

DEVELOPMENT CONTROL COMMITTEE

Thursday, 26th January, 2017
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 26th January, 2017 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 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

1 - 2

To consider reports on planning applications for development permission.

a) APP/2016/0427 Spa Wood Farm, Billington Road, Burnley

3 - 16

APP/2016/0427 Retention of existing use as travellers site at Spa Wood Farm, Billington Road, Burnley - Recommended for delegation

b) APP/2016/0537 137 St James Street, Burnley

17 - 24

APP/2016/0537 Proposed change of use from financial and professional services to data controlled administrative booking office for private hire vehicles at 137 St James Street, Burnley - Recommended for refusal

c) APP/2016/0475 Unit 8 Throstle Mill, Daneshouse Road, Burnley 25 - 30

APP/2016/0475 Variation of condition of planning permission to allow operation of 10 additional vehicles plus parking at Unit 8 Throstle Mill, Daneshouse Road, Burnley – Recommended for approval

d) APP/2016/0468 11 Mount Lane, Cliviger 31 - 38

APP/2016/0468 Proposal to erect home office/studio, potting shed and greenhouse at 11 Mount Lane, Cliviger – Recommended for approval

e) APP//2016/0488 57 Richmond Avenue, Cliviger 39 - 46

APP//2016/0488 Proposed extensions to front, side and rear at 57 Richmond Avenue, Cliviger – Recommended for approval

f) APP/2016/500 28 The Ridings, Burnley 47 - 54

APP/2016/500 Proposed 2 storey extension to side and re-roof conservatory to form garden room at 28 The Ridings, Burnley – Recommended for approval

g) APP/2016/0574 Padiham Town Hall, Burnley Road, Padiham 55 - 60

APP/2016/0574 Reinstatement of building fabric and fittings following flood damage at Padiham Town Hall, Burnley Road, Padiham – Recommended for delegation

h) APP/2016/0490 28 Lindale Crescent, Burnley 61 - 68

APP/2016/0490 Single storey side extension with terrace above at 28 Lindale Crescent, Burnley – Recommended for approval

7. Decisions taken under the Scheme of Delegation 69 - 74

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

MEMBERSHIP OF COMMITTEE

Councillor Arif Khan (Chair)
Councillor Frank Cant (Vice-Chair)
Councillor Gordon Birtwistle
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 Cosima Towneley

PUBLISHED

Wednesday, 18 January 2017

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

26th January 2017

Housing and Development

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Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0427

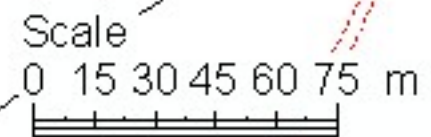
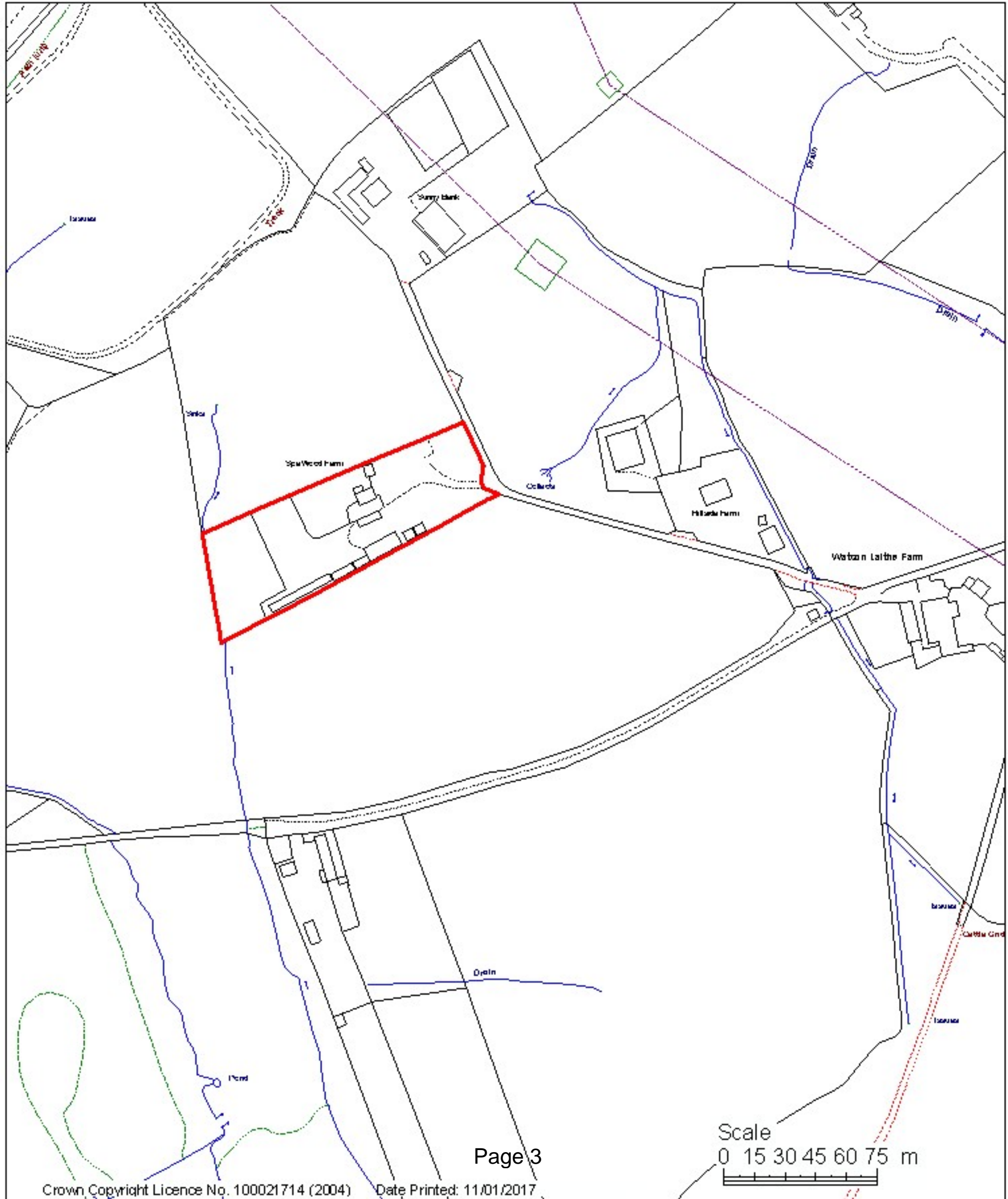
Paul Gatrell
Head of Housing and Development



Location:

Spa Wood Farm Billington Road Hapton

1:2500



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Full Planning Application

Retention of existing use as traveller site, the siting of 5 static caravan pitches and the erection of 1 replacement dwelling following demolition of existing dwelling; erection of amenity block, toilets and store.

SPA WOOD FARM BILLINGTON ROAD BURNLEY

Background:

The site, of approximately 0.7 Ha, is located outside of the Urban Boundary and within the rural area. It is accessed via Billington Road which runs through Rossendale Road Industrial Estate and along an unmade private track serving several properties, including the application site, with no vehicular route through to Accrington Road.



View of site from the access

A Lawful Development Certificate was granted for the original mobile home in 1995 when it was demonstrated that a mobile home had existed on the site for in excess of 10 years.

The Council's Solicitor has advised that the siting of up to six mobile homes on the land in this location would not amount to a material change of use on the basis that there would be no material change of use in the character of the land. In principle, therefore, planning permission would not be required for the use of the site for up to six mobile homes.

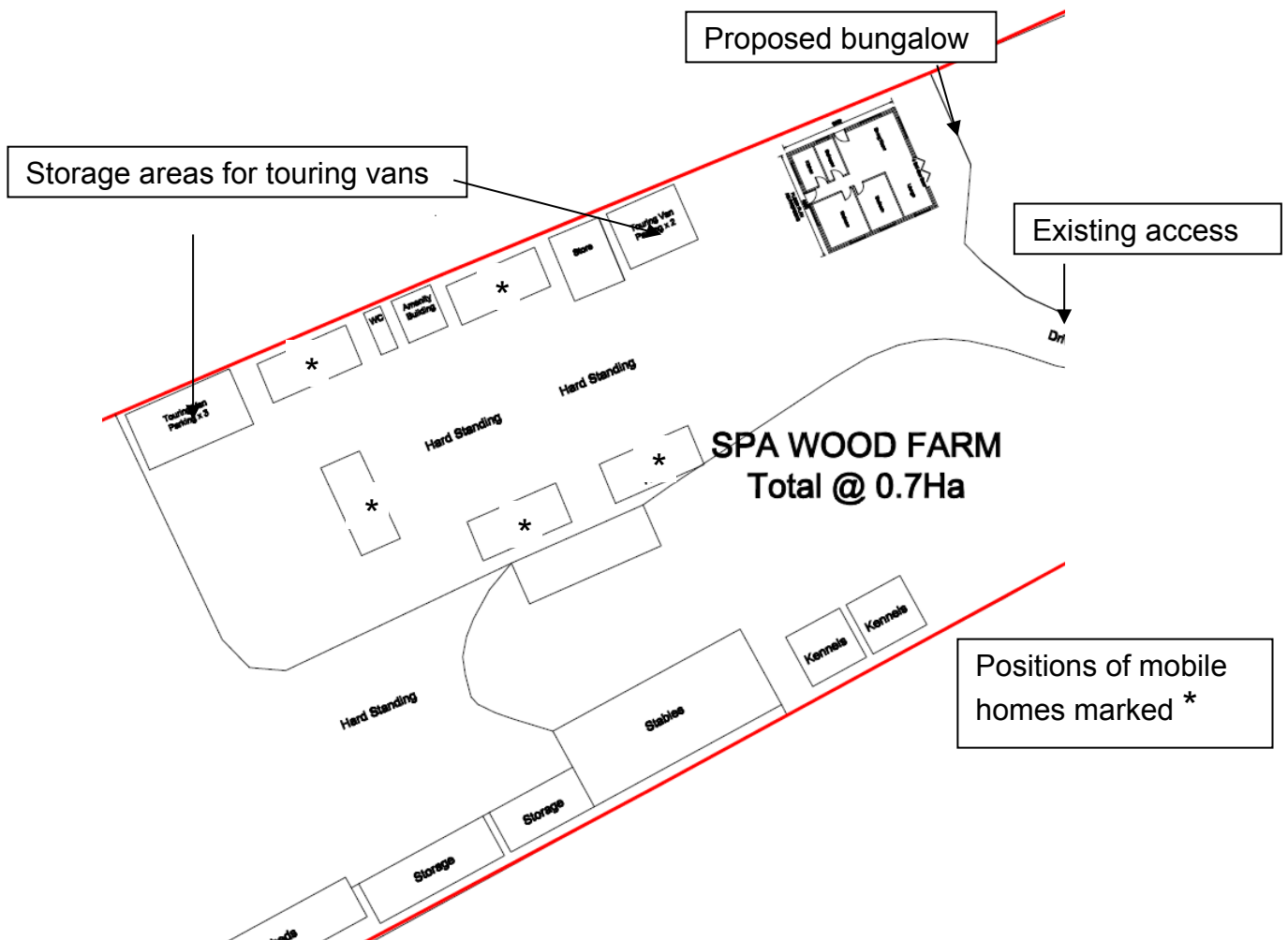
The application seeks to regularise this position and seeks approval for the proposed layout of the site to allow his family to have a settled permanent base, whilst retaining their traditional values within the travelling community.

The site has been used for many years as a base for a travelling family. It is important to stress that it is intended that the site will remain as a site for the use of the applicant

and his family, who are travellers and it is not intended that it would become a transit traveller site.

The application sets out that the applicant had many connections with the Burnley area and the local travelling community and spent many years in and around Burnley, prior to the purchase of Spa Wood Farm in 2002. He decided to find a suitable site to provide his family with a safer home environment without the pressure of being moved from one site to another, whilst allowing access to the motorway network when the family continue to travel throughout the year.

It is proposed to erect a permanent bungalow in place of the original mobile home and site five static caravans, together with an amenity building, wc and store. There would be space for a touring caravan for each family to be available when the family are travelling. The touring vans would not be occupied on site and would be stored in a designated area when not in use. Existing ancillary buildings on the site including an amenity block, toilet and store would be retained for use by the occupants. Other buildings i.e. kennels, stables and stores would also remain.



Proposed Site Layout

The site is in a well-maintained, clean and tidy condition and is well screened from the surrounding area. The applicant has undertaken much landscaping and tree planting since taking ownership of the land.

The proposed bungalow is of modest proportions and of a similar scale to the existing mobile home, which has been on the site for more than 30 years.



Existing mobile home

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

GP2 - Development in the Rural Areas

GP3 - Design and Quality

H1 - Land for new housing development

H16 - Gypsy and traveller sites

H2 - The sequential release of further housing land for development

TM15 - Car parking standards

TM5 - Footpaths and walking within the urban boundary

Site History:

12/94/0597 – Erection of detached bungalow – refused

12/95/0212 – Application for Certificate of Lawfulness for the use of land for the siting of one mobile home – approved

12/99/0569 – Proposed detached bungalow – refused

12/00/0534 – Proposed single storey extension onto existing mobile home to provide disabled facilities with additional covered disabled access ramp – refused

12/01/0089 – Erection of building to provide additional lounge, bedroom and bathroom for disabled occupant, for use as an extension in connection with mobile home; construction of new access ramp – refused

12/01/0539 – Erection of private stables and tack room – granted

12/02/0134 – Change of use to cattery business operating a collection and delivery service and erection of associated cattery building – granted

12/02/0308 – Construction of septic tank - granted

Consultation Responses:

1. Lancashire County Council (Highways) – raise no objections and comment that it is not anticipated that the development would result in severe residual impacts. The permission does offer a measure of control over the use. It would be preferable to restrict the use of the tourers to ensure that they were only used in connection with the mobile homes and not separately.
2. Lead Local Flood Authority make no comment on the application.
3. Environment Agency raise no objections to the application providing an adequate septic tank is installed at the site.
4. Burnley and Pendle Ramblers Group – wish to reiterate objections raised previously that the access roads and paths are not suitable unless improved or safe alternatives are provided. The site is accessible via a farm track leading from behind Rossendale Road Industrial Estate. The track is also a footpath comprising Path No 15 & 11 on the Definitive MapSD83SW. The track is not wide enough to sustain regular, large, traffic movements whilst allowing the safe passage of walkers. The track is fenced on both sides allowing no refuge from passing traffic.
5. Environmental Protection Team – raise no objection but advise that the following conditions should be included if permission is granted:
 - No demolition or construction work shall take place on the development hereby approved outside the hours of 8 a.m. to 6 p.m. Monday to Friday; 8 a.m. to 1 p.m. on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated applications in writing must be made with at least seven days' notice to the local planning authority.
 - There shall be no burning of waste or other materials within the curtilage of the premises.
6. Julie Cooper MP – objects to the application for the following reasons:
 - The site has already been dismissed by the council's planners as not suitable as a traveller site. It was removed from the local plan options as a possible traveller site as it was deemed too rural for a development of that

size and the access road was seen as inadequate. This was when only 4 pitches were being considered. It must surely be unsuitable for 6 or 12 pitches as the issues of access and countryside remain the same.

