

DEVELOPMENT CONTROL COMMITTEE

Thursday, 24th November, 2016
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 24th November, 2016 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 the Chief Executive's Office by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

A G E N D A

1. Apologies

To receive any apologies for absence.

2. Minutes

To approve as a correct record the Minutes of the meeting held on xxxxx

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

1 - 16

To consider reports on planning applications for development permission:

7. Decisions taken under the Scheme of Delegation

17 - 22

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

8. Tree Preservation Order

23 - 30

To seek authority to confirm a provisional Tree Preservation Order.
MEMBERSHIP OF COMMITTEE

Councillor Arif Khan (Chair)
Councillor Frank Cant (Vice-Chair)
Councillor Charlie Briggs
Councillor Trish Ellis
Councillor Sue Graham
Councillor John Harbour
Councillor Tony Harrison
Councillor Marcus Johnstone

Councillor Lubna Khan
Councillor Elizabeth Monk
Councillor Neil Mottershead
Councillor Mark Payne
Councillor Tom Porter
Councillor Asif Raja
Councillor David Roper
Councillor Cosima Towneley

PUBLISHED

Wednesday, 16 November 2016

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

24th November 2016

Housing and Development

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Part One Plan

Housing and Development
Parker Lane Offices Burnley

Paul Gatrell
Head of Housing and Development

Ref.

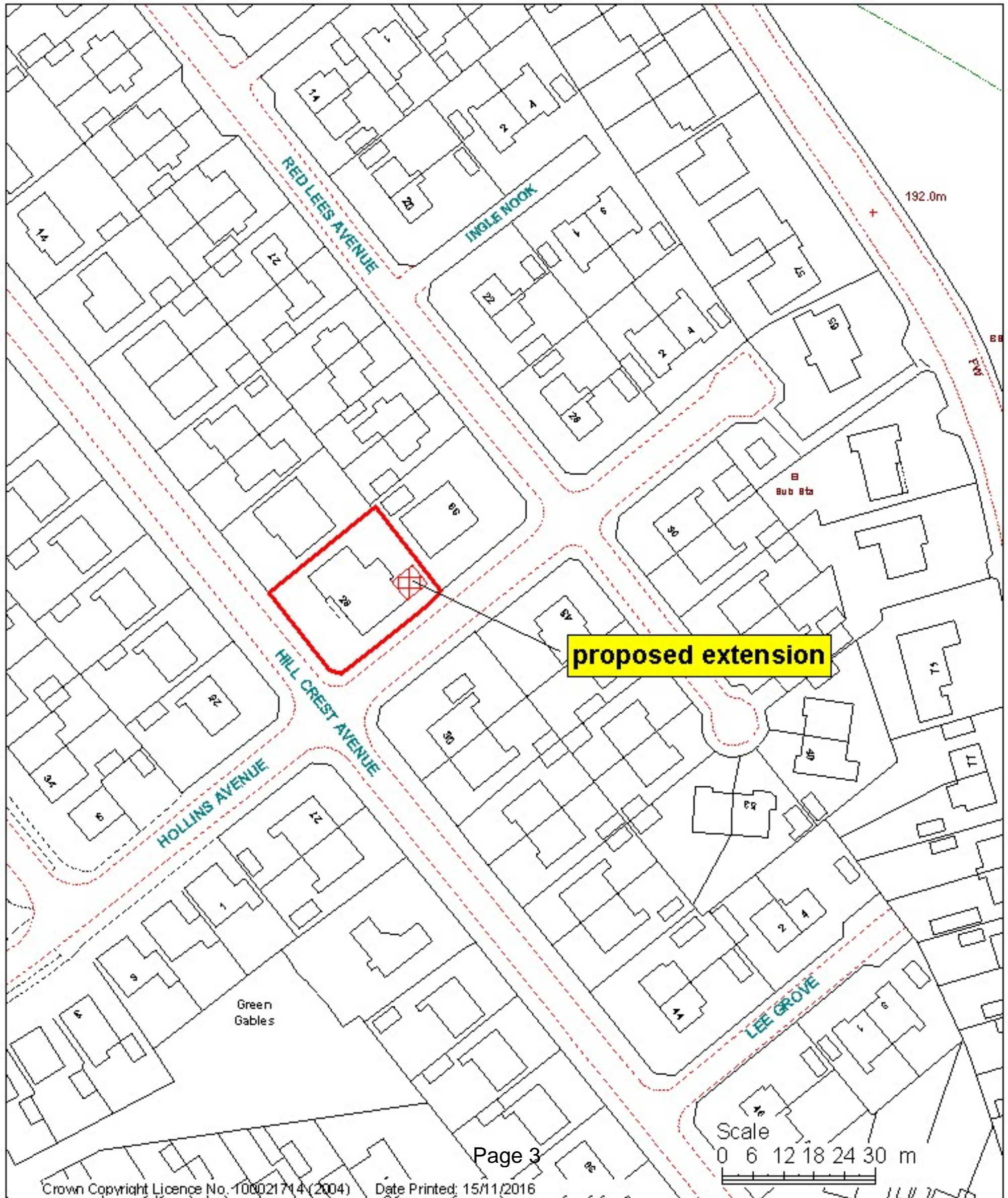
APP/2016/0409

Location:

