provided for developments appropriate to the nature and scale.

A Transport Statement (TS) and drawings accompanied the submitted application and have been reviewed by the Local Highway Authority. The assessment evaluates the existing transport and highways context of the site, access, parking and servicing conditions and trip generation. This allows an assessment to be made as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of the proposed development.

The TS offers evidence to support the assertions made in relation to the trip generation and traffic impact of the proposed development and that whilst there will be some time specific impacts upon the surrounding highway network it would not be to the detriment of road safety or the safe, efficient and convenient movement of all highway users.

The applicant's report concludes that the site is located in a sustainable town centre location which is highly accessible on foot, by cycle and is also accessible by public transport. The number of vehicle trips generated by the proposed cinema can be considered as negligible, having no material traffic impact on the local roads and junctions in the vicinity of the site. The proposed car park access and egress junctions are acceptable in capacity terms.

The Local Highways Authority Officer has reviewed the accompanying documents and drawings and offers no objection in principle subject to further details on

- the realignment of the highway boundaries -
- the provision of and removal of any existing supporting structures -
- the servicing of the units 1 & 2 -
- the mobility parking bays are not marked in accordance with Inclusive Mobility -

Given, these are minor technical matters and not fundamental to the scheme the applicant is seeking to address these matters with additional information which will be presented by way of an update report.

Subject to the addressing the additional details required or through the imposition of appropriately worded conditions, the proposal would not have a severe impact on the local highway network and complies with Policies IC1 and IC3 and the NPPF.

Drainage and flood risk

Policy CC4 seeks to ensure that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere. The site is in flood zones 1, 2 & 3 where there is a high risk of flooding. Drainage proposals have been submitted with the application.

Following review of a supporting Drainage Strategy Report, no objection has been offered by United Utilities; subject to the application of conditions to ensure implementation of an appropriate scheme of surface drainage and the separate drainage of surface and foul water.

Impact on Ecology and Trees

Policy NE1 states that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible. The application has been accompanied by a Ecological Survey and Assessment presents the results of the Phase 1 Habitat Survey. Licensed bat surveys (include within this report) were also carried out. The report concludes that:

- i The proposals will have no adverse effect on statutory or non-statutory designated sites for nature conservation.
- ii None of the habitats within the site are of significant interest in terms of their plant species composition or are representative of a semi-natural habitat. The NVC communities present are typical of the geographical area and conditions present. The site contains only common and widespread plant species.
- iii The trees and shrubs are of 'site' value only, as they contribute to the diversity of habitats within the site and are suitable for use by nesting birds.
- iv The River Brun in the west of the site is of local value and provides habitat connectivity to the wider area. The river and a suitable buffer will be retained in accordance with the proposals. Measures to ensure the protection of the river during works and further surveys required if the river will be affected by the proposals.

- v Invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) namely Wall Cotoneaster was detected. This does not preclude development but it is an offence to cause the spread of this species in the wild.
- vi Habitats associated with the River Brun have a low suitability for foraging and commuting bats. The trees and shrubs within the site are suitable for use by nesting birds. Mandatory actions to protect nesting birds during site clearance and measures to provide compensatory opportunities for nesting birds are recommended and can be achieved by the proposals.

A Tree Survey and Constraints Report was undertaken as several trees are due to be removed from the development site to facilitate the development of the scheme. Existing trees close to the site boundary at Active Way are proposed to be retained and incorporated into the development. The accompanying landscape proposals will see the increase in the number of trees and planting within the site alongside improvements to biodiversity. The proposal includes 10 new trees, areas of new planting with a mix of shrub and perennial species and management of the vegetation to the River Brun.

Subject to the development being carried out in accordance with the agreed details the development is considered to accord with Policy NE1 and is acceptable in this regard.

Heritage

Policy HE2 states that proposals affecting designated heritage assets will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation and that all levels of harm should be avoided.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting.

The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and taken of the following:-

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF states that great weight should be given to the asset's conservation. Substantial harm should not be allowed but where a development will lead to less than substantial harm to the significance of a designated heritage asset then this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The site lies to the northeast of the historic Weavers' Triangle and while the site itself does not fall within a Conservation Area, the boundaries of three Conservation Areas

(Burnley Town Centre, Weavers' Triangle and Top O' Th' Town Conservation Areas) lie a relatively short distance to the site. A grade II listed pub, the Town Mouse, lies directly west of the site.