- To ignore work already spent on finding a suitable site would make a mockery of work already completed.
- The assessment made using the Salford University Study in looking at the need for a Gypsy or Traveller site shows that Burnley has a need for only 5 pitches. This development is much bigger than the recognised need,
- It was confirmed after interviewing the family that own the site that the estimated need from the household was only 4 pitches. The application exceeds this number demonstrating that it is too large.
- The access road is a private unmade road and it will not withstand the traffic 12 caravan pitches would generate and the continued maintenance of the site would be unmanageable for the neighbours. The applicant confirms that there is no plan to make improvements.
- The only current permissions on the site are for one residential static home. The continuous use of the site for 10 years is disputed by the residents. Checks should be made to clarify the position.

7. Three ward councillors object on the following basis:

- Inadequate access to the development
- Size of the Development - The application proposes overdevelopment of Spa Wood Farm.
- Conflict with the Council's emerging planning policy.
- Increase in noise and disturbance to residents
- Harm to the countryside
- Significant level of local objection
- There are engineering issues relating to the access road – the bridge, banking and aqueduct is in danger of collapse and is liable to flooding
- The water supply is very poor in pressure and volume
- There is no main sewerage in the area
- The heavy traffic would affect the nearby farmer's operations and he could not ensure the safety of his family or livestock
- The development would infringe the Human Rights Act
- The development is not in line with government policy for the siting of gypsy and traveller sites.
- Walkers and Ramblers would be put in danger if there was an increase in traffic
- Emergency services would not be able to gain access

8. Objections have been received on behalf of 8 businesses on Rossendale Road Industrial Estate and 1 individual resident (who has also objected separately), making the following points:

- The proposal is contrary to national planning policy – the site is in open countryside; away from existing settlements; outside areas allocated for development; there is no settled residential community in the area; and the development would place undue pressure on the unmade access road.
- The proposal fails to meet Policy H16 of the Local Plan in that

- the proposed site is not suitable for the proposed use being in an inappropriate rural location not being close to shops, schools or other community facilities and accessed on an unmade track;
 - the use will lead to significant development on the site, there is no landscaping and the dwelling is of poor design and this will cause demonstrable harm to the quality and character of the landscape.
 - The proposal is detrimental to highway safety being accessed on a rough unmade track
 - The description of development is misleading
 - The current use is unauthorised
 - There is no planning permission for a dwelling and the new dwelling would be a new home in the open countryside contrary to Policy GP2 of the Local Plan.
 - In respect of the emerging Burnley Local Plan, the Preferred Option document puts forward a five-pitch site at Oswald Street to meet the longer term 2012-2026 Local Plan requirement. The application site was not taken forward as an allocation because it was not considered necessary to allocate the site as it is a private owned family site and has an established use as a residential caravan site for four caravans. It is not considered suitable for development of a significantly greater intensity or scale due to its open countryside location and unadopted vehicular access. Further development at Spa Wood Farm is neither needed nor appropriate.
 - The proposal fails to meet the criteria for the emerging planning policy in a number of important respects.
9. An objection from a business premises on Network 65 Business Park has been received commenting that such uses lead to issues of anti-social behaviour
10. Objections from 6 neighbouring properties have been received making the following points:
- The access road is narrow and unmade and is of poor quality and poorly maintained. It would not be suitable for an increase in traffic using it without significant investment to upgrade the existing infrastructure. Access to emergency services is problematic and additional traffic would lead to noise and privacy issues for residents.
 - There are stability issues in respect of the bridge and aqueduct which are costly to repair and collapse would lead to access issues for other residents.
 - Surface water flooding frequently prevents pedestrian and vehicular access.
 - There is a lack of water pressure affecting existing properties
 - There are no mains sewers in the area and Spa Wood Farm has difficulty coping with discharges with the septic tank overflowing regularly.
 - High voltage overhead cables run above the access track which are dangerous for people travelling beneath them.

- The description of development is incorrect in that it assumes that the land use is lawful. Also, there is no existing dwelling on the site only a caravan that was permitted under a certificate of lawfulness.
- The site is unauthorised and there is no legal basis to support that the use as a gypsy and traveller site had already occurred.
- It is clear that the Lawful Development Certificate does not apply to the whole of Spa Wood Farm and prevent intensification of residential uses. There has never been a planning permission or lawful development certificate for the siting of a bungalow
- There has been an acknowledgement of the unauthorised activity and that enforcement action has been pursued
- The Council has consistently maintained that the site is in an unsustainable location for new development.
- Whilst Spa Wood was initially put forward as a suggested allocation as a gypsy and traveller site in the Preferred Options document it has been excluded because it is not considered suitable for development of a significantly greater intensity or scale due to its open countryside location and unadopted vehicular access, concluding that the site represents an unsustainable form of development as well as problems with local infrastructure.

Planning and Environmental Considerations:

The main issues for consideration relate to the principle of the continued use of the site by a traveller family; the siting of up to 6 mobile homes on the land; the replacement of the mobile chalet on the site with a permanent dwelling; the design of the proposed bungalow and the layout of the site; the impact on highway safety; and residential amenity.

PRINCIPLE OF THE USE

The site is not under consideration as a gypsy and travellers' site in the sense that it will not be a transit site. It is intended that the existing family who live on the site will continue to live there and travel from the site as they do now.

The need for transit sites has been considered as part of the review of the Local Plan. The Preferred Option document recognises the nature of the use of the site and it concludes that it is not considered necessary to allocate the Spa Wood site as it is a privately-owned family site. At the time of the survey it accommodated 4 caravans and the view was taken that it is not considered suitable for development of a significantly greater intensity or scale due to its open countryside location and unadopted vehicular access. It has not been put forward as an allocated traveller site in the Emerging Local Plan on this basis.

The site would not satisfy the criteria for an allocated Gypsy and Traveller site as set out in existing Local Plan Policy H16 in that it is in an unsustainable location, not located close to shops, schools and other community facilities.

However, the intention is to retain the existing use of the site as a family site which would accommodate the applicant, his wife, brother, mother and father, two daughters and a son, requiring a total of 6 pitches. A condition could be imposed to ensure that the use remained as a family site and did not become a transit site

The applicant puts forward that he can demonstrate a continued use of the site for a period in excess of 10 years including evidence that his family have attended local schools, doctors and dentists, etc. throughout this period. He acquired the site in 2002 and the family have occupied the site to varying degrees since then bearing in mind that the family travel throughout the year and there have been some absences due to family circumstances. Nevertheless it has remained a base for the family and it is quite likely that sufficient evidence could be put forward to demonstrate a lawful use of the site.

Notwithstanding this, having regard to the legal view that the proposal to provide up to 6 mobile homes would not amount to a material change of use, this is not necessary and it is considered therefore, that the proposed use is acceptable in principle.

REPLACEMENT OF ONE MOBILE HOME WITH PERMANENT DWELLING

Generally, new dwellings are not appropriate in the rural area, except in special circumstances. Policy GP1 expects all development to be located in the Urban Boundary except those appropriate to the rural area. Policy GP2 of the Local Plan limits new development in the countryside to those development which are appropriate i.e. agriculture, forestry and outdoor recreation uses; re-use of existing buildings; the use of infill sites; proposals which contribute to the solution of a particular local housing, social, community or employment problem; or other uses appropriate to a rural area, including those which help diversify the rural economy, while being in keeping with the rural environment.

Policy H2 of the Local Plan expects development to adopt a sequential approach, first siting new housing in the Urban Boundary on brownfield sites. The Borough has sufficient brownfield sites without the need to allocate sites in the rural area, outside the Urban Boundary.

In normal circumstances, the introduction of a new dwelling in this location would be contrary to the above policies and would not be acceptable.

However, there has been a residential use of the original mobile home on the site for at least 30 years, originally in connection with the former Poultry Farm. The mobile home is lawful as demonstrated by the Lawful Development Certificate granted in 1995. The applicant acquired the site in 2002 and has occupied it since that date. The mobile home has acquired a degree of permanence including provision of cladding and insulation, a small lean-to extension, a permanent concrete support structure and removal of the its wheels.

Having regard to the length of time it has been on site and the alterations which have taken place over time, it would be reasonable to allow its replacement with a more suitable dwelling to improve the living conditions of the residents.

Although it has been well maintained, it is not a structure which is suitable in the rural area and its replacement with the modest bungalow proposed would not have a significant impact on the landscape in this location. The effect of the replacement would not lead to significant issues in terms of traffic movements or impact on the rural environment.

The special circumstances associated with this site, including the Traveller status of the family, would not lead to a precedent for similar developments and it is considered that the replacement of the mobile home with the proposed bungalow is acceptable in this case, as an exception to Local Plan policy.

The bungalow is of a similar scale to the existing mobile home which it will replace. It will be of simple traditional form and constructed in block and render with a natural or artificial slate or a flat grey roof tile. The applicant has agreed to modify the design of the roof to provide a simple monopitch and amended plans will be received before the date of Committee.

Having regard to the circumstances of the site, with no residential curtilage to the bungalow, it would be appropriate to take away the 'permitted development' rights in respect of extensions to the property and this can be achieved by condition.

DESIGN AND LAYOUT OF THE SITE

The site is designed to accommodate the bungalow which would be occupied by the applicant and his wife, and 5 other pitches occupied by the other members of the family. The opportunity has been taken to reorganise the site to provide a more pleasant residential environment, with the caravans laid out in a courtyard formation on the existing hardstanding.

The bungalow would be two bedroomed and sited close to the entrance to the site set slightly away from the mobile homes.

As the family would still travel in line with their traditions, there would be one touring caravan for each family, stored on the site in a designated area. These tourers would not be occupied on the site and only used when the occupants were travelling. It would be appropriate to impose a condition to ensure this.

The site is well landscaped and screened and there would be minimal impact on the character of the local area from the development.

HIGHWAY SAFETY

There are no changes to the proposed access arrangements with the access to the site being via an unadopted track which is narrow and difficult to negotiate in parts. There is no separate provision for pedestrians along the public footpath. However, the vehicular movements to and from the site would not be excessive and there would not be a significant increase in vehicular movement over and above the existing position.

On this basis the existing access arrangements are acceptable providing the use remained as a family site only.

The Highway Authority raise no objections to the proposal.

RESIDENTIAL AMENITY

The proposal will improve the quality of life for the family on the site. It will provide a more organised and pleasant home environment and still allow the family to pursue their traditional way of life.

The amenities of neighbouring residents will not be unduly affected, with the nearest residential property being approximately 90 metres away.

OTHER MATTERS

The applicant confirms that a septic tank was installed shortly after he took possession of the site and this is emptied once a year or as necessary. It has a capacity of 4800 litres and is adequate for the number of occupants on the site.

CONCLUSION

The principle of the use of the site for up to 6 mobile homes is acceptable as no material change of use has taken place. The replacement of one of the mobile homes with a dwelling on the site is acceptable having regard to the history of the site; the special circumstances of the applicant; the degree of permanence of the existing mobile home; and the limited impact of the proposal on the character and appearance of the rural area.

The layout and design of the site is satisfactory and it is considered that the proposal is acceptable subject to conditions which limit the number of pitches present on the site and ensures that it continues to operate as a private family site and does not become a general gypsy and traveller site.

The application allows a measure of control over the site, which is not in place at present.

Recommendation:

That following receipt of the amended house details showing the amendment to the roof type, the Head of Housing and Development Control be delegated to grant planning subject to the following conditions:

Conditions

1. The development must be begun within two years of the date of this decision.
2. The development shall be carried out in accordance with the following approved plans: Site location plan and existing site plan received 20 September 2016; Amended site plan rec'd 12 January 2016 and amended house details received XXX
3. The site shall operate as a private family gypsy and traveller site only and shall not be used as a transit site.

4. The numbers of static caravan pitches on the site shall not exceed five as set out on the approved layout plan, Drg. No.
5. There shall not be more than five touring caravans stored on the site and these shall be located in accordance with the approved layout plan, Drg. No. when not in use. The touring caravans shall not be used at any time for residential accommodation on the site.
6. No construction work in connection with the development hereby approved, shall take place outside the hours of 8 a.m. to 6 p.m. Monday to Friday; 8 a.m. to 1 p.m. on Saturday and not at any time on Sundays and Bank Holidays.
7. There shall be no burning of waste or other materials within the curtilage of the premises.
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), no building, engineering, mining or other operations shall be carried out in, on, over or under the land the subject of this application at any time, other than:
 - (a) development in accordance with the application form and details shown on the approved plans, or on any subsequently approved amended plans; and
 - (b) the painting of the exterior woodwork of any building.
9. The roofing materials for the buildings hereby approved shall be a natural or artificial slate or a plain flat grey roof tile which harmonises with traditional roof materials in the Burnley area.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that the site is used as existing and not as a transit site for Gypsies and Travellers, having regard to the unsustainable location of the site and the criteria set out in Policy H16 of the Burnley Local Plan Second Review.
- 4/5. In order to retain control of the site to ensure that the use of the site does not intensify having regard to Policy GP2 and H16 of the Burnley Local Plan Second Review.
6. In order to protect the amenities of the residents in the locality from noise associated with construction at unsocial hours having regard to Policy GP7 of the Burnley Local Plan Second Review.
7. To prevent pollution in the environment having regard to Policy GP7 of the Burnley Local Plan Second Review.