28 Hill Crest Avenue Cliviger



1:1000



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Application Recommended for APPROVAL
Cliviger with Worsthorne Ward

APP/2016/0409

Full Planning Application
Proposed 2 storey extension to rear.
28 HILL CREST AVENUE, CLIVIGER

Background:

The application seeks permission to construct a two storey rear extension along its gable elevation and the site is located to the end of the row. The area is characterised of mix architectural designs and the scales of these dwellings/extensions are different. Matching materials to the original dwelling are proposed and acceptable.

The extension would increase the ground floor accommodation to facilitate an additional open plan living area and bedroom above.

The proposed ground floor was approved under the Larger Homes Extension in 2016, however this application considers the 2 storey extension development.



Amended drawings have been received.

An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design and Quality

H13 – Extensions and Conversions of Existing Single Dwellings

National Planning Policy Framework

Site History:

NOT/2015/0529: Householder Prior Approval. Proposed single storey rear extension.

APP/2006/0196: Proposed erection of four bedroom detached house with integral double garage (granted).

Consultation Responses:

A neighbouring resident – objects on the following grounds:

- Height of extension will tower over garden area.
- Blocking natural light & sun.
- Impact on living conditions.
- Visual impact to neighbourhood.

Planning and Environmental Considerations:

The NPPF states *“within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking”*. Amongst these 12 principles, it further goes on and states that: *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*

The main planning issues are considered to be the visual impact/design, impact on neighbouring amenity and whether the proposal would respect the existing character and setting.

Visual Impact and Design

The extension proposed is considered to be acceptable. The extension will reflect the shape and form of the dwelling and will not significantly harm its character and appearance. Being situated at the rear of the property it would be visible from the street scene on Hollins Avenue, but would not have an unacceptable impact on the street scene.

Although the scale of the extension would be large and the appearance of the host dwelling would be changed significantly, the changes when seen in context would not cause serious harm to the appearance and character of the host dwelling or the surrounding area

The proposed extension would create an elongated attachment to the gable elevation. The extension would project 5193mm with a maximum height of 6250mm to the ridge. However, the proposed roof line will be set lower than the original roof of the dwelling.

The width of the extension would be 4715mm and in relation to the width of the dwelling this is less than 50%.

In conclusion the extension reflects the shape and form of the existing dwelling and not visually disproportionate and thus comply with the aims and intentions of Policy H13. The application is thus acceptable in this regard.

Impact on the Residential Amenity

No windows are proposed to the rear elevation of the proposed extension and the extension will be set 1008mm from the boundary. The current outlook from 39 Red Lees Avenue is from the front elevation of the property and the conservatory is located at the gable elevation which is an addition to the property. The property benefits from good open space in particularly along Hollins Avenue.

The existing outlook and light into the conservatory is limited at ground floor level due to high level boundary screening. Therefore, while the erection of a 2-storey extension would extend towards the boundary it would not be overbearing, since the proposal would exceed the boundary shrubbery by 5.5m and will maintain a distance of 7.3m to the conservatory. Taking account of the open aspect along Hollins Avenue and the fact the conservatory is not classed as a principle habitable room, I find that further restriction on outlook would be negligible and the levels of natural light are unlikely to be further compromised. On this basis I do not consider that the proposal would result in a significant enclosing or shading effect upon the conservatory. I am satisfied that the changes would not harm the living conditions of the current and future occupiers of 39 Red Lees Avenue.

The proposal raises no significant concerns in respect of any impact upon the adjacent neighbours. No objections have been received from the residents to this effect.

Conclusion

It is considered that proposed extension to the dwelling is of a good design and will not harm the character of the area. It is also considered that the proposal will not harm neighbouring residential amenity or highway safety. It is therefore concluded that planning permission should be granted.

Recommendation:

That planning permission be granted subject to the following conditions:

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following approved plan: **153108/A1/2.000C, received 09 October 2016**

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

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Part One Plan

Housing and Development
Parker Lane Offices Burnley

Paul Gatrell
Head of Housing and Development

Ref.