The application has been accompanied by a Heritage statement that concluded the proposed development will inevitably result in some change to the area with potential to affect the setting of numerous statutorily designated and locally-listed and non-designated heritage assets. The report further identifies that the direct impact from proposed development is limited to affecting remnant section of wall and potential buried archaeological deposits on site. There will be some indirect impact on the setting of nearby listed and locally listed buildings as a result of the scheme, however, this is considered to detrimentally harm the designated heritage assets in the locality.

An archaeological recording/investigation condition is necessary to deal with any archaeological interests there may on the site and a condition is recommended to deal with this.

Subject to the condition set out, the Council's Heritage and Conservation Officer has offered no objection to the proposal as such, the proposed development is considered to comply with both local and national planning policy guidance in relation to the historic environment including BLP Policies TC4/1 and HE1 and paragraph 195 of the Framework.

Other issues

Ground conditions

The application was accompanied by a comprehensive Phase 1 Desk Top Study and Phase 2 geo-environmental assessment in relation to the ground conditions. Following review by Environmental Health colleagues no objection to the development has been offered subject to the development being carried out in accordance with the approved details.

Historic ground workings

The Coal Authority has advised that mining records indicate the site may have been subject to past coal mining activities, which may include historic recorded and unrecorded underground coal mining at shallow depth. Whilst the applicant has provided some details to demonstrate the suitability of the site for development additional information is still required to fully address the risk associated with developing the site. The applicant has sought an additional risk assessment which is to be reviewed by the Coal Authority and the response be provided by way of an update report.

Summary

This report assesses the full planning application for the erection of mixed use development comprising cinema, 7no. food and beverage units (Class A3), 2no. retail/leisure units (Class A1 or A3) with associated service yard with access from Curzon Street serving units 1-6, customer car park and service access from Royle Road serving units 8-10 together with associated public realm and landscaping. In considering the proposal, a wide range of material considerations have been taken

into account and the development is considered to have sufficient merit to achieve compliance with the Development Plan.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant providing an acceptable Coal Mining Risk assessment and conditions.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with submitted technical reports, supporting information and the following 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. Prior to the construction of the building above slab level hereby approved, samples of all external materials, and their colour, to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) wheel washing facilities
 - f) measures to control the emission of dust and dirt during construction
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h) measures to protect the amenity of surrounding occupiers during piling operations
 - i) routing of delivery vehicles to/from the site.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The

Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

5. Construction of the development hereby permitted shall not take place outside the hours of 07:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

6. Prior to the commencement of built development, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any buildings being brought into use. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4, CC5 and NE5 of Burnley's Local Plan (July 2018).

8. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, as well as the proper reporting of that work and archiving of the project.

9. In the event that any previously unidentified or unexpected contamination is found at any time during the development process, development shall cease and this shall be reported in writing immediately to the Local Planning Authority. A full risk assessment, including investigations as necessary, shall be carried out and submitted with a Remediation Scheme and be approved in writing by the Local Planning Authority before development re-commences. The development shall thereafter be carried out in accordance with an approved Remediation Scheme and once completed, a Validation Report shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of any buildings.

Reason: To ensure that any unexpected contaminants are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

10. No development shall take place until a scheme for appropriate surface water monitoring has been established to ensure water quality in the River Brun is not exposed to contamination from the application site during development. In the event that any contamination is found at any time during the development process, development shall cease and this shall be reported in writing immediately to the Local Planning Authority. A full risk assessment, including investigations as necessary, shall be carried out and submitted with a Remediation Scheme and be approved in writing by the Local Planning Authority before development re-commences. The development shall thereafter be carried out in accordance with an approved Remediation Scheme and once completed, a Validation Report shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of any dwellings.

Reason: To ensure that any unexpected contaminants are adequately dealt with, in the interests of public health, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