8. To enable the Local Planning Authority to control future alterations or extensions to the dwelling having regard to the policies of the Burnley Local Plan and any other material considerations.
9. To ensure that the development harmonises with traditional buildings having regard to Policy GP3 of the Burnley Local Plan Sec

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0537

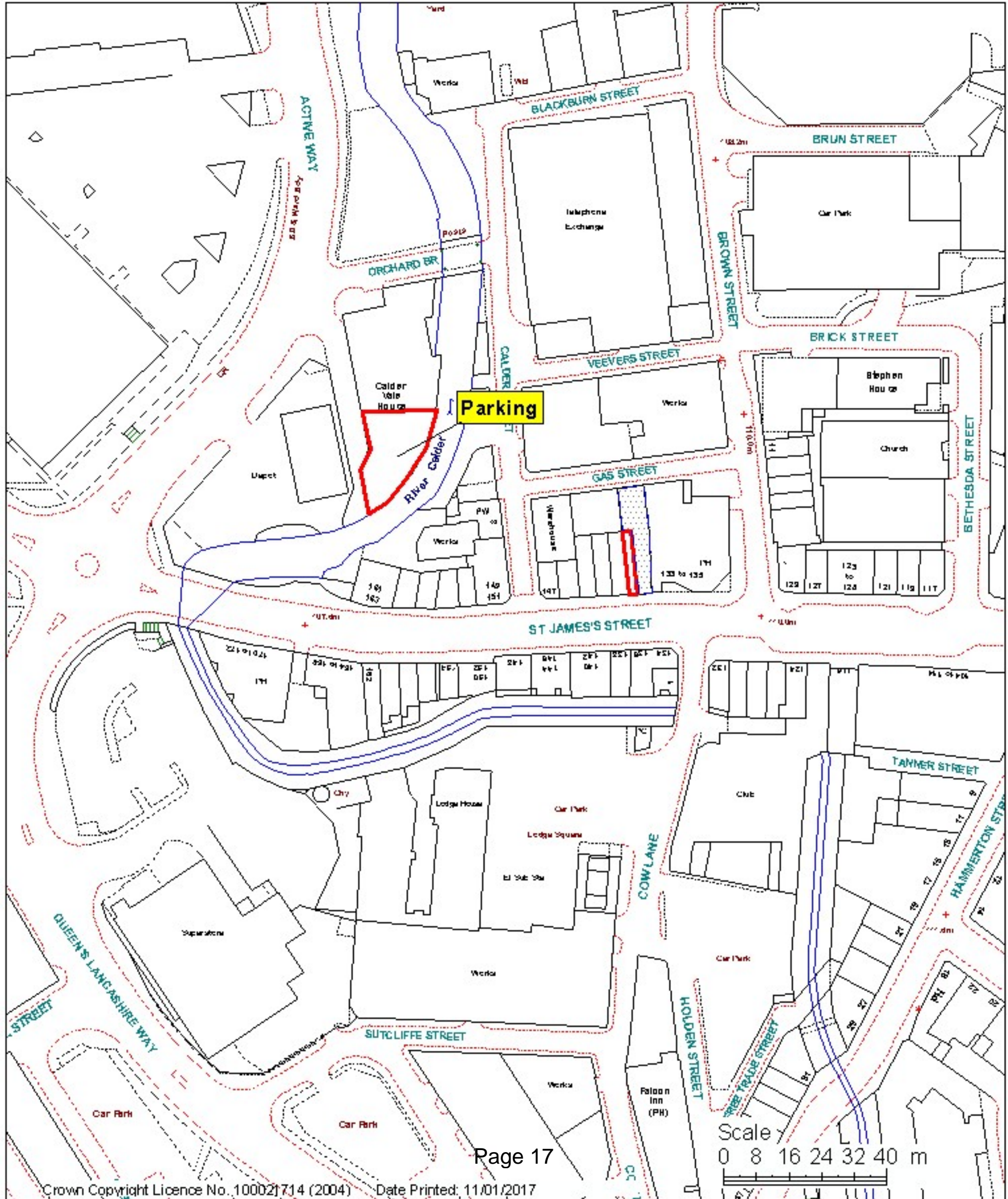
Paul Gatrell
Head of Housing and Development

Location:

137 St James Street



1:1250



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Full Planning Application

Proposed change of use from financial and professional services (Use Class A2) to data controlled administrative booking office for private hire vehicles (Use Class Sui Generis) (re-submission of APP/2016/0356).

137 ST JAMESS STREET BURNLEY

Background:

This application has been brought to the Committee under the Call-In Procedure.

The property is situated in the Lower St James's Street area of Burnley Town Centre, within the Burnley Town Centre Conservation Area.

The former shop unit, vacant for many years, was (under the terms of planning permission granted in 2010) subdivided it into two units. The larger unit was to be used as a café/take-away; the other as a quite small general shop falling within Use Class A1 of the Town & Country Planning (Use Classes) Order 1987. The café was to be a daytime use and a condition was attached accordingly.

This application relates to the small shop unit resulting from the conversion.



Application site

Relevant Policies:

Burnley Local Plan Second Review

BTC2 - Secondary shopping areas in Burnley Town Centre

TM14 - Taxis and taxi booking offices

E12 - Development in or adjacent to Conservation Areas

National Planning Policy Framework (NPPF)

Site History:

1980/0554: New shop front to restaurant – Granted
1983/0498: Use as a Victorian Coffee Shop and Restaurant – Granted
1987/0010: Change of use from clothing retailers to training centre for Burnley Centre for the Unemployed – Deemed Permission (Reg 4)
1987/0945 – Change of use from training centre to Cantonese restaurant – Granted
1988/0279: Alterations to frontage – Granted
1999/0119 – Alterations to elevations including new shop front – Granted
APP/2001/0236 – Renovation and repairs to shop and offices – Granted
APP/2010/0226 – Proposed change of use from shop to café/take-away and shop, with new shop front, roller shutters and ventilation duct to rear – Granted
APP/2013/0380 – Discharge of conditions 1, 3 & 5 on APP/2010/0226 relating to start of development, details of ventilation and noise insulation – Granted
APP/2015/0036: Proposed change of use from A1 (shop) to private hire booking office, operating 4no. vehicles, 24 hours a day, seven days a week with associated parking for 4 no. vehicles at Cow Lane car park. Creation of one ground floor flat to the rear of the premises – Refused
APP/2015/0217: Change of use of part of premises to private hire booking office operating 4 vehicles 24 hours a day 7 days a week with associated parking on Cow Lane Car Park. Also creation of flat to rear of premises (re-submission of APP/2015/0036) – Refused
APP/2016/0356: Proposed change of use from financial & professional services (A2) to private hire booking office (sui generis) – Refused

Consultation Responses:

Highway Authority – Recommend that the application be refused as the indicated parking (on a furniture shop car park) is over 150m from the proposed offices and would not be sufficiently convenient for use by drivers and customers. Also there would be a reduction in parking arrangements for the furniture business.

[Comment – There is doubt, in any event, that the applicant could make the indicated car parking available in connection with the use, and this is considered to be a reason for refusal of the application].

Town Centre Manager – Objections summarised as follows:

- Already a significant number of taxi firms on Lower St James/s Street.
- The proposal would create an unattractive and dead frontage.
- The proposed car parking is over the 50m distance specified in the development plan policy and the likely result would be on-street taxi parking.
- The reasons for refusal of previous applications APP/2015/0217 and APP/2016/0356 still apply.

Neighbouring Business Occupiers – Objection from two shop/business occupiers on the following grounds (summarised):

- Planning policy is to redress the imbalance of retail/non-retail uses by restricting non-retail uses.
- The proposal has been refused twice previously.

Owner of car park space proposed in application – Letter stating that the applicant does not have permission to use the car park.

Planning and Environmental Considerations:

The application relates to a ground floor unit in a 3-storey building at the end of a terrace of similar buildings fronting St James's Street, the main spine street of Burnley Town Centre. The buildings date from the mid-C19th. Adjoining the site is a more recent building in mixed use, comprising shop units on the ground floor, with residential apartments at first floor level.

Present use

The planning history shows that the original property has, over the years, been put to a range of town centre uses. It has now been vacant for several years.

In 2010 planning permission was granted for 'change of use from shop to café/take-away and shop, with new shop front, roller shutters and ventilation duct to rear' The application related to the ground floor. The café was to be a daytime use and a condition was attached accordingly. It would occupy the majority of the floor space, extending through to the back of the building which fronts Gas Street. The shop unit, to which the present application relates, occupies one small, narrow room.

That application showed two, narrow, side by side units fronting the street behind a new combined shop front, split to provide a separate entrance door to each unit. Internally, a stairway to the basement was shown as being closed with a trap-door; and, there was no indication of stairs to the upper floors, either existing, or proposed.

The shop front has been installed, which for planning purposes constitutes a start of the development and on that basis the permission for the change of use to the separate café and the smaller shop has been implemented, albeit both units have remained vacant.

The present application relates to just the small shop unit which is described as 'financial and professional services (A2)', although from inspection of the premises no such use is apparent, the property being vacant.

Policies and Assessment

The main planning issue is the acceptability of the proposed uses within this part of the town centre.

Although the property is within the Burnley Town Centre Conservation Area there is no impact on the character of the conservation area as no external alterations are proposed in this application, a new shop front having already been installed under a previous planning permission. On that basis, the proposal would not cause any harm to the conservation area, and no conflict with **Policy E12**.

Policy BTC2 states that, in secondary shopping areas, the Council will permit development for A1 retail units and that other uses will be permitted in the following circumstances:

- a) The proposal would not lead to an unattractive and dead shopping frontage, and more than 15% of any frontage in non-A1 uses; and
- b) The proposal would retain a shop type frontage; OR
- c) Would not lead to the loss of ground floor retail floorspace and would bring back into use upper floors; OR
- d) Is for change of use of existing non-retail premises.

The aim of this policy is to protect and, where possible, enhance the role of this street as a retail area.

The present Local Plan was adopted in 2006, however, and events have now overtaken BTC2. The downturn in the UK and World economy has led to deterioration in the vitality of many highstreets. And, attempts to address this have resulted in legislative changes.

Relevant here is the introduction of a permitted development right to change between A1 and A2 uses, and vice versa (2015 General Development Order, as amended). This means that BTC2 has no effect in restricting A2 uses.

However, A2 uses, whilst not retail, as such, nevertheless are uses that complement a shopping area, as they are defined as providing services principally to visiting members of the public. A taxi booking office is not of the same character. Where it simply takes telephone bookings it would not add to shopping street footfall; where it takes personal bookings it would add undue traffic to the shopping street.

The **NPPF** (paragraphs 17 and 23) says that planning authorities should support the viability and vitality of town centres and take account of market signals.

The proposed use would be likely to cause significant harm to the already weakened shopping frontage and is recommended for refusal on that basis.

Policy TM15 sets out the criteria for the assessment of taxi booking offices. These are:

- Should be located in a secondary shopping area in the town centre (or a District or Local Centre);
- Should have one parking space per private hire vehicle;
- Parking spaces should be on site or within 50m of the office;
- Must not have a detrimental effect on the area in terms of traffic movements, noise, fumes or other nuisance;
- Must not create an unacceptable concentration of taxi businesses within the secondary shopping street.

The application indicates that car parking space would be provided for the use. However, this is around 150m distant from the application site which would fail to comply with the parking requirement of TM16. Additionally, a representation from the car park owners (on whom the applicant has served an Article 14 Notice to Owner) states that the car park not available. In any event, the car park is fully utilised in connection with other town centre uses.

The inadequacy of provision made for car parking is likely lead to additional street parking to the detriment of the amenities of the shopping street.

Conclusion

There is physical evidence of recent improvement to the nearby premises, bringing premises into retail use and making fuller use of upper floors. This includes the adjoining mixed-use building (shop units with residential above), recently converted from a drinking establishment/night club.

The application site has been vacant for a number of years, and bringing it back into an appropriate use would be of benefit to the economic and social well-being of the area. However, the property is capable of retail or other beneficial use, including use of its upper floors. Such uses are fully supported by the development plan; however, this proposal is not.

The introduction of the taxi office use would be harmful to the vitality and viability of this part of the town centre and the recommendation is made on that basis.

Recommendation:

That the application be refused for the following reasons:

Reasons

1. The site lies within a secondary shopping street where local and national policies aim to protect and, where possible, enhance the role of the street as a retail area. The proposal for the private hire booking office use would detract from the appearance of the street by creating an unattractive and dead shopping frontage, and would increase the over-concentration of non-retail uses in this part of the street. The benefit of bringing the unit back into use for the purpose proposed would not out-weigh the harm likely to be caused to the shopping street. The proposal would therefore be contrary to policy BTC2 of the Burnley Local Plan, Second Review, and to the National Planning Policy Framework.
2. The proposed development fails to provide conveniently located car parking in connection with the use which would be likely to result in private hire vehicles waiting on the highway to the detriment of the amenity of the shopping street and highway safety. The proposal would therefore be contrary to policy TM14 of the Burnley Local Plan, Second Review, and to the National Planning Policy Framework.

AR
16.1.2017

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Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0475

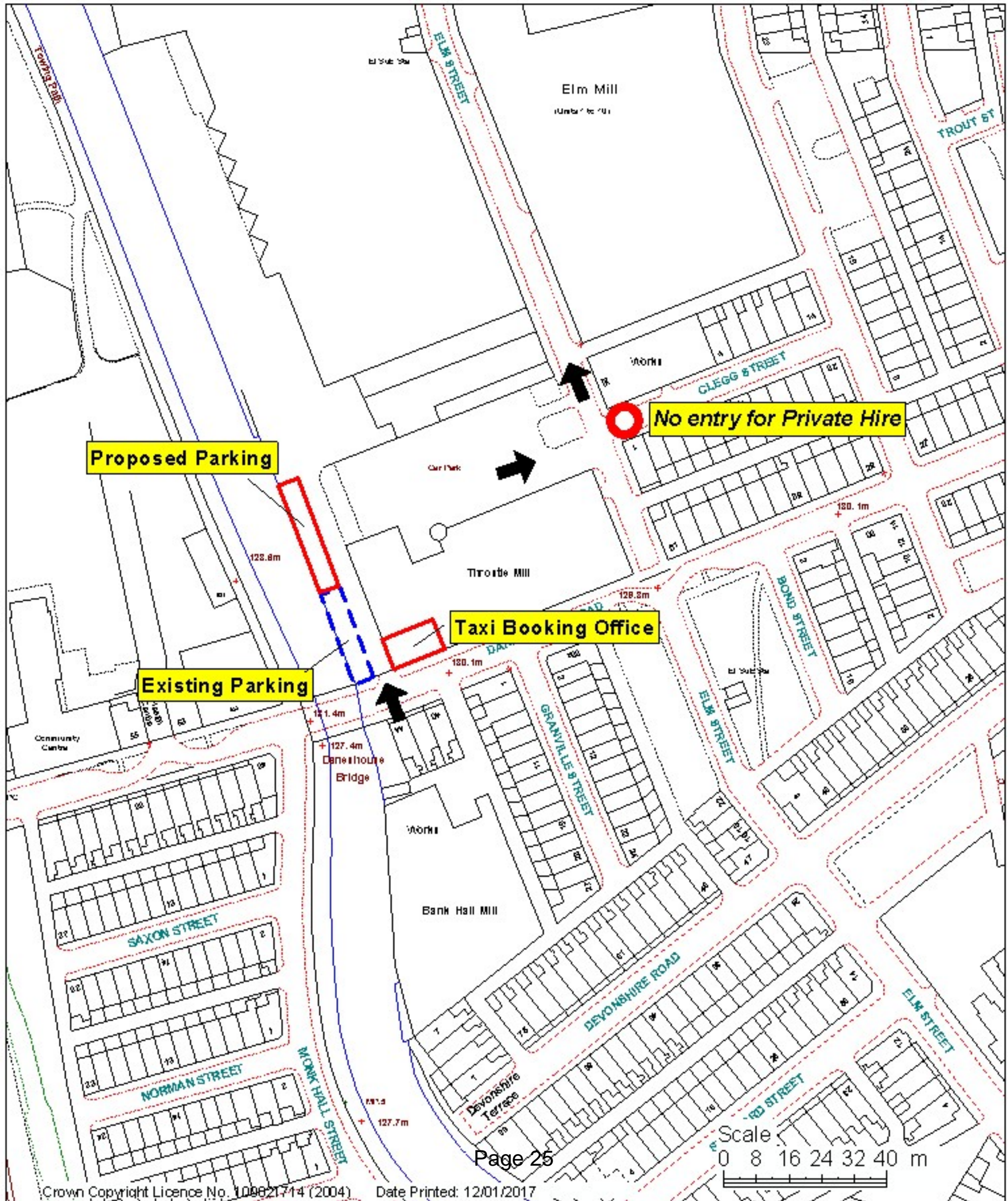
Paul Gatrell
Head of Housing and Development



Location:

Unit 8 Throstle Mill Daneshouse Road

1:1250



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Application Recommended for APPROVAL

APP/2016/0475

Ward Daneshouse with Stoneyholme

Full Planning Application

Variation of condition 5 of planning permission APP/2008/0695 to allow the operation of 10 additional vehicles including identification of 10 additional parking spaces adjacent to the canal

UNIT 8, THROSTLE MILL, DANESHOUSE ROAD, BURNLEY

Background

The application is for the variation of condition, to increase the number of private hire vehicles to 20 in total. Adequate parking space has been provided adjacent to the booking office.