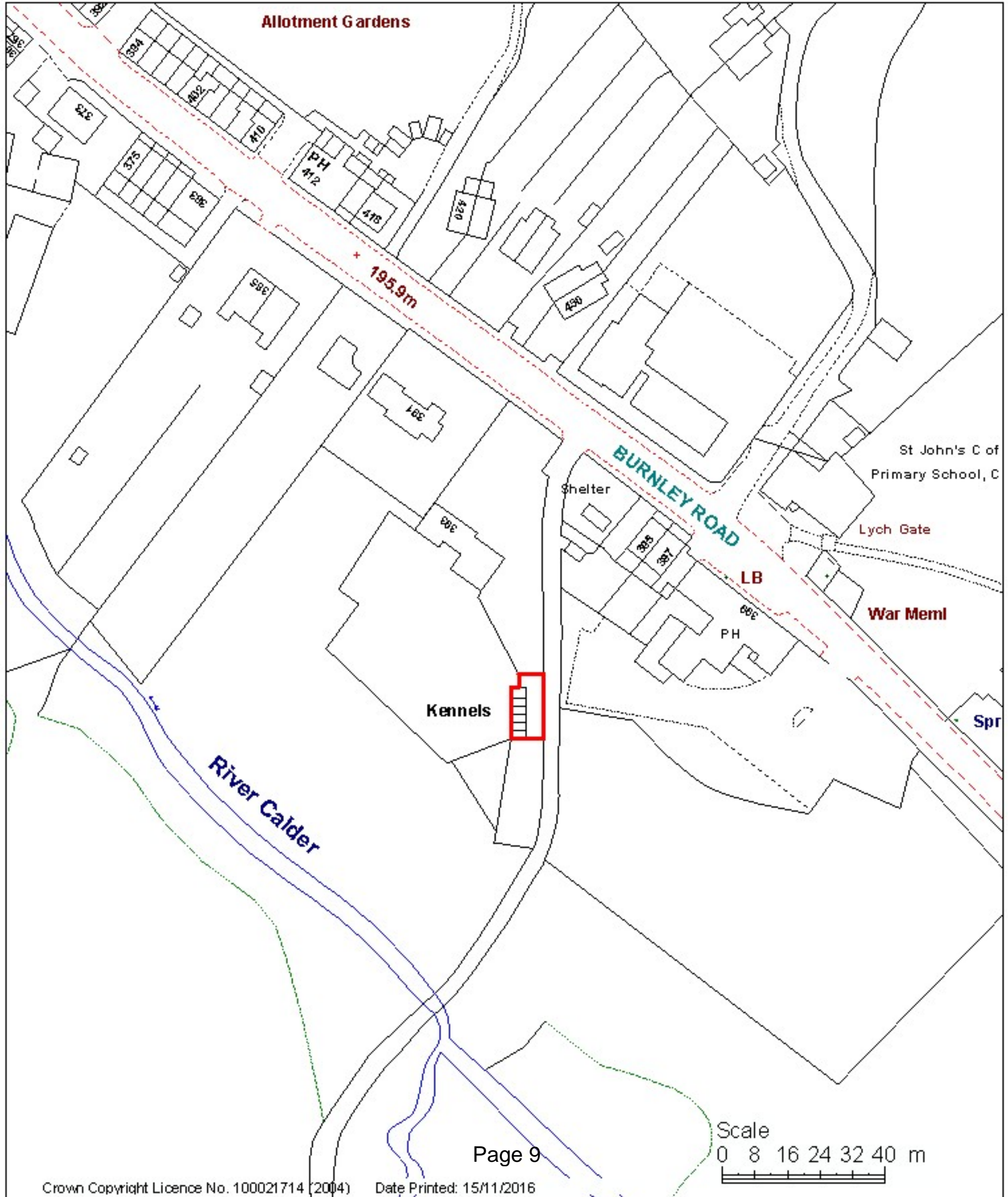
APP/2016/0414

Location:

393 Burnley Road Cliviger



1:1250



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Application Recommended for Approval

APP/2016/0414

Cliviger with Worsthorne Ward

Full Planning Application

Proposed change of use of existing kennels to dog grooming and day care use
393 BURNLEY ROAD CLIVIGER

Background:

The application relates to a detached house with a large rear garden.

An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

EW9 - Small businesses, working from home and community enterprises in residential areas

Site History:

No previous relevant planning applications.

Approval under the Building Regulations was given in 1968 for the erection of stone/brick work kennels.