Alec Hickey
20th December 2019

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

9th January 2020

Housing and Development

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List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
APP/2019/0125	Mr David Rogers	Bulls Head Barn Honeyholme Lane Cliviger Lancashire BB10 4SR	Proposed detached garage	Approve with Conditions	6th November 2019
FUL/2019/0283	Mr Sarfraz Choudry	Land Adjacent To Calder Vale Road Calder Vale Road Burnley	Proposed car sales and two storey building for valeting with flat above.	Approve with Conditions	15th November 2019
HOU/2019/0290	Mrs Asma Ali	61 Barden Lane Burnley Lancashire BB10 1JF	Erection of 2.1m high fence around land adjacent to 61 Barden Lane	Application Withdrawn	15th November 2019
HOU/2019/0309	Mr C. Hamilton	Royle Hall Farm Royle Burnley Lancashire BB12 0RU	Erection of single storey extension to rear and new window to front elevation	Approve with Conditions	29th November 2019
LBC/2019/0310	Mr C. Hamilton	Royle Hall Farm Royle Burnley Lancashire BB12 0RU	Extension to rear, new window to front and internal remodelling to include removal of internal walls to first floor bathroom, replacement of handrail with wall to gallery staircase	Approve with Conditions	29th November 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2019/0339	Mr Walker	157 St James Street Burnley Lancashire BB11 1PD	Proposed alterations to the existing shop frontage to incorporate an access door to the first floor	Approve with Conditions	18th November 2019
FUL/2019/0342	Mr Denis Berry	Land Off Duncan Street Rosegrove Burnley Lancs	Proposed erection of five terraced dwellings.	Approve with Conditions	16th December 2019
LBC/2019/0445	Mr Graham Hawkes	2 Healey Wood Road Burnley Lancashire BB11 2HJ	Internal and external alterations to convert existing building in to loft-style apartments.	Approve with Conditions	26th November 2019
CND/2019/0394		1-5 Yorke Street Burnley Lancashire BB11 1HD	Discharge of Condition 2 (scheme for the replacement windows) of planning application APP/2019/0067, relating to the Conversion of part of the first floor and the second floor from offices (Use Class A2) to an education training use (Use Class D1) and replacement of partial window frames with sash windows to match original	Conditions discharged	9th December 2019
LDO/2019/0361		Former Michelin Site Bancroft Road Burnley Lancashire BB10 2TP	Erect warehouse (Class B8) as ancillary use to engineering business with ancillary office space and servicing	Decision on Local Development Order	2nd December 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2019/0432	Mr Phill Ashley	Plot 3 Lennox Street Worsthorne-with-hurstwood Lancashire BB10 3LY	Create pair of semi-detached houses in lieu of one detached dwelling	Approve with Conditions	27th November 2019
ADV/2019/0451	Nationwide	80-82 St Jamess Street Burnley Lancashire BB11 1PH	New internally illuminated 410mm high lozenge tablet with non-illuminated text adjacent. New internally illuminated 600x600mm projecting sign. New face illuminated ATM collar	Approve with Conditions	20th November 2019
FUL/2019/0450	Nationwide	80-82 St Jamess Street Burnley Lancashire BB11 1PH	Installation of new marketing signage to replace existing. Minor painting of external pilasters & existing entrance door	Approve with Conditions	20th November 2019
CEA/2019/0467	Mr Kieron Lockwood	16 Stroyan Street Burnley Lancashire BB10 4DP	Proposed single storey rear extension	Lawful Dev Cert issued	7th November 2019
CEA/2019/0471	Mr Roger Frost	33 Cross Street Briercliffe Lancashire BB10 2HT	Proposal to install 8no PV panels to roof of dwelling	Lawful Dev Cert issued	11th November 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2019/0439	Mr Michael Riding	Spring Garden Mill Turf Street Burnley Lancashire BB11 3BQ	Proposed change of use from retail/workshop to B1(b)	Approve with Conditions	12th December 2019
HOU/2019/0472	Mr M Waddington	47 Bamburgh Drive Burnley Lancashire BB12 0TE	Proposed single storey extension to rear and side.	Approve with Conditions	21st November 2019
HOU/2019/0480	Mr Simon Tansey	17 Old Hall Square Worsthorne-with-hurstwood Lancashire BB10 3NS	Proposed two storey side extension : single storey rear extension and create new drive area.	Application Withdrawn	14th November 2019
