

**Hapton with Park**

Full Application

Proposed single storey building comprising of office and workshop

MARVTECH ALPHA HOUSE NORTH STREET

**Background:**

The site is located within the settlement of Hapton, off North Street on a site currently occupied by various commercial uses, adjacent to the Leeds Liverpool canal. The properties of the east are residential, along with a public house (currently closed).

The applicant currently provides various services ranging from design and manufacture, fabrication and maintenance. There are other businesses in the immediate area, including an MOT centre next door.

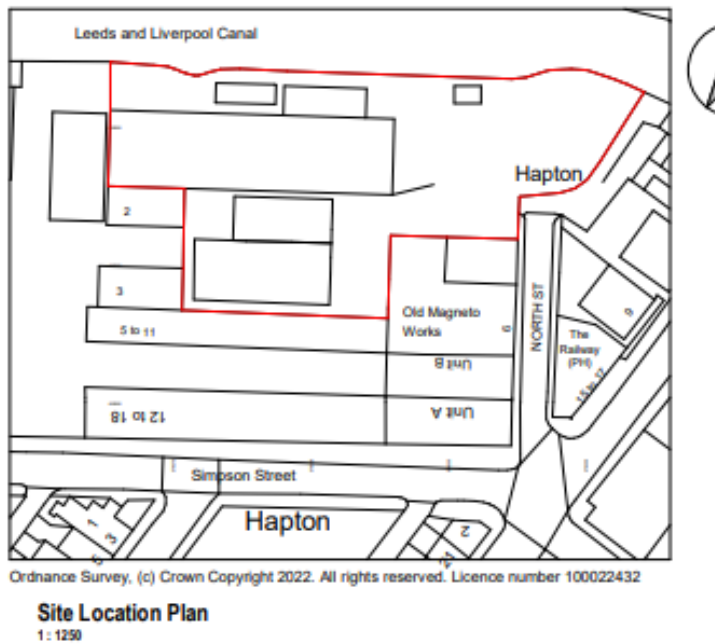


Fig1: Site location



Fig 2: Site visit photographs

**Proposal:**

The erection of a single storey workshop with a small office, adjacent to the entrance gate within the existing yard. Initially the application detailed the proposed building at approx. 9.8m x 5.8m and would measure 4.96m to the eaves and 6.05m to the ridge. This has now been reduced to 3.01m to the eaves and 3.99m to the ridge. The building would provide a workshop space with a small office and WC to the rear.

It would be constructed from Kingspan metal walls and roof in a grey finish, aluminium windows, and doors in grey. The ground floor would provide workshop space with a first-floor area for office accommodation.

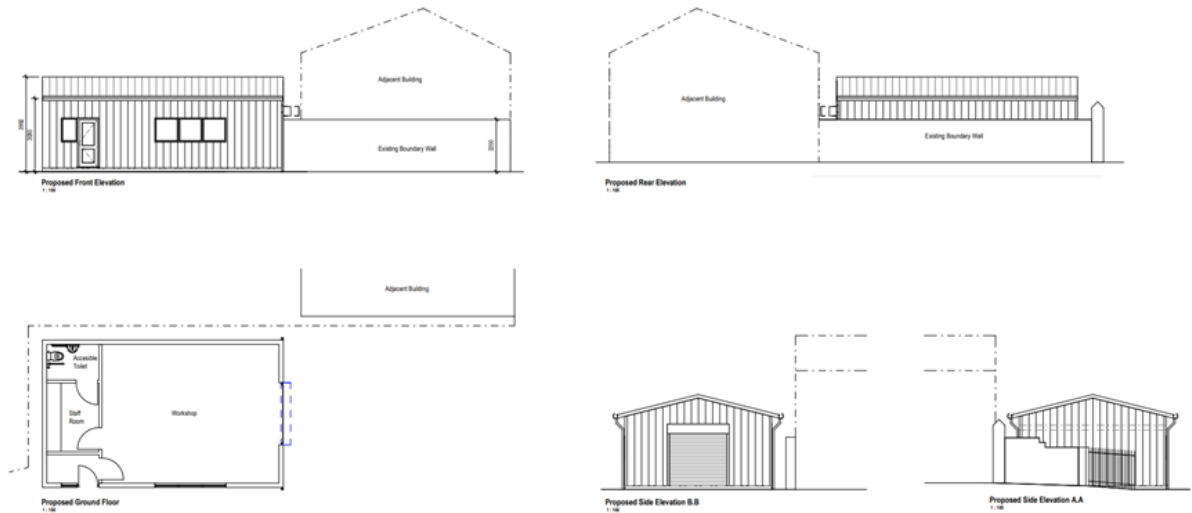


Fig 3 Amended Plans- elevations and floor plans reducing the proposed unit from 2 story to single storey