Objections have been received from Environmental Health.

Relevant Policies:

Burnley Local Plan Second Review
TM14 – Taxis and Taxi Booking Offices
EW6 – Economic Improvement Areas

Site History:

APP/2012/0432 – Variation of condition 5 of planning permission APP/2008/0695 to allow the operation of 10 further vehicles on the adjacent public car park (in addition to those permitted under planning permission APP/2012/0258) (Re-Submission of planning application APP/2012/0051) (Refused).

APP/2011/0334 – Variation of condition 5 of planning permission APP/2008/0695 to increase the number of vehicles from 5 to 10 private hire vehicles (c/c)

APP/2008/0695 – Proposed change of use part of building as a taxi office to operate 5 taxi cars 24 hours a day 7 days a week (c/c)

Consultation Responses:

LCC Highways Burnley:

Confirms that no objections are raised to the proposal on highway grounds subject to a condition being attached to any permission granted that will terminate the permission should the parking provision be lost.

Environmental Health:

The application does not provide improvements from the previous application app/2012/0432 and the comments are same as previously.

"I am concerned that this proposal is located in a mixed residential / commercial area, such that it is important that future developments balance and compliment uses within the neighbourhood without potentially risking adversely the residential amenity of the local population. Certainly, the proposal to increase incrementally the number of taxis by doubling the numbers (100%) will in my opinion result in a significant increase of vehicular movements in the area throughout the day, evening, nigh time and early morning periods which may materially affect residential amenity due to the noise and disturbance caused by a commercial operation.

In this regard, problems of noise disturbance may be exacerbated due to increased taxi movements, taxi engines starting / stopping, engines revving – acceleration, doors opening / shutting, radios and customer activities that such noise incidents cannot be effectively controlled under the statutory nuisance provisions.

It is for the said reasons and my concern that the proposed increased balance of use is inappropriate, in a location in close proximity to residential properties that I would recommend that this application be refused.”

Planning and Environmental Considerations:

Policy TM14 of the Burnley Local Plan accepts that proposals for taxi offices can provide an alternative mode of transport and sets out proposals for private hire booking offices which will be permitted when;

a) The proposal is located in Secondary Street or District Local Centre

The site does not fall specifically in an area identified where private hire will be permitted by the policy, but this does not preclude the consideration of other areas if the proposal was to cause to harm (taking in account the taxi firm has been operating since 2008 and no issues have risen in regards to planning conditions).

b) One off-street parking space is provided for each taxi operated

The site is an existing mill operating as retail and warehousing. The site is serviced by an adjacent car park which is vacant most of the time. The owner of the car park has given permission for 5 dedicated parking spaces previously and has now increased this to 10. A letter from the owner has been submitted alongside a site plan to confirm this.

c) Parking spaces are located on site or no more than 50 metres from the office

The parking spaces are directly outside the office, with a walking distance ranging between 5-15m. This is considered to be most appropriate and does not cause any concerns.

d) It does not have a detrimental impact on the character and the amenity of the surrounding uses, particularly residential

The application site is surrounded by commercial and industrial uses which are not restricted in opening hours. The site operates an informal one-way system with access from Daneshouse Road and egress on to Elm Street, emerging adjacent to Clegg Street (residential row). Therefore the use is compatible with surrounding uses including residential properties and protects the occupiers amenity, furthermore it would not generate unacceptable impacts in terms of nuisance, odour and fumes.

Within the immediate surrounding area, Elm Street has no access onto Daneshouse Road and the likely route from the premises will be along Elm Street to Old Hall Street, which is more in industrial character. Previously residents raised concerns that vehicles will travel via Clegg Street, Travis Street and emerge on to Daneshouse Road (predominantly residential). However, since 2008 the firm has been operating and the residents have not experienced any excessive noise or disturbance over and above

In this instance, and considering the highway injury accident data for the area, this does not suggest there is a problem in the area.

The taxi firm does not operate 24 hours throughout the week, apart from Friday's and Saturday's. The operator has provided a driver log record from 06.11.2016 – 16.11.2016 and 03.01.2017 – 11.01.2017, this verifies the firms operation.

The vehicles would be increased to 20 which may cause some level of disturbance, however as the surrounding residents have not objected to the proposal and residents of Clegg Street in particular fully support the application; in my opinion given the track record of the firm and on the basis of the above, it would be appropriate to allow a temporary permission for 12 months for the additional 10 cars in order to safeguard the residents from any further nuisance. This can be done by way of condition. Once the temporary period is over and complaints have not been received over and above which is already experienced by the neighbours, then a permanent permission may be considered acceptable.

e) Unacceptable concentration of taxi businesses in the, district or local centre

There are no taxi offices in the immediate surrounding area and this firm already serves the immediate area. No further objections have been received in regards to this.

Conclusion

I consider the proposal would accord with the local plan policies and would not have any detrimental impact on the amenities of surrounding residents or the free flow of traffic and therefore is acceptable and there is no reason to justify a refusal of this application. No objections have been received by residents and the highway engineer does not raise any issues.

It is recommended that the application be approved subject to the attached conditions.

Recommendation:

That the application be approved subject to the following conditions:

Conditions:

1. The use of the additional 10 parking spaces hereby approved shall cease no later than 27th January 2018.
2. The 20 parking spaces shown on the approved plan for private hire vehicles shall be available at all times the booking office is in use. If the spaces become unavailable the use as a booking office shall cease immediately.
3. No private hire vehicles operating from the booking office hereby approved shall be parked on the highway adjacent to the office.
4. No more than 20 private hire vehicles shall operate or be permitted to operate, from the booking office hereby approved.

Reasons:

1. To enable the Local Planning Authority to reconsider the proposal after a period of operation, to assess the highway implications of the use, having regard to Policy TM14 of the Burnley Local Plan Second Review.

2. In the interests of preventing congestion on the highway, in accordance with Policy TM14 of the Burnley District Local Plan Second Review.
3. In the interests of preventing congestion on the highway, in accordance with Policy TM14 of the Burnley District Local Plan Second Review.
4. To ensure there is sufficient off-street parking for private hire vehicles operating from the premises in accordance with Policy TM14 of the Burnley District Local Plan Second Review

A Ahmed
12/01/2017

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0468

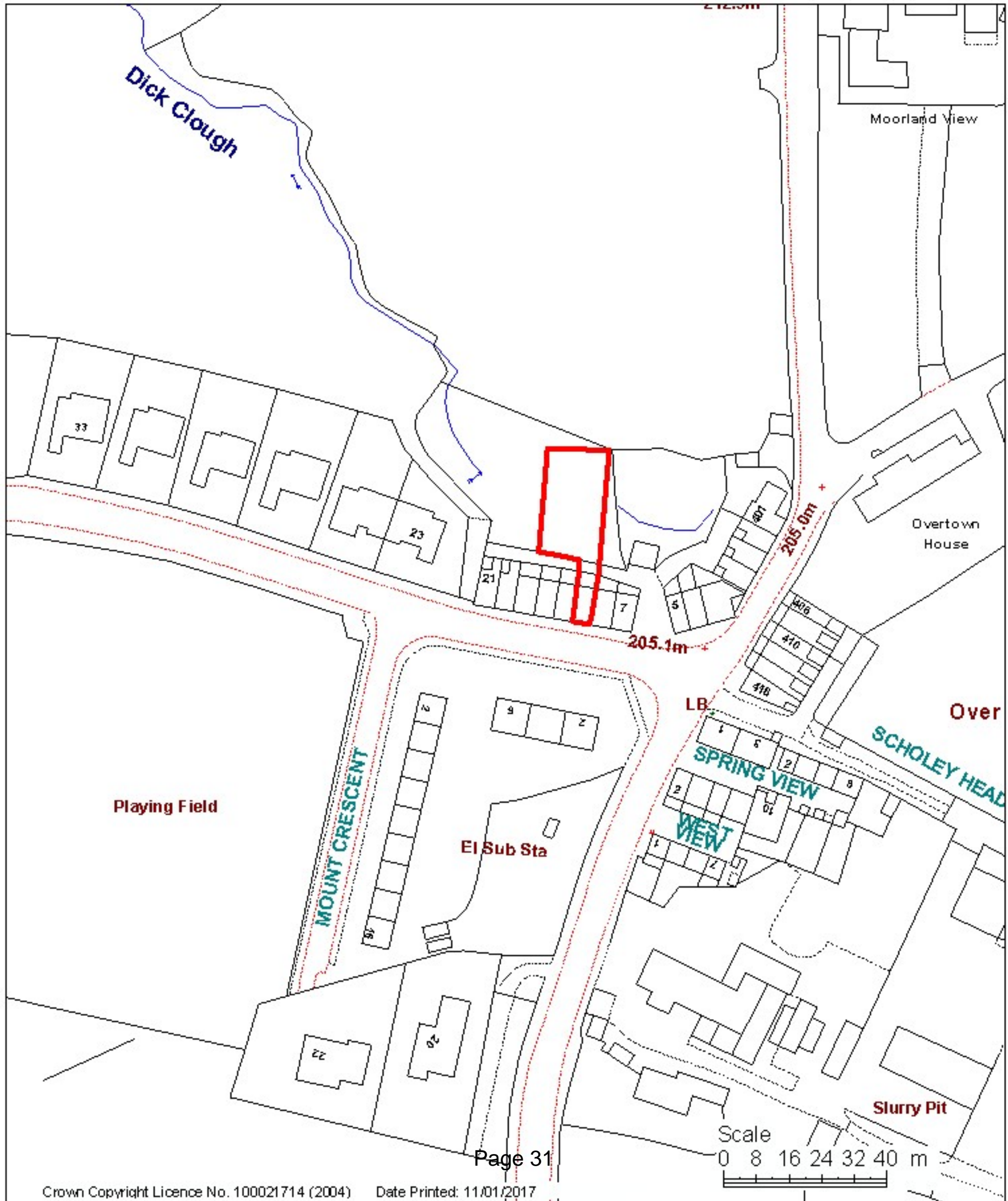
Paul Gatrell
Head of Housing and Development

Location:

11 Mount Lane Cliviger



1:1250



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Application Recommended for Approval
Cliviger with Worsthorne Ward

APP/2016/0468

Full Planning Application
Proposal to erect home office/studio/store, potting shed and greenhouse
11 MOUNT LANE CLIVIGER

Background:

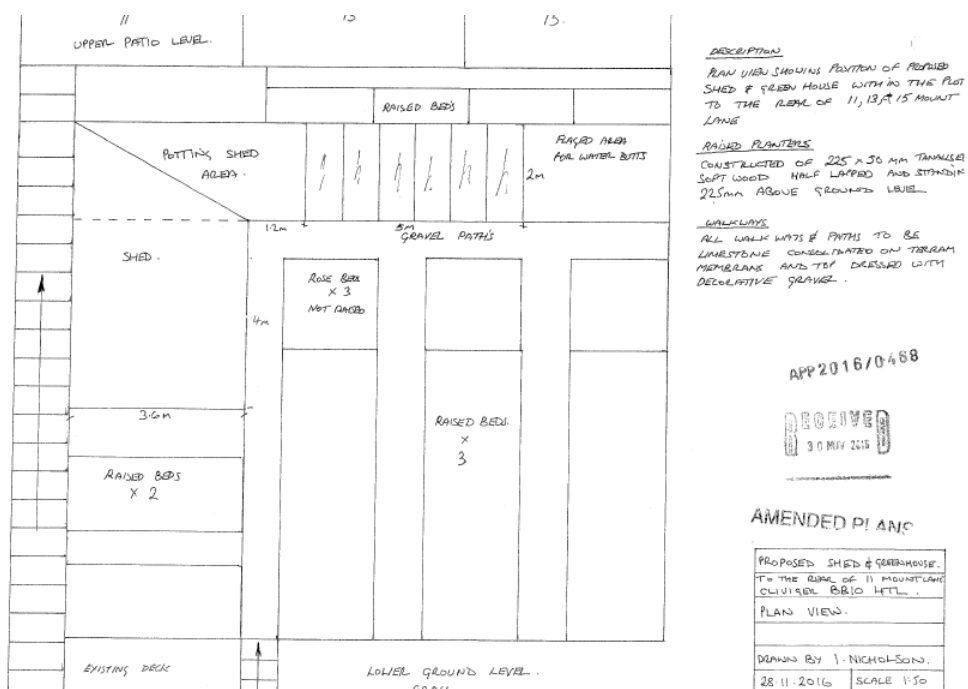
The application is for new buildings on land used as a private garden area at the rear of the terraced properties on Mount Lane. It is intended to use the buildings in connection with the use of the land as a private garden, ancillary to the residential use of the applicant's adjacent dwelling.

The development is intended as an alternative to previously approved reinstatement works following the requirements of an enforcement notice (ENF/2007/00006).

Following unauthorised excavations and building works, the Enforcement Notice required that the land should be re-instated to its former levels and returned to its former state; the unauthorised structures should be removed and any remaining walls faced with natural stone.

In 2009, a scheme for the restoration works was granted planning permission. It included permission for the erection of a garden shed and greenhouse together with details of how the applicant wished to reinstate the land following the requirements of the Enforcement Notice. The reinstatement works showed the land regraded in a 'terrace' style arrangement, with stone retaining walls and landscaping. (APP/2009/0276).

The 2009 permission was not implemented in full and the applicant now proposes the alternative scheme, subject of this application. It involves the construction of buildings against the high retaining wall to the back street, instead of regrading the land.