PAR/2019/0481	Mr R Storton	Lane House Farm Burnley Road Cliviger Lancashire BB10 4SU	Conversion of Agricultural barn into 2 dwellings	Prior Approval Granted	11th November 2019
COU/2019/0413	Mr Ataf Patel	56-58 Keirby Walk Burnley Lancashire BB11 2DE	Proposed change of use to first floor A1 retail to A2 office outlet to include change to shop front appearance and new shop front windows and doors installed.	Approve with Conditions	11th November 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
TPO/2019/0484	Mrs Caroline Smith	237 Red Lees Road Cliviger Lancashire BB10 4RF	Proposal to prune T1 Sycamore tree	Approve with Conditions	19th November 2019
CND/2019/0485	Mr Andrew Brown	Crow Wood Lesiure Limited Holme Road Stoneyholme Burnley Lancashire BB12 0RT	Discharge of condition 19 (Car Park Management Plan) and Condition 21 (Noise Assessment) of planning permission APP/2017/0329	Conditions discharged	14th November 2019
FUL/2019/0437	Mr Ryan Wrigley	Innovation House 31 Oxford Road Burnley Lancashire BB11 3BB	Change of use from offices to 13 bed HMO (Sui Generis)	Approve with Conditions	21st November 2019
FUL/2019/0488	Mr McKeefry	Crossland Tankers (Burnley) Ltd Shuttleworth Mead Business Park Mead Way Padiham Lancashire BB12 7SN	Proposed new wash bay	Approve with Conditions	20th November 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
CND/2019/0502	Ms Karen Pollard	Proctor Cote Farm Todmorden Road Briercliffe Lancashire BB10 3PN	Removal of condition 4 of planning permission 12/79/464 to enable dwelling to be occupied for non-agricultural use.	Approve with Conditions	21st November 2019
TPO/2019/0490	Mr James Fort	4 Keats Fold Padiham Lancashire BB12 6PJ	Works to (T3) (T4) Sycamore	Approve with Conditions	19th November 2019
FUL/2019/0491	Mrs Debbie Hernon	93 St Jamess Street Burnley Lancashire BB11 1PY	Proposed changes to front external elevation to create disabled access.	Approve with Conditions	11th November 2019
HOU/2019/0456	Ms JOCELYN ASPINALL	28 Thanet Lee Close Cliviger Lancashire BB10 4UE	Proposed single storey extension and alterations	Approve with Conditions	11th November 2019
HOU/2019/0499	Mr Jason Monk	30 Windermere Avenue Burnley Lancashire BB10 2AE	Proposed single storey side extension and porch	Approve with Conditions	27th November 2019
TIC/2019/0497		15 Red Lion Street Burnley Lancashire BB11 2AE	Proposed works to 2no leylandii conifers	Unconditional Approval	11th November 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2019/0302	Mr Mark Allen	Pighole Farm Walverden Road Briercliffe Lancashire BB10 3QR	Proposed sub-division of dwelling into two dwelling	Approve with Conditions	28th November 2019
HOU/2019/0501	Mr T Ali	2 Lingmoor Drive Burnley Lancashire BB12 8UY	Proposed two storey extension to front and side and single storey extension to rear - Resubmission of App/2019/0130	Approve with Conditions	28th November 2019
FUL/2019/0495	Mr Graham Roberts	Coal Clough Lane Community Centre 2 Pasturegate Avenue Burnley Lancashire BB11 4DD	Siting of storage container for community centre	Approve with Conditions	11th November 2019
PAH/2019/0506	Mr Mohammed Qasim	128 Marsden Road Burnley Lancashire BB10 2QP	Proposed single storey rear extension with monopitch roof (Dimensions - Projecting by 3.51m, Max Height 3.75m, Eaves Height 2.70m)	Prior Approval Granted	19th November 2019
HOU/2019/0509	Mr Liam Waterworth	53 Harold Avenue Burnley Lancashire BB11 5LJ	Proposed two storey side extension to dwelling and detached garage. (Resubmission of APP/2019/0139)	Approve with Conditions	21st November 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
TPO/2019/0498	Mrs Angela Thornton	5 Queens Park Road Burnley Lancashire BB10 3LB	Proposal to crown lift one Beech Tree covered by the Burnley (Queens Park Road) Tree Preservation Order B133(B)	Approve with Conditions	6th December 2019
FUL/2019/0510	Mr M Crabtree	The Landmark School Lane Burnley Lancashire BB11 1UF	Inclusion of Use Class D2 (Assembly and Leisure) in addition to the use of the buildings as a digital/technology hub and ancillary uses.	Approve with Conditions	27th November 2019
NMA/2019/0514	Mr Danny Myers	Land At Brownside Farm Brownside Road Worsthorne-with-hurstwood Lancashire BB10 3JP	Non material amendment to APP/2008/0059 to change the garage doors to a window and insert a door to the front elevation	Refuse	3rd December 2019