The resident is understood to have used the kennels for many years for the breeding of dogs (red setters), although planning permission was not required because the use would have been considered to be incidental to the enjoyment of the dwelling house.

Consultation Responses:

Highway Authority – No objection. The proposal is unlikely to generate significant levels of traffic.

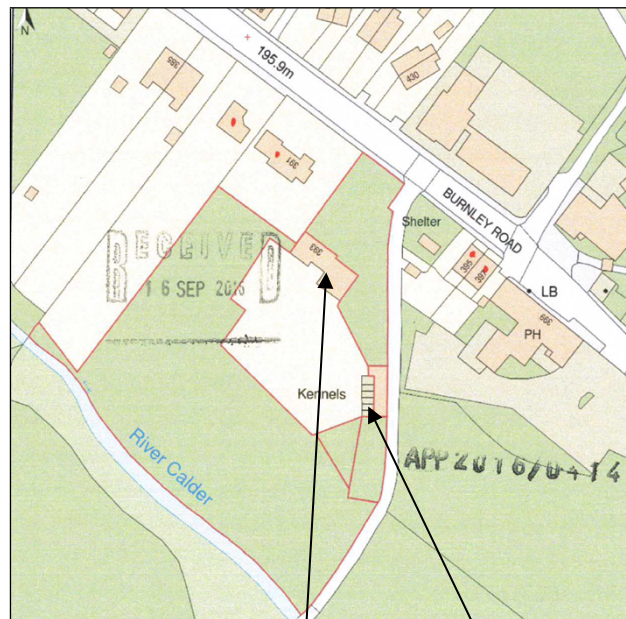
Neighbouring resident – Expressing concern about possible dog barking noise over a six day period, which may be exacerbated by dog walkers passing along the public path/bridleway at the rear of the kennel building.

Environmental Health – No objection. There is a reasonable separating distance between the site and the nearest house; the dogs would be boarded only during the day-time when traffic and other ambient noise levels are relatively high; and, in any event, the same number of dogs could be kept as pets by any householder, without planning control.

Planning and Environmental Considerations:

The application relates to a large detached house fronting Burnley Road, Cliviger. It is set to the rear of a large front garden that includes a substantial driveway and manoeuvring/standing space for several cars.

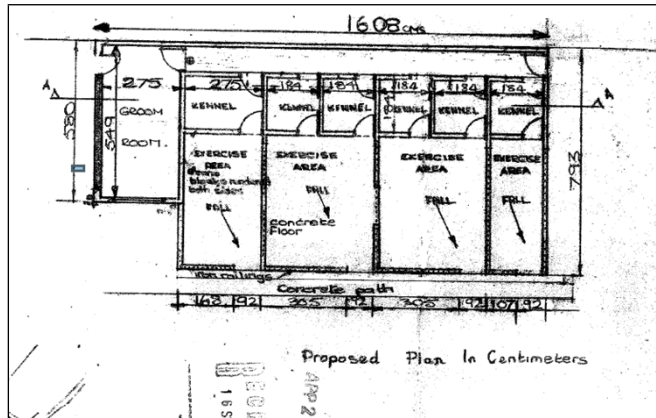
At the rear is a large garden in which is located a small building housing substantial kennels suitable for 5/6 dogs. The building is of rendered blockwork construction, built in 1968 and apparently used for many years, by the then owner, for breeding Red Setters.