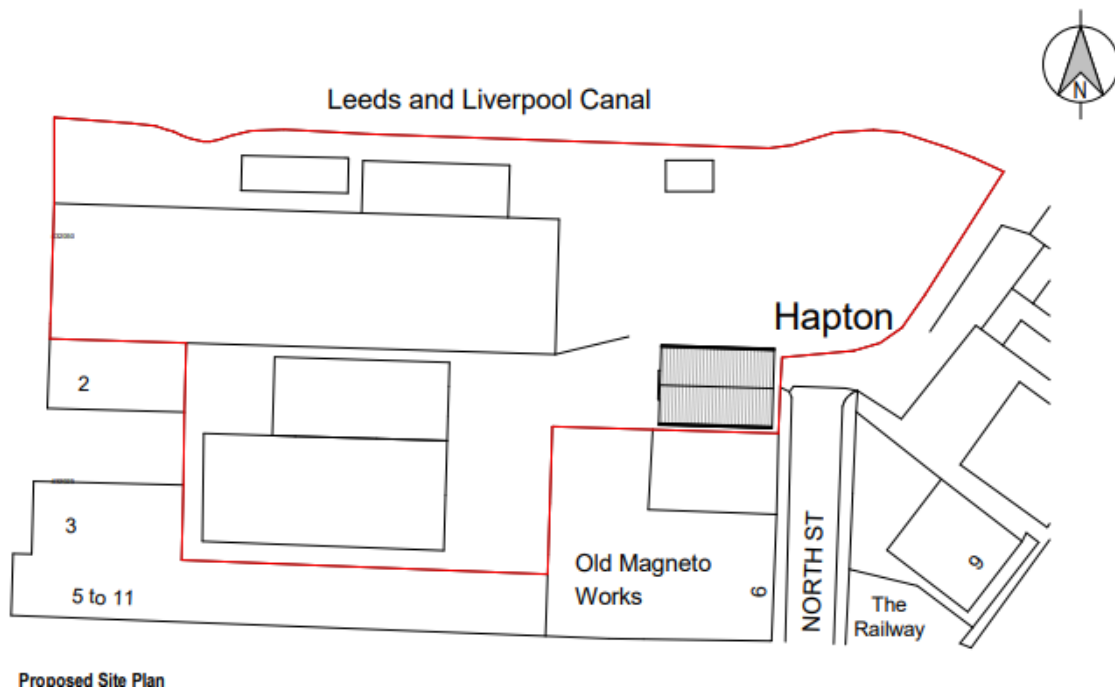


Fig 4: Site Layout (proposed)

**Relevant Policies:**

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy

SP5 – Development Quality and Sustainability  
NE5 – Environmental Protection  
EMP4 – Office Development  
IC3 – Car Parking Standards  
CC5 -Surface Water Management and Sustainable Drainage Systems (SuDs)

National Planning Policy Framework

**Site History:**

APP/1999/0219 Retail haulage depot, replacing existing building to include plant hire (tractors), trailer repair and sales

APP/2002/0171 Refurbishment of office, new doors, erection of secure boundary fencing

APP/2009/0389 – Proposed demolition of an industrial building and the erection of new dwellings, the laying out of visitor car parking including details of access (including indicative details of access (including indicative details of off-site highway improvements to junction of Manchester Road with North Street and Simpson Street), (appearance, layout, scale and landscaping reserved for future approval) Approved

**Consultation Responses:**

LCC Highways: No objection to the proposal, however there is a concern regarding the access road, partly due to its width and the number of parked vehicles. In order to allay this concern, they have requested a parking plan and the provision of a turning area to allow vehicles to enter and exit the site in forward gear as a condition. Further conditions are also requested relating to a Construction Management Plan, timings for construction deliveries and parking area to be marked out.

Contaminated land: No objection but condition is recommended relating to contamination

Environmental Health: No objection to the development but recommend a condition is included which relates to noise.

Canal and Rivers Trust: No comment to make on the proposal.

United Utilities: Recommend that the applicant considers the drainage plans in accordance with the drainage hierarchy set out in the National planning policy Framework. Further advice is given regarding the construction of the development, and an informative is included so that the developer is made aware of this advice.