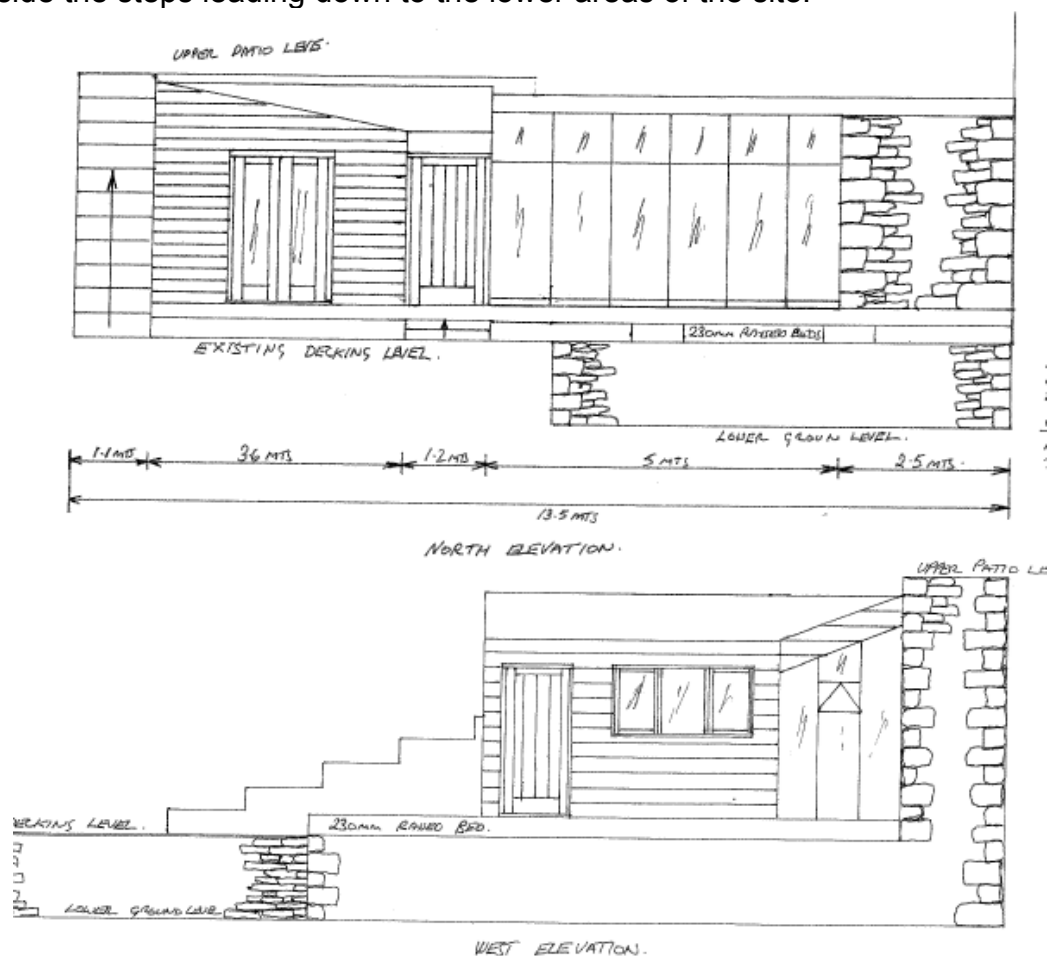


Layout of proposed buildings
Page 33

The proposed greenhouse and adjoining potting shed would run parallel to the back street and the ancillary building to be used as an office / studio / store would run at a right angle from the potting shed to form an L-shape.

The size of the buildings has been reduced following discussions with the applicant. The ridge height of the buildings would be 3.2 metres, reaching close to the top of the retaining wall to the back street and obscuring the exposed breeze block wall.

The greenhouse would measure 5 metres in length running along the retaining wall and would extend into the site by 2 metres. The adjoining potting shed would measure 4.8 metres in length, along the retaining wall and would also be 2 metres deep. The attached ancillary building would be 3.6 metres wide, attached to the potting shed, forming the L-shape and would extend into the site by a further 4 metres, running alongside the steps leading down to the lower areas of the site.



Proposed buildings

The greenhouse would be constructed in timber and glazing panels with a glazed roof. The ancillary building and the potting shed would be timber framed and with a timber boarding finish. The roof would be a 'living roof' of couch rye grass / pasture grass shown with wild meadow flowers.

The remaining land at the upper level would comprise raised flower beds set within gravel paths, with a small flagged area to accommodate water butts.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

GP2 - Development in the Rural Areas

GP3 - Design and Quality

Site History:

APP/2009/0276 – Reinstatement of garden, retention of decking, erection of garden shed and greenhouse and construction of new access steps – Granted

APP/2009/0029 – Erection of tractor shed/ garden store, timber shed with lean-to greenhouse, stone terracing and retention of half-decked area – refused.

ENF/2007/00006 – Following unauthorised excavations and building operations, the notice required that the land should be reinstated to its original condition and unauthorised structures removed. An appeal against the Notice was dismissed.

Consultation Responses:

Neighbouring residents were consulted on the original proposal for a larger building, before amended plans were received which reduced it in size. The following comments were received from 4 neighbouring residents:

1. A neighbour comments that no objections are raised providing the development fits in with the surrounding village environment. There would be concerns if the building became a future workshop.
2. A neighbour has no objection to a potting shed or greenhouse on the garden, but the studio/home office is out of scale and out of character in the rural area. A building of this size could be used for a different purpose in the future.
3. A neighbour wishes the following comments to be taken into consideration:
 - Design, layout and appearance. The buildings are too big for the plot and not in keeping with the character of the area.
 - The visual impact of such a large shed building would be detrimental to the residents of the area.
 - There is concern over loss of sunlight and overshadowing of the adjoining garden and patio areas.
4. A neighbour comments as follows:
 - The applicant has not adhered to the enforcement notice on the land and wants to build on the land instead of reinstating the tiered garden.
 - The plan is out of scale and character in the rural area
 - The plan is not in line with local plan policies for the rural area
 - The application will detract from the character of an open rural space where there has never been any significant building or been used as a curtilage to any property. It has always been a separate parcel of land.

Following the receipt of amended plans which reduced the size of the building, neighbours were reconsulted. The neighbours listed in Nos. 3 and 4 above confirmed that they still wished to object to the development on the same grounds as set out above.

Planning and Environmental Considerations:

The main issue relates to whether or not the measures proposed are an acceptable alternative to those required by the Enforcement Notice; the scale and design of the proposed buildings; their impact on the character and appearance of the rural area and the neighbouring residents.

Scheme required to reinstate the land

The scheme approved previously in 2009 set out an appropriate way of treating the land, following the unauthorised works. The unauthorised works included the removal of a large amount of earth and the construction of a high retaining wall to the back street which changed the rural character of the land to an unacceptable degree, contrary to Policy GP2 and EN27 of the Local Plan. Instead of the land being graded down from the back street, the excavation works resulted in a harsh urban appearance out of keeping with the rural landscape. The approved scheme showed the area behind the wall graded down in landscaped terraces and any remaining breezeblock walling faced with stone to soften the impact of the changes.



Site of proposed buildings

Whilst some work started on the scheme, it has not been completed, partly due to cost and difficulty of bringing the large quantities of materials required to form the terraces onto the land; the lack of resources; and the ill health and personal circumstances of the applicant.

Scale and Design and Impact on the character of the rural area and neighbouring residents.

The proposed buildings and works would obscure the high breezeblock wall and restore to some extent the graded appearance of the land. The landscaped raised planters and the 'living roof' to the potting shed and office/ studio/store would soften

the impact from longer views. The implementation of the scheme would tidy up the area which has been unsightly for several years.

The scale and design of the buildings are acceptable and would not have a significant impact on the surrounding area. The privacy or outlook from the properties on Mount Lane would not be significantly affected having regard to the lower level of the site.

There would be some impact on sunlight to the adjoining garden area and patio but this would not be sufficient to warrant refusal of the application.

It would be appropriate to impose conditions on any permission granted to ensure that the buildings remain ancillary to the residential garden use of the site and that they are not used in connection with a trade or business. The planted areas and gravel paths should be constructed to avoid a large expanse of hardstanding and soften the impact of the development. It would be appropriate to condition that these are provided before the building is brought into use.

Conclusion

On balance, the proposal subject of this application represents a compromise to achieve a realistic solution to a long standing enforcement issue. Whilst it would not fully compensate for the impact of the unauthorised works, it would go some way to reduce the impact and tidy up the area.

Subject to appropriate conditions to limit the use of the buildings to those ancillary to the residential garden and to ensure that the proposed landscape features are implemented as set out in the application, the proposals are an acceptable and achievable compromise.

Recommendation:

That planning permission is granted subject to the following conditions:

Conditions

1. The development hereby approved must be completed within two years of the date of this decision.
2. The development hereby permitted shall be carried out in full accordance with the following approved plans: Location Plan received 19 October 2016; Amended Elevations plan, Topographical Section plan and Site Layout plan received 30 November 2016.
3. The raised planters and planting beds shown on the approved plan shall be fully implemented as described before the buildings hereby granted are brought into use.
4. The buildings hereby approved shall remain ancillary to the use of the private garden and shall not be used in connection with a trade or business.

Reasons

1. To ensure that the works are implemented within a reasonable time period having regard to the impact of the unauthorised works on the rural character of the area, contrary to Policies GP2 and EN27.
2. To ensure that the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that the landscaped planters, which are a necessary part of the scheme are fully implemented to soften the impact of the development in the surroundings and to ensure that the area does not become a hardstanding area out of keeping with the rural character of the area.
4. To enable the local planning authority to consider any future changes having regard to the proximity of residential properties, the character of the area and any other material considerations.

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0488

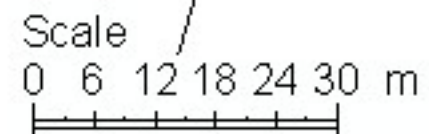
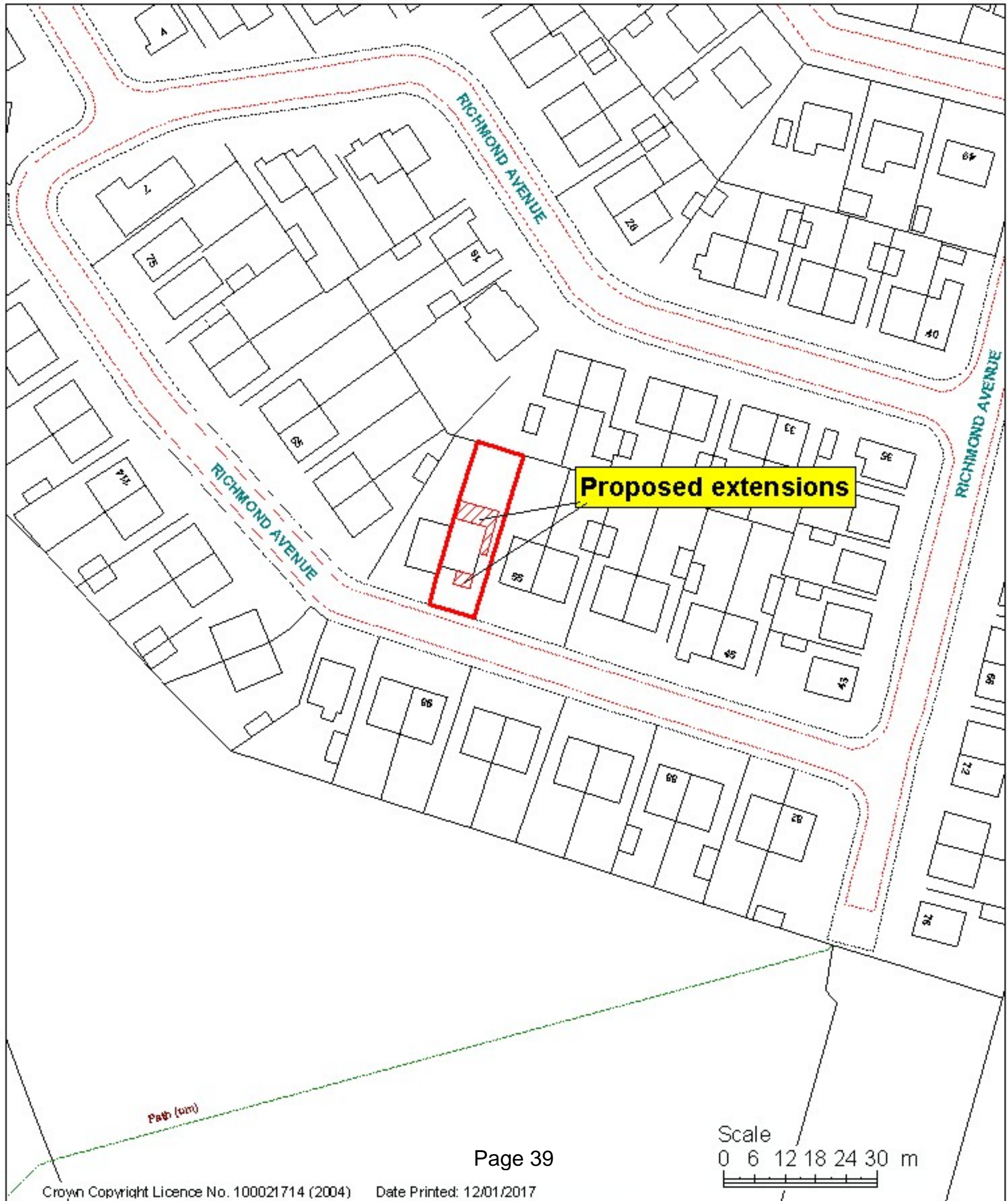
Paul Gatrell
Head of Housing and Development



Location:

57 Richmond Avenue Cliviger

1:1000



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Cliviger with Worsthorne Ward

Full Planning Application
Proposed extensions to front, side and rear.
57 RICHMOND AVENUE, CLIVIGER

Background:

The property is a small semi-detached bungalow on Richmond Avenue; the proposal involves the erection of a small extension at the front and an L-shaped extension at the rear/side of the property.

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 conversion of existing single dwellings

Site History:

None.

Consultation Responses:

Highway Authority – The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds.

Cliviger Parish Council – The Parish Council feel that this application is over development.

Planning and Environmental Considerations:

The property is a semi-detached bungalow in a row of other similar bungalow on Richmond Avenue. The proposals include the erection of a single-storey bedroom extension at the front of the property, a single-storey garden room at the rear and a small single-storey kitchen extension to the side elevation. The internal room arrangements are to be changed to suit the owner's requirements and the property extended to provide additional accommodation.

The attached semi (59 Richmond Ave) is set at a lower level and further forward than the application property.

Following a request to take the rear extension away from the boundary with no.59 an amended plan has been received.