Applicant's house Kennels



The existing kennels building

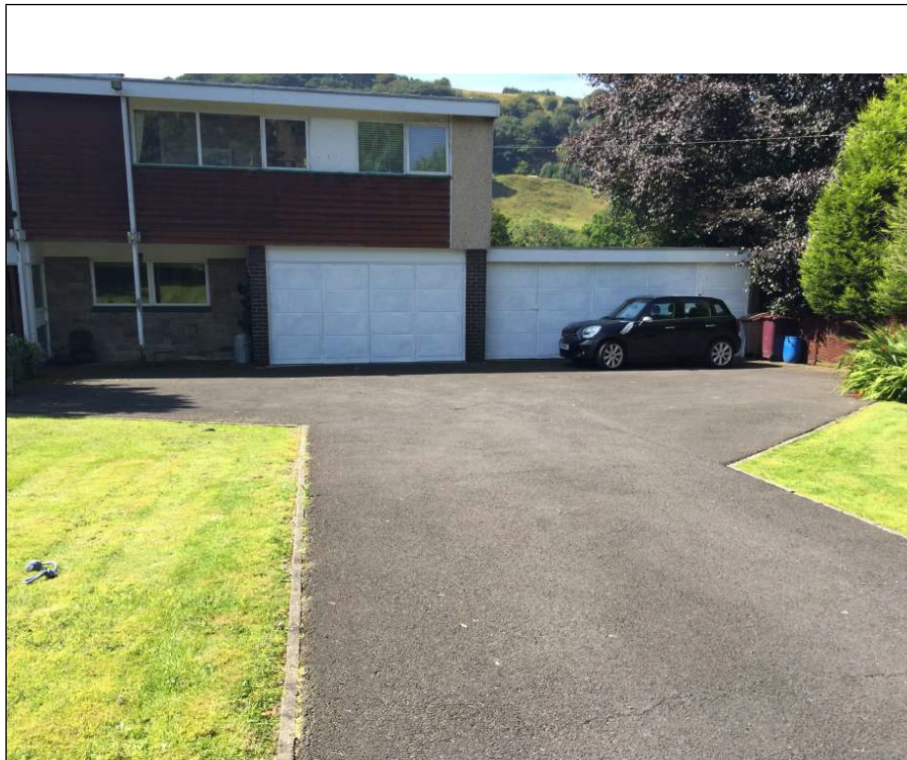


Plan of existing kennels with notes indicating adaptation to the proposed use.

Proposed use

The applicant proposes to start a combined Dog Grooming and Dog Day-Care business. In a statement included in the application she states that the dog grooming would amount to a maximum of two per day, over 6 days, and the day care would be for a maximum of 5 dogs. The terms would be by appointment only.

The expectation is that this would amount to a community focussed service, enabling local people to work, have pet dogs, and ensure they are well cared for. The likelihood is expressed that a proportion of customers would deliver their dogs on foot, but that the generous driveway would readily enable convenient access for customers dropping dogs off by car.



Exiting front driveway

Policy EW9 generally supports the establishment of business uses in residential areas provided there is no adverse impact on neighbouring residents or on vehicle safety.

The Highway Authority is content with the proposal as the traffic generation would be minimal and well accommodated in the existing driveway.

The impact on residents is considered under the next heading.

Representation from the neighbour

The residents' express a reasonable concern about dog barking noise, however, any such noise would be in the day-time when ambient noise levels are high.

Given the separating distance (around 40m) from the residents' to the kennels and the well-prepared nature of the applicants proposed operation, persistent noise levels, such as might form an on-going nuisance, are unlikely.

The operation of the business is carefully set out in statements accompanying the application and a condition is recommended to restrict the proposed development to operate within those terms. A note should be added to a planning permission about using best endeavours to avoid any nuisance.

Conclusion

Due account should be taken, in weighing the balance, of the significant benefit to the social and economic well-being of the area resulting from the facility.

The proposed use would likely add a local community service, enabling people to have pet dogs, and work, and have a suitable element of care, with the likelihood that, given the anticipated proper management, no harm would result to neighbouring residents. The proposal would, therefore, be in accordance with EW9.

The recommendation is made on that basis.

Recommendation:

That planning permission be Granted subject to the following conditions:

Condition

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location plan, site plan and layout plan and statement 1, received 16 Sep 16; statement 2 received 8 Nov 16.
3. The use hereby granted shall be operated in accordance with the details set out in statements 1 and 2 included in the application, in particular the grooming of 2 dogs per day and the day-boarding of 5 dogs at any one time.

4. The dog day-care and dog grooming business shall to operate outside the hours of 0700 hours to 2000 hours on Mondays to Saturdays, and not at any time on Sundays.

Reason

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To ensure that the use does not intensify to a point where there is adverse impact on the amenity of neighbouring residents in accordance with Policy EW9 of the Burnley Local Plan, Second Review, currently saved.
4. To restrict the operation of the use to times when the ambient noise levels are high, in the interests of the amenities of neighbouring residents, in accordance with Policy EW9 of the Burnley Local Plan, Second Review, currently saved.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



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

24th November 2016

Housing and Development

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Delegated Decisions from 03/10/16 to 06/11/16

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Express Consent to Display an Advertisement		
Advert Consent Granted		
APP/2016/0393	UNIT 4 54 CHURCH STREET BURNLEY BB11 2DL	Application for consent to display advertisements 2no fascia signs, 1no project sign and 3no others signs and vinyl displace to glazing
APP/2016/0398	TESCO EXPRESS CASTERTON AVENUE BURNLEY BB10 2PA	Display of various illuminated and non-illuminated signage
APP/2016/0402	151 COLNE ROAD BURNLEY	Display of 1 free-standing pylon sign (internally illuminated)