**Publicity**

3 letters of objections have been received and the matters arise are summarised below:

- The applicant blocks the access to neighbouring MOT business
- Business has outgrown the premises
- Employees and customers to Marvtech park on surrounding streets

- Blocking of sunlight to 6 north Street- 8m away
- Loss of privacy
- Increased shadowing on houses at rear of Manchester Road
- Noise and disturbance form the new workshop
- Already buildings on the yard which have not got planning permission.
- Fires every week on North Street which cause pollution affecting businesses and domestic properties.

## **Planning and Environmental Considerations:**

### **The principle of development**

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 Hapton which is classed as a main village in the Local Plan. Policy SP4 states that development within main villages can include small scale sites to provide opportunities for new and existing businesses and employment opportunities for new and existing residents.

The location is considered to be a sustainable one, and the office element of the proposal would be to support the existing business on the site. As such, the principle of the development is considered acceptable, provided that it meets with other relevant local and national planning policies and there are no material considerations which indicate the proposal should be refused

### **Main issues**

The main issues in the consideration of this application are;

- Amenity
- Design, Scale and Layout
- Traffic and Highway Safety
- Other matters

- **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. Policy HS4 gives more detail in relation to specific separation distances to protect occupants in in terms of levels of privacy and outlook for occupants and for existing adjacent residents.

Contamination:

The Council's Contamination Officer has considered the proposal and has not objected to the scheme. However, a condition has been requested to ensure that any contamination found on the site will be adequately mitigated. With the inclusion of this condition, Officers consider that the development is acceptable in this regard.

## Impact on residential amenity:

Objections have been received to the application in relation to the development resulting in a loss of privacy to residential properties, loss of sunlight to other properties on North Street (which are only 8m away) and overshadowing to houses on Manchester Road. There are also concerns raised in relation to noise and disturbance from the new workshop. Discussions have been undertaken with the applicant which has resulted in the height of the building being reduced in response to neighbour objections.

The Council's Environmental Health officer has considered the proposal and has made no formal objection. They have requested that there is a condition attached which relates to noise and ensures that the development is designed so that the ratings levels for cumulative noise from external plant and from any equipment shall not exceed the existing background noise level (LA90) at the external façade of the nearest noise sensitive premises. This will ensure that if there is any noise from the premises, that it stays within an acceptable level. There is also further legislation that Environmental Health Officers can utilise should this become an issue. With the inclusion of this condition, Officers consider the proposal would not have a significantly detrimental impact on the residential amenity of neighbouring properties in this regard.

There have been objections made in relation to loss of privacy to adjacent properties. There are residential properties to the east of the development. The properties which face the development are the Railway Inn, and no 9 North Street. Both are set at an angle to the proposed building. 9 North Street is set back from the curb side. As the dwellings are located across from an existing commercial premise, which is occupied daily for the proposed use, it is not considered that the development of the proposed unit would have a significantly detrimental impact on the amenity of the neighbouring houses; the house is set at an angle and is set back from the curb side, in a densely built-up area approximately 8m away.

There is also a first floor 3 bedroom apartment which is above the adjacent MOT centre at 6 North Street. This has habitable room windows facing the development which are approximately 9m away from the proposed building. The applicant has agreed to reduce the height of the building to accommodate the outlook from this apartment to 3m to the eaves (4m to the ridge). A condition is included to ensure that no windows can be inserted in the southern elevation. This now allows the outlook from these windows to be more acceptable than a 6m eaves height and it is not considered that the development would have a significantly detrimental impact on this neighbour now due to the reduced height.

Objection has also been made in relation to the loss of light to the office on North Street at the adjacent MOT centre. Due to the orientation of the buildings, and as the proposed development is for a commercial use in what is an established commercial site, it is not considered there would be a significantly detrimental impact on the amenity of the adjacent property sufficient to refuse the planning application in this regard.

It has also been noted that there would be overshadowing to properties on Manchester Road as a result of the development. Officers have considered this and are of the opinion that due to the height of the proposed building, and its location/orientation to the neighbouring houses on Manchester Road it is unlikely that

there would be significant overshadowing causes which would warrant the refusal of the planning application.

In conclusion therefore, Officers consider that the impact of the development on the amenity of nearby properties would not warrant the refusal of the planning application, and with the inclusion of the requested conditions, the development is considered acceptable and in accordance with the relevant local and national planning policy in this regard.

- **Design, Scale and Layout**

Policy SP5 of the Burnley Local Plan states that '*The Council will seek high standards of design, construction and sustainability in all types of development*'. It lists criteria which should be met in relation to design, layout and materials.

Paragraph 126 of the NPPF states '*the creation of high-quality, beautiful and sustainable 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 building would be constructed as a traditional commercial building using traditional materials for this type of development. There are windows and openings within the building which add some detail and interest.