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

Design/materials

The proposals involve the erection of a small single storey bedroom extension (3.35m in width and extends out by 2.75m), and a rear extension that wraps around the side of the house (extends out by 3.6m from the rear elevation and out to the side by 1.55m). An amended plan has been received showing the rear extension to be 0.5m away from the boundary with no.59. The proposed side extension is 2.5m in height at eaves level and 3.5m in height to the ridge of the roof and the flat roofed rear extension at a height of 2.5m. The proposed front extension is 3m at eaves height and 3.7m at ridge level.

The property is semi-detached and the attached bungalow (no 59) is set at a lower ground level and further forward than the application property (see photos below).



59 Richmond Ave

57 Richmond Avenue

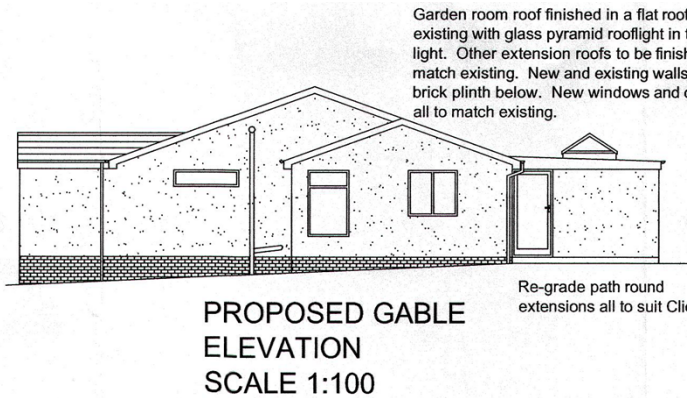
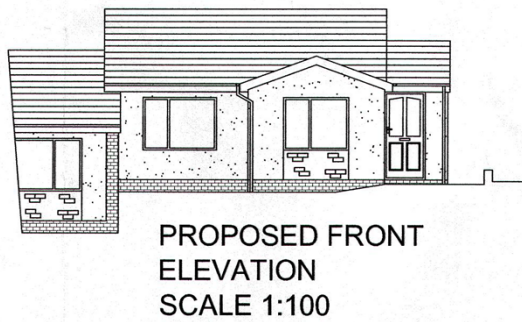


59 Richmond Ave

57 Richmond Ave

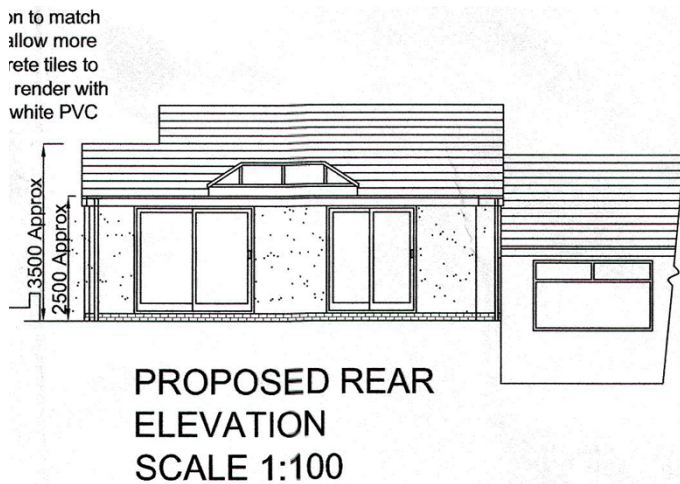
55 Richmond Ave

The proposed front extension would have a gabled roof and the side extension would also have a gabled roofline with a flat roof (slightly sloping) at the rear. A glass pyramid roof light is proposed for the rear garden room in order to provide more light to the property.

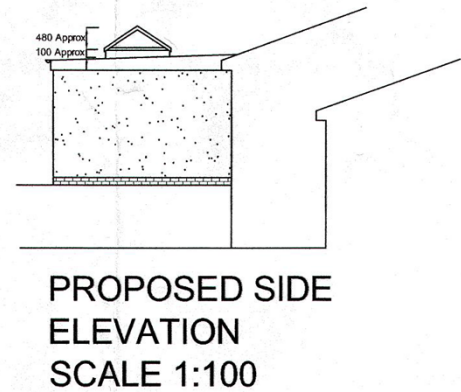


Garden room roof finished in a flat roof existing with glass pyramid rooflight in light. Other extension roofs to be finished to match existing. New and existing walls to be finished with brick plinth below. New windows and doors to match existing.

Re-grade path round extensions all to suit Client



to match existing
allow more
terrace tiles to
be rendered with
white PVC



The proposed materials are artificial stone and render for the elevations and concrete roof tiles both to match the existing bungalow.

The design and materials are considered to be acceptable.

Privacy/outlook/daylight

Consideration needs to be given to how the proposed extensions would impact on the neighbouring properties.



rear of 57 / 59 Richmond Ave



rear of 57 / 59 Richmond Ave

With regard to the proposed front extension it is considered that this would not have an adverse impact on nos. 55 or 59. No. 55 has a similar extension at the front with no windows on the side elevation facing no. 57 therefore privacy/outlook and daylight will not

be affected. No. 59 (the attached semi) is set further forward and would not be affected. The front extension just has one window proposed on the front elevation which will not affect any neighbouring properties.

The rear extension originally extended out on line with the boundary fence; however as the attached semi is set further forward and at a lower level than the application property it was considered that the extension would have had an adverse/ over bearing effect on no.59. The rear extension has been amended to take it away from the boundary with no.59 (by 0.5m). There are no windows proposed on the side elevation facing no. 59 therefore privacy is not an issue for the occupiers of no.59.

With regard to no.55 Richmond Avenue; the application property is to be extended to the side and will extend out by 1.55m from the existing side elevation, the only windows proposed on this elevation is a kitchen window and a hallway window. The hallway window is not classed as a habitable room window and the kitchen window will not be facing any windows on the side elevation of no. 55 therefore privacy is not considered to be an issue.

Privacy/ outlook and daylight are not considered to be an issue.

Highway issues

The existing garage to the rear of the property is to be demolished and it is proposed to extend the property to the side by 1.55m which will take up part of the driveway; there will still be off-street parking available however at the front and side of the dwelling for at least 2 cars.

The Highway Authority raise no objections on highway grounds.

Conclusion

Following the submission of an amended plan the proposals are considered to be acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no's: R.A 57/2 (location plan), R.A 57/3 received 31 October 2016, amended drawing no. R.A.57/1A received 22nd December 2016 and amended site plan RA57/4A received 16th Jan 2017.

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.

Article 35 Statement

The application as submitted was contrary to local plan policy H13 in that the rear extension which was on line with the boundary fence between the application property and 59 Richmond Avenue (no.57 is at a higher ground level than no.59 Richmond Avenue) would have an adverse effect on no.59 Richmond Avenue due to its close proximity to the rear windows which are at a lower level. The applicant agreed to take the extension away from the boundary by 0.5m and an amended plan was submitted.

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Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0500

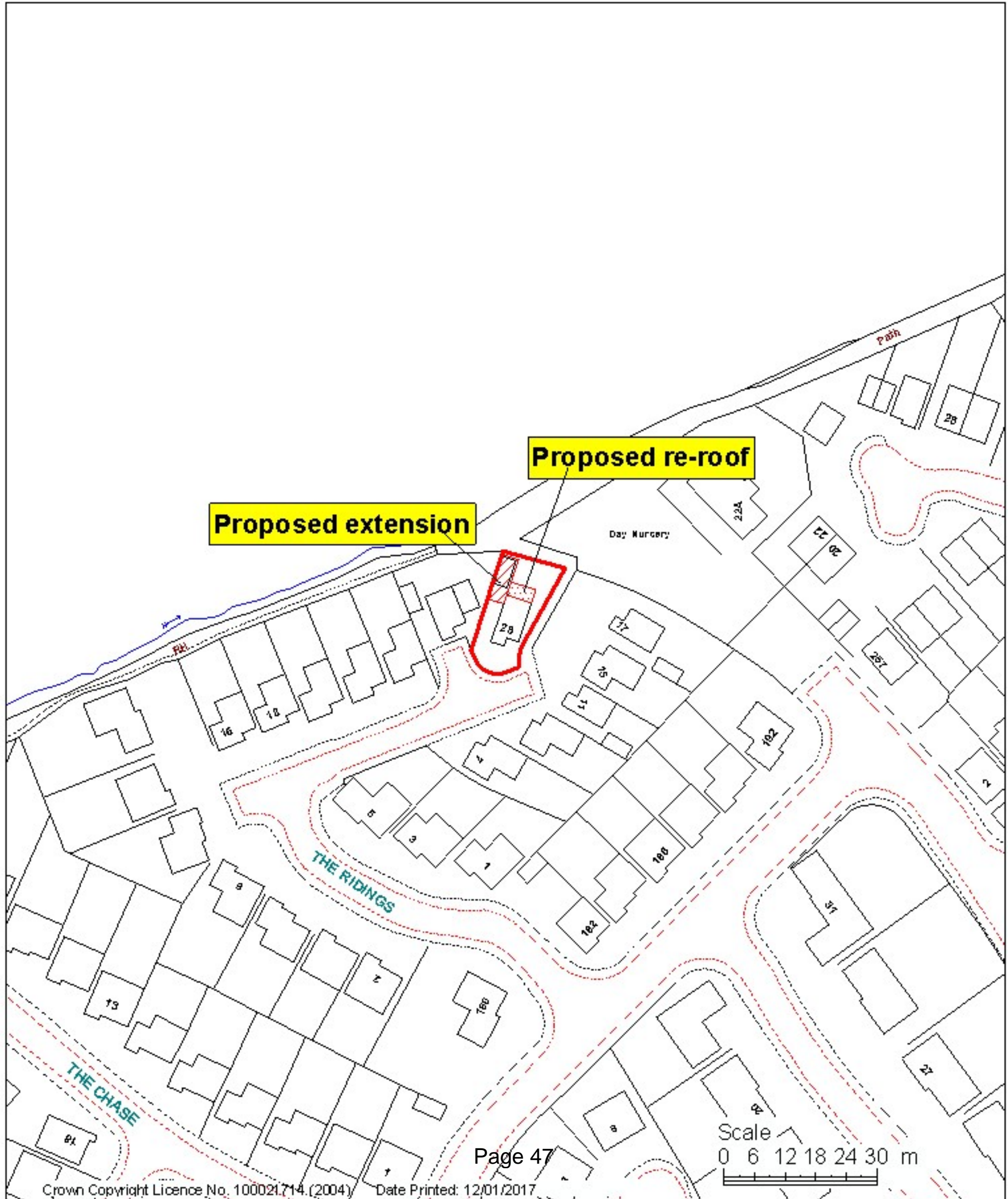
Paul Gatrell
Head of Housing and Development



Location:

28 The Ridings

1:1000



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Full Planning Application

Proposed 2 storey extension to side and re-roof conservatory to form garden room
28 THE RIDINGS BURNLEY

Background:

The proposal involves the erection of a 2-storey extension to the side of the dwelling and the re-roofing of the existing conservatory to form a garden room. The property is a detached dwelling at the end of a cul-de-sac.

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 conversion of existing single dwellings

Site History:

05/1013 – proposed conservatory – c/c

Consultation Responses:

Highway Authority - The proposal is increasing the number of beds at the property from 3 to 4 with a reduction in parking provision to 1 vehicle on this basis the application would be recommended for refusal (off-street parking would be required for 3 vehicles). The issues are more critical at this location due to the property being situated at the head of a cul de sac. Any on-street parking may affect the ability for vehicles to utilise the turning heads in a safe manner.

The applicant has now provided a plan showing 3 off-street parking spaces which are considered to be acceptable by the Highway Authority.

Neighbour (26 The Ridings) – Has concerns with regard to the proposals for the following reasons:

- The proposed double-storey extension will be approx. 2.2m away from my living room window as it proposed to build down the boundary. My house is angled to the right and the extension will end past the edge of my living room; this will cause loss of sunlight and overshadowing into my living room.
- No other houses on the cul-de-sac have double storey walls built on the boundary past neighbour's windows.
- The proposed double extension will use a lot of the existing driveway so it will limit car parking to the property.

Planning and Environmental Considerations:

The property is a detached 2-storey dwelling at the end of a cul-de-sac on a modern housing estate. There is a footpath to the right hand side and rear of the property.

The proposals involve the erection of a 2-storey extension to the side of the dwelling and the re-roofing of the conservatory to form a garden room. The 2-storey extension would provide additional accommodation including an additional bedroom. The existing garage is to be demolished.

The main considerations are design/materials, privacy/outlook and parking.