Compliance with conditions

Conditions discharged

APP/2016/0323	LAND BOUNDED BY RECTORY ROAD, HOLME ROAD & GROSVENOR STREET BURNLEY	Application for approval of details reserved by conditions: 2 (tree protection), 3 (materials), 7 (cycle provision), 8 (site access and off-site highway works) and 10 (closure of existing access), of approval of reserved matters APP/2014/0397, pursuant to outline planning permission APP/2011/0346.
APP/2016/0412	LAND OFF POMFRET STREET BURNLEY	Application for approval of details reserved by conditions 12 and 15 of planning permission APP/2015/0319
APP/2016/0442	SHUTTLEWORTH PASTURE FARM BACK LANE BRIERCLIFFE BB10 3RD	Application for approval of details reserved by condition 3 of planning permission APP/2014/0271

Conditions partially discharged

APP/2016/0390	FORMER WATERSIDE MILL LANGHAM STREET BURNLEY BB12 6JF	Application for approval of details reserved by condition 6 of planning permission APP/2016/0049
APP/2016/0458	CROW WOOD LEISURE LIMITED HOLME ROAD STONEYHOLME BURNLEY BB12 0RT	Approval of details reserved by conditions 3, 4 and 5 of planning permission APP/2016/0273 relating to tree protection, landscaping and roof colour

Full Planning Application

Full Planning Permission Granted

APP/2016/0269	20 22 PLUMBE STREET BURNLEY BB11 3AA	Proposed change of use of existing land to form taxi office on ground floor with off street parking for 3 vehicles and single studio apartment on 1st floor
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Delegated Decisions from 03/10/16 to 06/11/16

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2016/0313	163 CASTERTON AVENUE BURNLEY BB10 2PF	Proposed two storey extension
APP/2016/0369	33 ST CUTHBERT STREET BURNLEY BB10 1UD	Proposed extension to rear and side of property to incorporate a bedroom and shower
APP/2016/0374	1 MOSEDALE DRIVE BURNLEY BB12 8UJ	Proposed two storey extension
APP/2016/0380	1 ALNWICK CLOSE BURNLEY BB12 0TW	Proposed single storey extension to front
APP/2016/0382	1 EAST STREET HAPTON BB12 7LH	Proposed single storey side extension
APP/2016/0388	QUEENSGATE ISLAMIC CENTRE COLNE ROAD BURNLEY	Proposed side and rear extension to ground floor to allow for a large internal foyer, toilet facilities, wash provision and service/plant room. Resubmission of APP/2016/0226
APP/2016/0389	ADJACENT LOWER CAUSEWAY SIDE LONG CAUSEWAY CLIVIGER BURNLEY	Conversion of barn to dwelling and formation of new access
APP/2016/0399	62 WESTGATE BURNLEY BB11 1RY	Proposed change of use from rehab centre to house in multiple occupation (7 bedsits)
APP/2016/0400	PENNINE LANCASHIRE COMMUNITY FARM MARCH STREET BURNLEY BB12 0BU	Proposed installation of telegraph poles for the purpose of installing CCTV security cameras and siting of portacabin
APP/2016/0407	UNIT 21 REXINGTON BUILDINGS PHOENIX WAY BURNLEY BB11 5SX	Proposed change of use to garage and MOT station.
APP/2016/0410	145 MANCHESTER ROAD BURNLEY BB11 4HT	Change of use from HMO to adult care home (Class C2)
APP/2016/0424	8 ELIZABETH STREET BURNLEY BB11 2BQ	Replacement of existing UPVC windows with UPVC sash windows and retention of rooflights

Full Planning Permission Refused

APP/2016/0387	Land at Burleigh Street BURNLEY	Erect a three storey dwelling
APP/2016/0391	267 COG LANE BURNLEY BB11 5JS	Proposed 2 storey extension

Delegated Decisions from 03/10/16 to 06/11/16

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2016/0395	318 PADIHAM ROAD BURNLEY BB12 6ST	Retrospective application for installation of 2no. roller shutters

Withdrawn

APP/2016/0457	11 MOUNT LANE CLIVIGER BB10 4TL	Proposal to erect, home office/studio, potting shed and greenhouse.
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Full Planning application

Full Planning Permission Refused

APP/2014/0209	METRO METALS (BURNLEY) LTD WIDOW HILL ROAD BURNLEY BB10 2TJ	Proposed erection of industrial units to support the high tech aircraft building
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Listed Building Application

Listed Building Consent Granted

APP/2015/0294	78-80 YORKSHIRE STREET MEDICAL CENTRE YORKSHIRE STREET BURNLEY BB11 3BT	Retention of disabled access ramp
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Outline Planning Application