Officers consider that the design, scale and layout of the building is acceptable and in accordance with the relevant local and national planning policy in this regard.

- **Traffic and Highway Safety**

Policy IC1 of the Burnley Local Plan notes that development schemes should, as appropriate to their nature and scale, promote sustainable travel and have safe and convenient access. Policy IC3 of the same document requires that there is adequate parking provided at development in line with the requirements set out in the Local Plan. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Objections have been received following neighbour notification in relation to parking and access safety.

On visiting the site, Officers did not witness severe highway obstruction in the immediate vicinity of the site. Lancashire County /Council Highways Officers have also visited the site and have raised some concern, although not objected to the application. Their concern relates to the access road, partly due to its width and the number of parked vehicles evident on his site visit. In order to allay this concern, they have requested a parking plan and the provision of a turning area to allow vehicles to enter and exit the site in forward gear as a condition, which will form part of the Construction Management Plan detailed below. This will allow the room within the site to be controlled and the Highway Authority to agree with the applicant the best way to provide parking and turning space within his site. The Highways Authority Officer is satisfied that this can be improved and provided as a result of the detail required to satisfy this planning condition; which will be agreed prior to works commencing on the

site. Further conditions are also requested relating to for construction deliveries and parking area to be marked out and are provided in detail at the end of the report

. The applicant blocks the entrance to the MOT centre adjacent. The Highways Officer has commented on discussion with Officers that the MOT centre causes parking issues on the street which exacerbates the problems in the area. He considers that the parking provision and improvements in terms of parking availability within the site as a result of the imposed Construction Management Plan condition will make improvements in the area and will be a positive outcome of this application.

With the inclusion of the requested conditions, and in the absence of an objection from the statutory consultee, Officers are satisfied that the development complies with the relevant local and national planning policy in this regard.

- **Other issues**

Drainage- the applicant has confirmed that- an informative is included which will direct the developer to the advice provided by united utilities in their consultation response to the application.

The building is not going to be constructed within the consultation area of the adjacent Leeds/Liverpool canal and the Canal and Rivers Trust have made no objection, as such it is not considered that this is an area of concern for this planning application.

There are already buildings been put up on the site which don't have planning permission- this has been raised with the applicant and he has agreed to submit retrospective planning application where the retention of these buildings will be considered. It is not a planning consideration for this application.

Fire: A comment was made as a result of the public consultation that fires were taking place on the site. The Council's Environmental Health officer has received on complaint, but they have not needed to pursue this. There is legislation that Environmental Health can use when fires are taking place in areas that they shouldn't. as such this is not considered a planning consideration but a matter for different legislation to control.

### 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.

### **Recommendation: Approve with Conditions**

#### **Conditions:-**

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



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 below.

Application forms received 21<sup>st</sup> June 2022  
Existing plans and elevations 001  
Proposed Plans 002A

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

3. No windows shall be inserted in the southern elevation of the approved building.

Reason: In the interest of residential amenity in accordance with Policy AP5 of Burnley Local Plan and the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority.
  - a) A preliminary Risk Assessment which has identified:
    - All previous (historical) uses
    - Potential contaminants associated with those uses
    - A conceptual model of the site including sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination on the site
  - b) A Site investigation Scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
  - c) Based on the Site investigation scheme and the detailed risk assessment (b), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d) A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in © are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note any changes to these components, (a) to (d) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority).

A Verification Report demonstrating completion of the works set out in the approved remediation strategy and effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling any monitoring carried out in accordance with the approved verification plan to demonstrate that the site

remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements of contingency action, as identified in the Verification Report, and for the reporting of this in writing to the Local Planning Authority.

Reason: In with Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

5. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:

- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with policies NE5 and IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

6. Deliveries to the approved development shall only be accepted between the hours of 9am and 3pm Monday to Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. No building or use hereby permitted shall be occupied or the use commenced

until the parking area has been marked out in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The 3 parking area shall thereafter be kept free of obstruction and available for the parking vehicles at all times.

Reason: To allow for the effective use of the parking areas in accordance with Policy IC1 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. The development hereby permitted shall be designed so that the ratings levels for cumulative noise from external plant and from any equipment shall not exceed the existing background noise level (LA90) at the external façade of the nearest noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

Reason: In the interest of residential amenity in accordance with Policy NE5 of Burnley Local Plan and the National Planning Policy Framework.

Informative: Developer is directed to consider the advice given from United Utilities in relation to drainage as set out in their consultation response available to view on the Council's website.

E Hindle  
26.09.2022