No. 26 The Ridings

No. 28 The Ridings

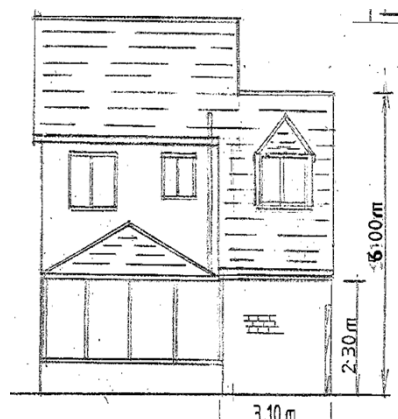
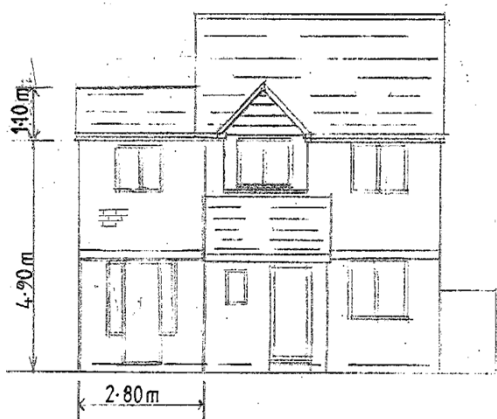
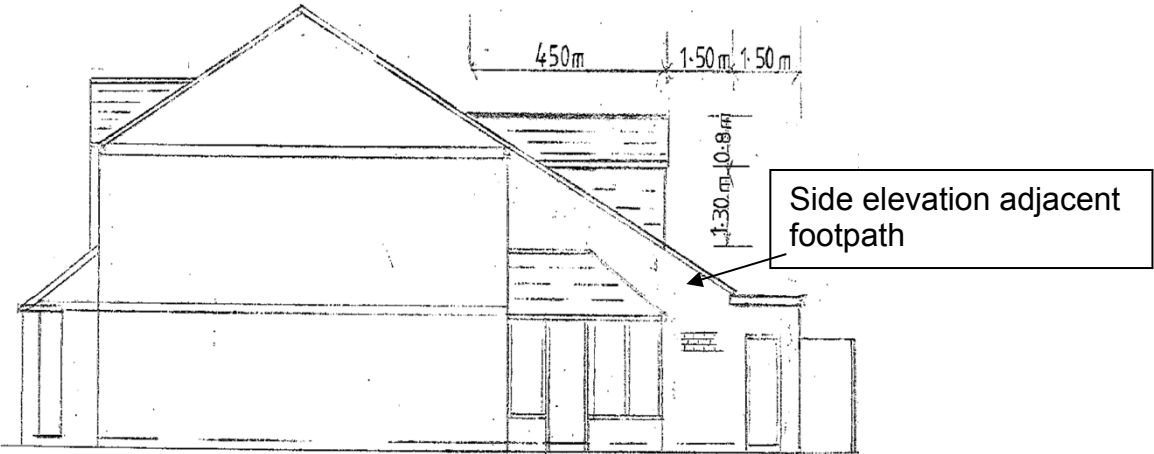
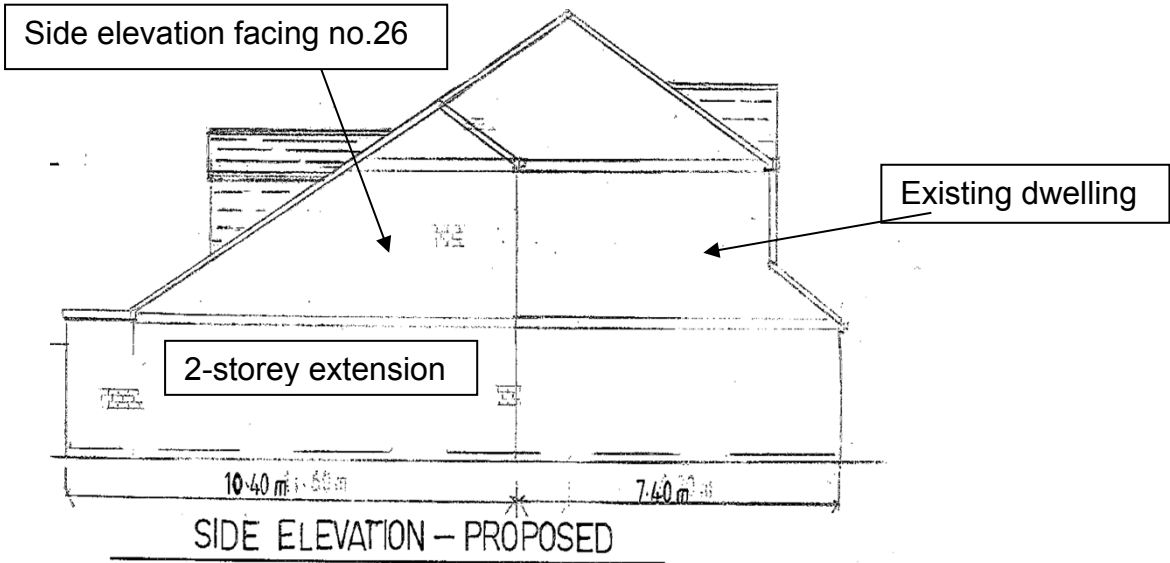


Design/materials

The dwelling is set at an angle to no.26; no 26 has an existing 2-storey side extension.

The proposed 2-storey extension to the side elevation extends out as far as the boundary between nos. 26 and 28 The Ridings and is set back from the front elevation extending back beyond the rear of the dwelling; the existing garage is to be demolished. The amended plan shows the nearest corner of the extension coming no further forward than the extension at no.26.

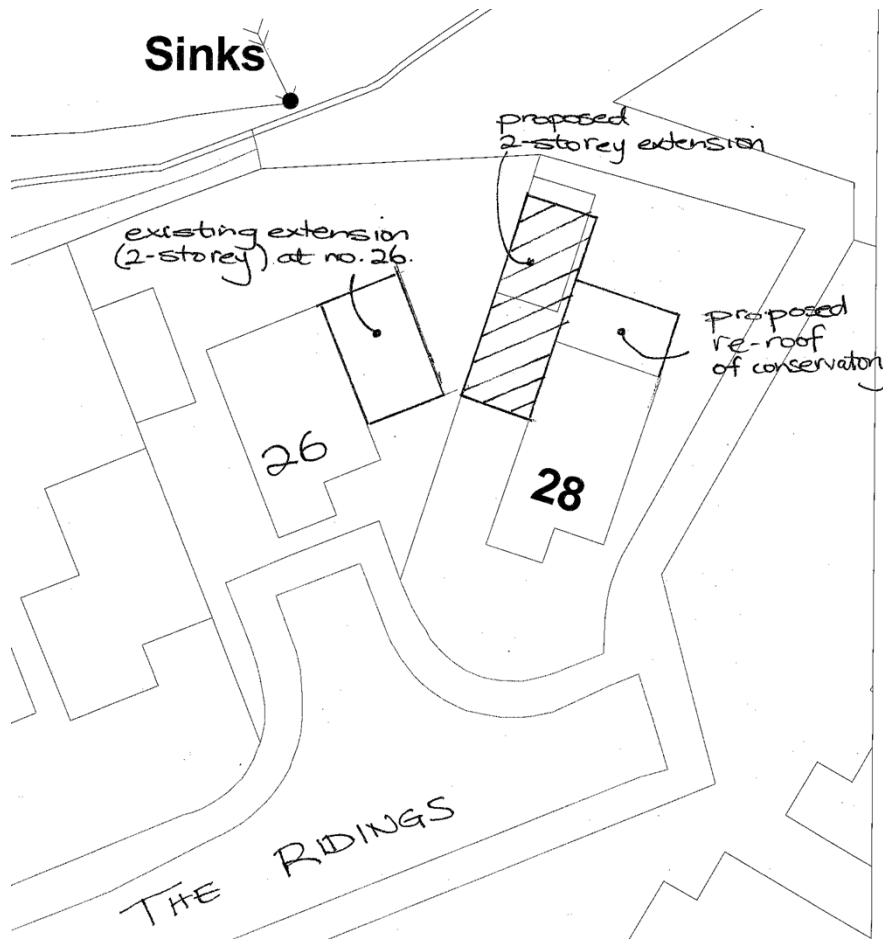
The roof of the 2-storey extension is set at a lower level than the existing roof and slopes down at the rear with a small dormer; there is a small flat roofed single storey section at the rear.



The proposed materials are facing bricks and concrete roof tiles both to match the existing dwelling.

It is proposed to re-roof the existing rear conservatory to form a garden room; the roof will be hipped and the material would be concrete roof tiles to match the existing house.

The design and materials are considered to be acceptable.



Privacy/outlook

The proposed 2-storey extension extends up as far as the boundary with no.26 (see plan above) and is set at an angle with no.26 (which also has a 2-storey side extension). The amended plan shows the nearest corner of the extension coming no further forward than the extension at no.26.

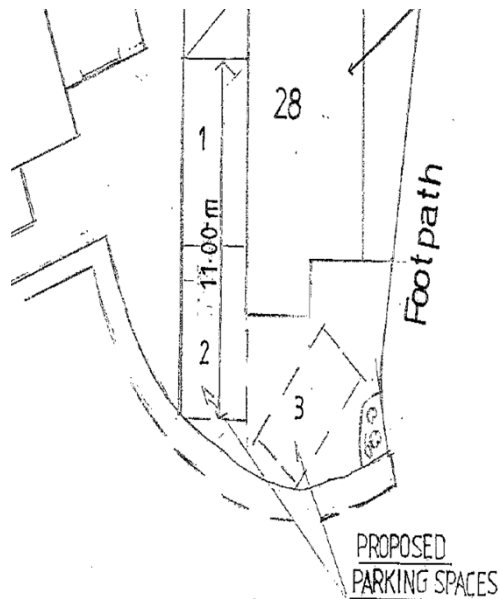
There are no windows proposed on the side elevation of the 2-storey extension and there are no windows on the side elevation of the side extension at no.26 therefore there are no issues in respect of privacy.

In terms of outlook from no.26; the extension (as amended) does not extend in front of no.26 (and there are no side windows at no.26) therefore outlook is not affected.

Parking

The proposals involve the provision of an additional bedroom and would result in a total of 4 bedrooms at the property. The original proposal didn't leave space for the required 3 off-street parking spaces and the Highway Authority considered the proposals to be unacceptable on that basis.

The applicant has now provided 3 acceptable off-street parking spaces by moving the side extension further back (see plan below). The Highway Authority now considers the proposals to be acceptable.



Conclusion

Following the submission of an amended plan showing additional off-street parking and the extension set further back the proposals are now considered to be acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The proposals hereby permitted shall be carried out in accordance with the following approved plans: 3 amended plans received 13th Dec 2016 (drawing nos.1, 2A and 3A).
3. The additional off-street parking space which is to be created at the front of the property shall be surfaced in a permeable material and shall be completed within 3 months of the development being brought into use.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. TO ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to prevent water run-off onto the highway and in the interests of highway safety / in accordance with policy TM15 of the Burnley Local Plan Second Review.

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Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0574

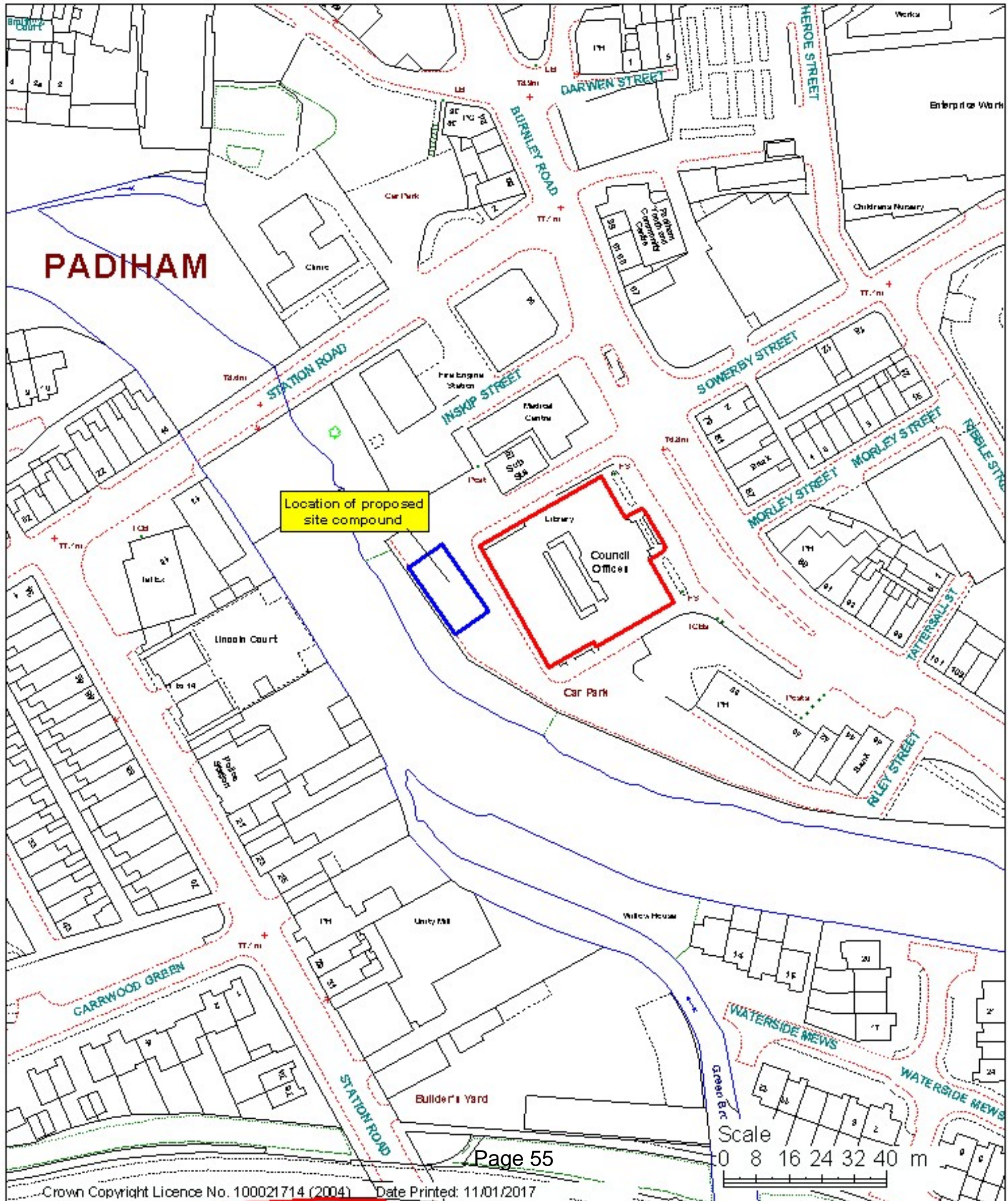
Paul Gatrell
Head of Housing and Development

Location:

Padiham Town Hall Burnley Road



1:1250



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Listed Building Application

Reinstatement of building fabric and fittings following flood damage. Introduction of flood resilience measures. Relocation of boilers and power equipment from basement to level 1 including upgrading of fire protection. Laying of maple block flooring to dance hall

PADIHAM TOWN HALL BURNLEY ROAD PADIHAM

Background:

The proposal relates to the basement and ground floor of this Grade II listed two storey Town Hall and consists of a set of works and measures to deal with the damage that occurred to the building following the flood of December 2015 and to resist damage from any potential flooding in the future.

A detailed schedule of works has been submitted for the application. The proposed re-instatement works include the repair and renewal of building elements that have been affected by floodwater such as decorative finishes, wall plaster, internal and external doors and casings, windows, skirting boards, floors (including maple dance floor), partitions and water, gas, electricity boilers. In all cases, the works involve where possible the repair and refurbishment of items rather than replacement.

The proposal also includes flood resistant measures to provide a level of protection against future flooding. The main works are the relocation of boilers and electrical fuse boxes from the basement to ground floor level, new flood resilient windows and doors, the internal bricking up and sealing of disused windows and vents and the addition of flood resilient gates.

Where windows to the side and rear elevations of the building are at or below the line of flood, the proposal is to replace these with new steel sealed windows that are designed with sufficient strength to withstand the pressure of flood waters. Their design would have a broader surround than the existing windows and doors would be plain steel construction with a suitable colour finish. A flood defence gate would be installed within the entrance to the ballroom towards the rear part of the building (which would be removed and only placed in situ when required).

Relevant Policies:

Burnley Local Plan Second Review

E10 – Alterations, extensions, change of use and development affecting listed buildings

Other material considerations

The National Planning Policy Framework

Site History:

12/90/0552 – Proposed external ramp to give access for disabled people. Approved December 1990.

12/90/0721 – Removal of internal walls and new sub-division of spaces to form offices and public area, including removal of revolving door and incorporation of suspended ceilings. Approved December 1990.

Consultation Responses:

Historic England

Any comments that are received will be reported in the late correspondence prior to the meeting.

Environmental Health

Recommend conditions to restrict working hours of construction work and to require sound-insulating material and appropriate mounting to minimise structure –borne sound transmission.