Outline Planning Permission Granted

APP/2016/0372	FORMER RIDGEWOOD COMMUNITY HIGH SCHOOL MARCH STREET BURNLEY	Outline application for erection of 24no. dwellings including details of access, layout and scale (appearance and landscaping reserved for future approval)
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Reserved Matters Application

Reserved Matters Granted

APP/2016/0381	LANE HOUSE FARM NELSON ROAD BRIERCLIFFE BB10 3QE	Approval of matters reserved by outline planning permission APP/2016/0081 for erection of farm workers dwelling (Details of appearance, landscaping, layout and scale)
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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions
For Information

24th November 2016

Housing and Development

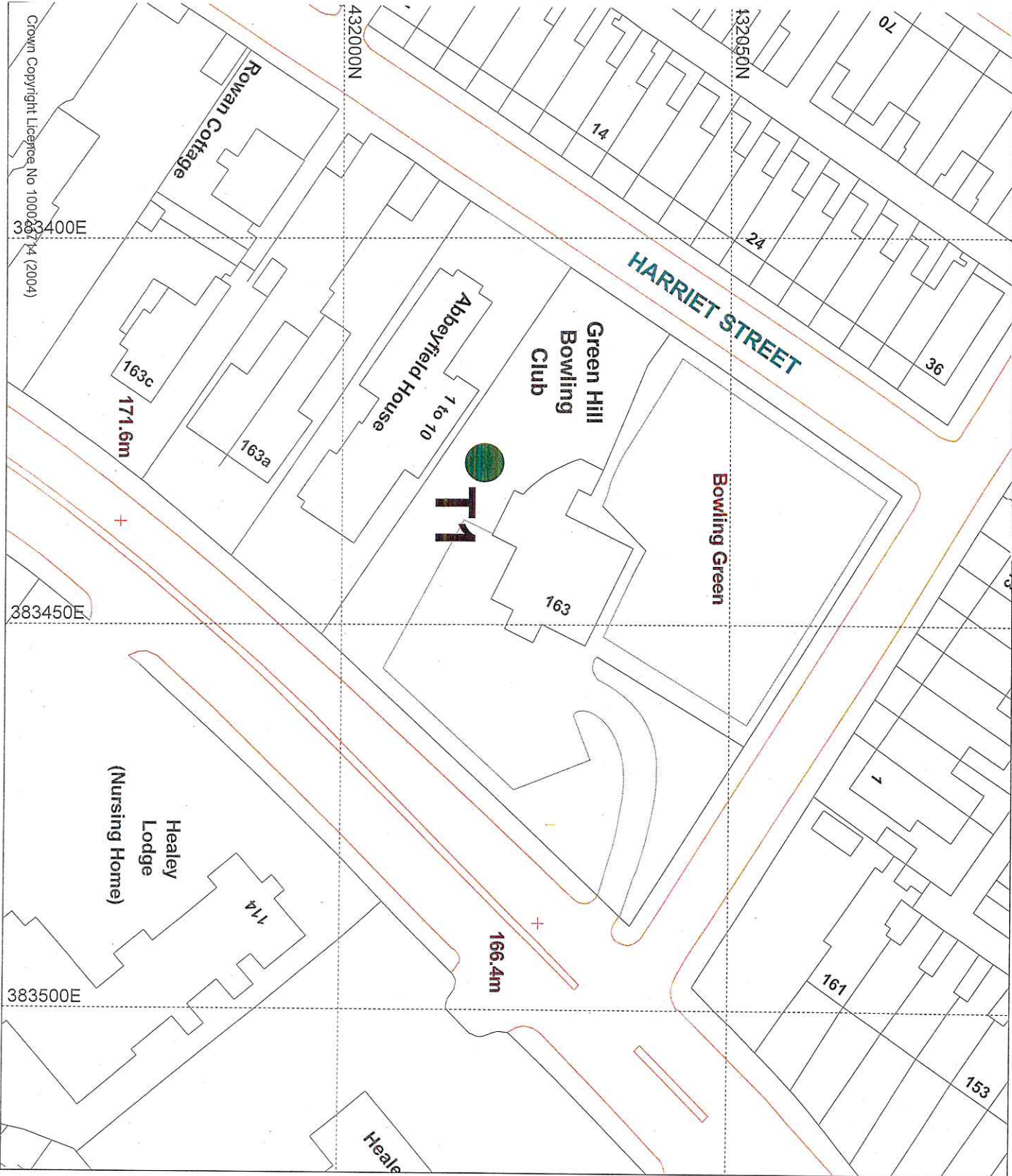
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Map referred to in the Burnley (Green Hill Bowling Club 163 Manchester Road) Tree Preservation Order 2016