FUL/2019/0348		Jubilee Works Widow Hill Road Burnley Lancashire BB10 2TN	Retrospective application - glazing amendments to elevation; introduction of horizontal profiled metal cladding together with the glazed extension on the South West elevation to form the main entrance; paved access to frontage, parking and disabled and stepped access to offices/reception	Approve with Conditions	5th December 2019
COU/2019/0507		Dugdale Arms PH Dugdale Road Burnley Lancashire BB12 6DW	Proposed change of use from public house (A4) to cafe on ground floor (A3) with café managers accommodation on the 1st floor and office accommodation on first floor (B1a).	Approve with Conditions	3rd December 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2019/0511	Mr Marc Karoo	The Plane Tree 4 Westgate Burnley Lancashire BB11 1RT	Proposed Erection of Steel Railings to Forecourt Area to Front of Building and addition of Ground Floor window to South East Elevation	Approve with Conditions	5th December 2019
LBC/2019/0512	Mr Marc Karoo	The Plane Tree 4 Westgate Burnley Lancashire BB11 1RT	Proposed Erection of Steel Railings to Forecourt Area to Front of Building and addition of Ground Floor window to South East Elevation	Approve with Conditions	5th December 2019
ENQ/2019/0521		Thursby Road Burnley Lancashire BB10 3EX	Proposal to install lamp box	No Objection	15th November 2019
HOU/2019/0519	Ms Tina Etherington	136 Lydgate Burnley Lancashire BB10 2DU	Proposed two storey side extension with extension to front and rear dormers.	Approve with Conditions	16th December 2019
ADV/2019/0524	Mr Andy Horwood	Tesco Superstores Ltd Finsley Gate Burnley Lancashire BB11 2HE	Application for consent to display an advertisement (s) 1x 42" LCD media screen, 3x 1250mm x 700mm flag pole signs, overall 2450mm in height	Approve with Conditions	16th December 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
FUL/2019/0525	Mr Cliff Davies	49 Browhead Court Shackleton Street Burnley Lancashire BB10 3DS	Conversion of an existing three bedroomed two storey flat to two separate single bed flats	Approve with Conditions	12th December 2019
PDEM/2019/0465	Mrs Michelle Davies	Public Conveniences Rosegrove Junction Accrington Road Junction Burnley	Demolition of building at junction of Rosgrove Lane/Accrington Road	Prior Approval not required accept	18th December 2019
LCC/2019/0530		Sewage Treatment Works And Premises Walverden Road Briercliffe Lancashire	Retrospective planning application for retention of welfare facility and concrete hardstanding	Referred to County Council	5th December 2019
CNA/2019/0533	Mr K Ingham	Land To The East Of 17 Holden Road Reedley	Erection of a detached two storey dwelling and detached single garage	Observations	18th December 2019
HOU/2019/0516	Ms Kathryn Molloy	127 Rosehill Road Burnley Lancashire BB11 2QZ	Proposed Loft Conversion including Dormer Extension to Front Elevation	Approve with Conditions	12th December 2019
NMA/2019/0518	Miss MURRAY	54 Burnley Road Briercliffe Lancashire BB10 2JF	Amendment of porch design (originally approved on planning permission APP/2017/0247)	Non-Material Minor Amendment Granted	27th November 2019

Application Number	Applicant	Location	Proposal	Decision	Decision Date
PRE/2019/0545	Mr And Mrs C Barnacle	45 Lower Manor Lane Burnley Lancashire BB12 0EB	Proposed extensions	Enquiry	27th November 2019
PAOR/2019/0517	Mr David Parker	Smile The School House Smirthwaite Street Burnley Lancashire BB11 4AZ	Prior approval for a proposed change of use from offices to residential	Prior Approval not required accept	11th December 2019
FUL/2019/0558	Mr Malik Sadeeq	238 Colne Road Burnley Lancashire BB10 1DZ	Proposed Single Storey Rear Extension, Dormer Extension to Rear Elevation and Internal Alterations	Approve with Conditions	18th December 2019
NMA/2019/0568	Mr Ian Simms	Land Off Bancroft Road Burnley	Minor changes to modify the colour finish of the steel cladding to the roof and walls of the main engine hall (non-material amendment to APP/2017/0602)	Non-Material Minor Amendment Granted	11th December 2019
FUL/2019/0584	Mr & Mrs Tregay	Lower Nutshaw Farm Burnley Road Dunnockshaw Lancashire BB11 5NX	Erection of new 4 bedroom double storey residential house with double garage.	Application Withdrawn	18th December 2019

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