The Common Seal of the Borough of Burnley was hereunto affixed on the

Day of
In the presence of

Authorised Signatory
Authorised Signatory



Burnley Borough Council - Housing & Development
 Parker Lane Offices, Burnley, Lancashire BB11 2BY
 Paul Gatwell - Head of Housing and Development

Scale: 1:500
 Date: August 2016
 File Ref: B139(Y)
 Drawing No.: PL 866

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REPORT TO DEVELOPMENT CONTROL COMMITTEE



DATE	24th November 2016
PORTFOLIO	Environment
REPORT AUTHOR	Lesley Blakey
TEL NO	ext 3293
EMAIL	lblakey@burnley.gov.uk

CONFIRMATION OF TREE PRESERVATION ORDER

PURPOSE

- 1 To seek authority to confirm a Provisional Tree Preservation Order.

SUMMARY OF KEY POINTS

- 2 A Provisional Tree Preservation Order was served in relation to one Beech tree within the grounds of Greenhill Bowling Club, 163 Manchester Road, Burnley. The Council received an application to fell the tree in June 2016 (APP/2016/0282) which is within the Palatine Conservation Area; a Provisional Tree Preservation Order was made as the tree was considered to be of visual amenity value and there appeared to be no adequate justification to fell the tree. The Tree Preservation Order was served on 8th August 2016. The Council has 6 months in which to confirm the Order, modify and confirm the Order, or let the Order lapse.
- 3 A letter of objection has been received to the order (from Mr J Dyer, on behalf of the club) on the grounds that the tree is potentially dangerous, he states that Beech trees can suffer from a number of problems, which may lead to partial or total structural failure and that they can for no apparent reason shed limbs. He also states that the main trunk of the tree is 15 feet from the club building (Grade II Listed) and 21 feet from neighbouring Abbeyfield House and that Beech tree roots do not penetrate deeply into the ground but rely on spreading over a large area. He says that in the case of this tree, because of the proximity of the two buildings the tree will be more reliant on lateral spread along the embankment which means that, if it were to topple, it would most likely fall on the club. He states that the risk is to the building and to people inside the building (including the steward and his wife living at the property). Mr Dyer says that the options are to a) do nothing; b) undertake selective thinning of the crown to lighten it reducing potential risks; or c) fell the tree, removing all risk.
- 4 My Dyer says 'I cannot say with certainty that this tree is safe, even though it might be. I cannot say with certainty that it is dangerous. What I can say with certainty is that it has the potential to be dangerous'. All trees have the potential to be dangerous if they are within falling distance of a target, and you can't say with certainty that a tree is safe, however it is a lot easier to identify whether a tree is

dangerous as there would be signs visible, such as poor shoot growth, sparse canopy, early onset of autumn colour, bleeding cankers on the trunk or fungal fruiting bodies present. Mr Dyer points out that there is 'evidence of active growth and extension' that would suggest that the tree is in a generally healthy condition; root damage or decay would normally lead to poor extension growth.

- 5 Trees lay down reaction wood in order to reduce bending loads and if in a healthy condition and not excessively pruned a tree should easily be able to withstand even severe winds. If necessary the crown of the tree could be thinned slightly in order to reduce excessive wind loading. It is prudent of tree owners to regularly inspect their trees to check for fungi such as Meripilus and Armillaria, which would give an indication that the tree is at increased risk of root failure, and the owners would be carrying out their duty of care by organising regular professional inspections.
- 6 The tree makes a valuable contribution to the visual amenity of the vicinity and its removal would be a loss to the area. There would be no objections to the tree being pruned (for e.g. thinned and any branches close to the building pruned back) should the owners wish to submit an application to carry out work to the tree.

RECOMMENDATION

- 7 That the Tree Preservation Order be confirmed.

REASONS FOR RECOMMENDATION

- 8 In order to protect the tree which contributes to the visual amenity of the area.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

- 9 None

POLICY IMPLICATIONS

- 10 None

DETAILS OF CONSULTATION

- 11 Greenspaces and Amenities – Roger Rawlinson
Governance, Law and Regulation – Jackie Ridgeway

BACKGROUND PAPERS

- 12 File B139 (Y) - The papers are available for inspection at Housing and Development Control, Parker Lane Offices, Burnley (tel 01282 425011 ext. 3293).

FURTHER INFORMATION	Housing and Development Control
PLEASE CONTACT:	Lesley Blakey extension 3293
ALSO:	

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