Publicity

One letter received on behalf of Project Padiham which supports the proposal.

Please note that the period for comments only expires following the committee date, on 31st January 2017.

Planning and Environmental Considerations:

Impact on listed building

Policy E10 seeks to protect the character and historic interest of listed buildings. 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 National Planning Policy Framework (the Framework) states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The Town Hall was constructed in 1938 and has an impressive façade with a stone columned canopy entrance and clock tower. A later flat roof annex which accommodates a refreshment area was built in the 1960's within the inner quadrangle of the building. The proposed works would not affect any part of the frontage. The main areas of works are within the basement (which includes public toilets), the 1960's annex and the ground floor.

The proposed reinstatement works relate to areas where the building has been flooded and are necessary to bring public toilets and other parts of the building back into use. The re-instatement works are intended to re-use existing fixtures and building fabric where possible, removing defective material and replacing internal doors, tiles and floors with new doors and tiles using the same materials and appearance. Measures to make the building more resilient to any potential future floods are also proposed in order to protect the future of the historic asset. The re-location of various plant to offices on the ground floor will reduce office space but is necessary due to the vulnerability of its present position. The windows and doors towards the rear part of the building that will be replaced with stronger steel windows/doors are located at less prominent areas and will be finished to give an appearance to as far as possible match the style and appearance of the existing windows/doors. Where some basement windows are no longer required for ventilation, these will be bricked up on the inner side only and left exposed externally with timber louvres.

The proposed works have been sensitively designed, are proportionate to the scale of the flood damage and make appropriate provision to reduce the risk of flood damage in the future. As such, the proposal complies with Policy E10 and the Framework.

Other issues

The proposed works only require listed building consent and as such a condition to require noise insulation measures to relocate plant (which does not require planning permission) would not be relevant to this consent and should not therefore be conditioned.

Summary

The proposed works of re-statement and improvement to provide flood resilience are appropriate and would not significantly affect the special interest of the listed building. Historic England has in this case been consulted due to the procedure for dealing with applications made by or on behalf of the determining Authority. The proposal is recommended for approval following the expiry of the relevant consultation and publicity periods.

Recommendation: That, subject to the conditions below and any other conditions which may be required following the receipt of any further comments, the decision to grant planning permission shall be delegated to the Head of Housing and Development Control.

Conditions

1. The works shall start within three years of the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan (1:1250), Block Plan (1:1000), Schedule of Door Replacement, Photographic Information, Schedule of Works, Product Specification - Flood Gates, Product Catalogue - Flood Windows, 10005/171/Rev A, 1000/166RevA, 10005/167RevA, 1000/168RevA, 10005/169RevA, 10005/170RevA, A/8910/5, A/8910/6A, A/8910/7A, A/8910/8A, A/8910, A/8910/12, A/8910/2A and A/8910/2A and A/8910/13, received on 13 December 2016.
3. The proposed works shall be carried out in accordance with the approved plans and schedules and the replacement windows frames shall be finished in white and external doors in black, unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 the satisfactory implementation of the proposal, to preserve the special interest of a Grade II listed building, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006).

JF
16/01/2017

Housing and Development
Parker Lane Offices Burnley

Ref.

APP/2016/0490

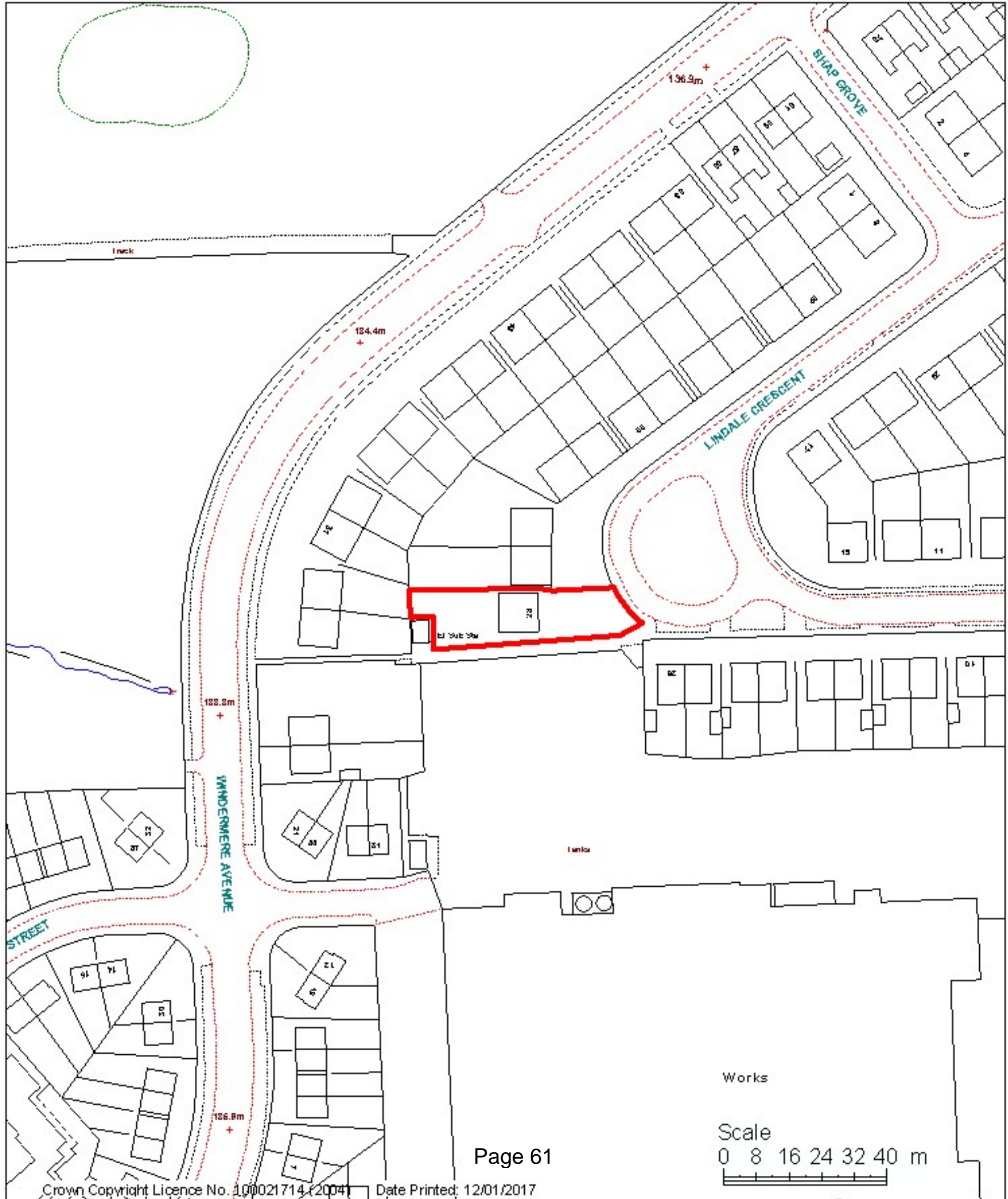
Paul Gatrell
Head of Housing and Development



Location:

28 Lindale Crescent

1:1250



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Full Planning Application

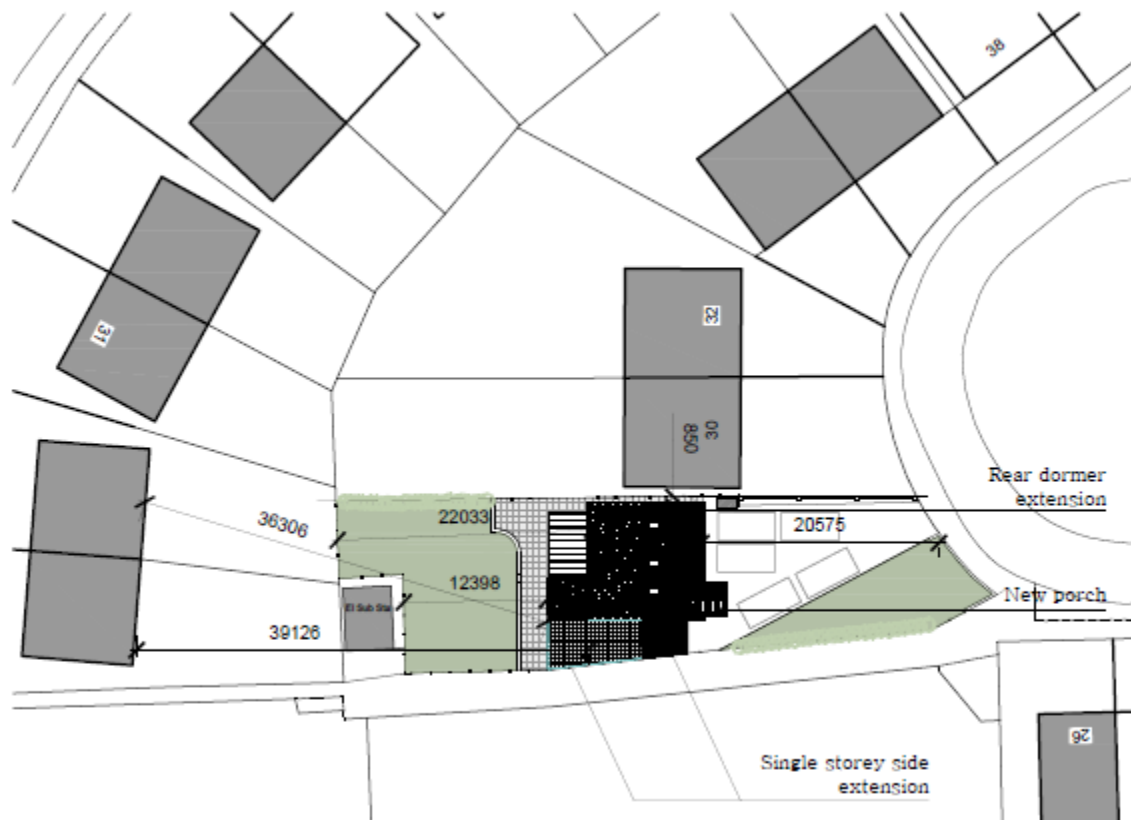
Single storey side extension with terrace above, formation of dormer, raising of ridge level and porch to front

28 LINDALE CRESCENT, BURNLEY

Background:

The application relates to a detached bungalow on the western side of Lindale Crescent. The street is characterised by bungalows of similar size and design.

The application seeks planning permission for a porch to the front elevation, a single storey side extension with a roof top terrace and a dormer to the rear with increasing the height of the original roof by 400mm.



Proposed block plan 1:500



An objection was 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

Site History:

No relevant history.

Consultation Responses:

An objection was received from 29 Windermere Avenue raising the following:

- Design is not of a dormer
- Terrace will overlook and have direct view into no.29
- No privacy
- Extensions double size of original dwelling
- Impact on residential amenity and aesthetics

Planning and Environmental Considerations:

The main issues concerning this application are the impacts of the proposal upon visual/residential amenity and design.

The NPPF sets out a presumption in favour of sustainable development and identifies twelve key planning principles, one of which is the need to secure high quality design and a good standard of amenity.

The requested amended plans reduced the scale of the dormer and side extension so that the proposal did not appear to be a 'piece meal' extension which had no regard to the character of the property and its surrounding. The amendments are much better in design and scale.

DESIGN & VISUAL IMPACT

Porch

The proposed porch (4.8m²) would be located to the front elevation of the dwelling and would be constructed with uPVC frame/glazing and concrete tiles to match those of the existing dwelling. As such, it is considered that the proposed porch would be sympathetic to the design of the existing dwelling.

Side Extension & Roof Terrace

The side extension would be 3160mm wide to the front elevation, 4.6m wide to the rear elevation and 12.1m long. The eaves would be in line with main house and the front elevation of the roof will have a slope with the terrace to the rear. The ridge height will be set lower than the roof by 700mm. The side extension would provide an en-suite bedroom and bathroom to the front and kitchen to the rear.

The proposed extension would be set back from the front elevation of the existing property by 1m and would run along the boundary wall. The height of the roof of the extension appears subordinate to the host property and the design of the roof is

acceptable. The extension proposed would have visual balance and symmetry. As such, and given the set-back from the front elevation, it is not considered that the side extension would be sufficiently dominating or incongruous within the street-scene.

Dormer

The dormer to the rear would be extended in length to be 9.5m long. It would be 2m high to its eaves and would project by 3.5m. It would be set up from the eaves by some 300mm.

The dormer would take up majority of the rear roof plane which is considered to be acceptable. The proposed fenestration is considered to be proportionate and well positioned and the dormer as a whole would be well set up from the eaves and in from the sides of the roof plane. The ridges would sit slightly below that of the original dwelling which will be increased. As such, the design of the dormer is considered to be acceptable.

If the main roof height is not increased then the proposed dormer can be built under the householder permitted development rights which does not require planning permission.

Roof Height

The increase in height of 400mm would not visually appear to be obtrusive nor will it have a significant impact.

AMENITY IMPACT

Porch

Whilst the porch would incorporate windows within the side elevations, it would not provide views dissimilar to those available from standing at the front of the host dwelling and as such no concern is raised in this regard. Therefore, it is considered that there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

Side Extension & Roof Terrace

The side extension would not project beyond the front or rear walls of the neighbouring property and it has been noted that the space between the proposal on the western side is a vacant plot of land full of trees and so no amenity space would be affected. The patio doors to the rear and roof terrace would face onto the garden of the application property and would sit some 18m from the rear boundary and 39m to the property directly opposite. As such, the side extension is not anticipated to have any detrimental impacts on amenity through overshadowing, over-looking or an over-bearing impact.



Dormer

The proposed dormer would sit some 20m from the boundary to the rear and 36m to the rear 1st floor windows of 29 Windermere Avenue. This would surpass the minimum rear-to-rear separation distance of 20m usually required by the Council. Consequently no amenity issues connected to this part of the proposal are anticipated and the dormer would not be significantly overbearing or demonstrably harmful to the light and amenity of this property, or when viewed from the neighbouring garden.

Other surrounding properties, in particular the adjoining property will not be affected by this proposal. There are no properties adjacent to the side extension and on this basis there is no further impact and considering the extension is well set back from Lindale Road and the roof terrace will not be visible to the street-scene and the impact to the surrounding area is insignificant.

ACCESS AND PARKING

The proposal will have no material effect on the highway and has received no objection from the Highway Authority. There is adequate off-street car parking provision at the site to serve 5 vehicles.

CONCLUSION

On the basis of the assessment set out above, it is considered that the works proposed are suitably designed and would not have an unacceptable impact on residential amenity and highway safety. As such it is in accordance with the provisions of the NPPF and Local Plan Policies and planning permission should be granted.

Recommendation:

That planning permission be approved for the above proposal subject to the following conditions.

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ***Amended drawings LU048-P08A & LU048-P09A, received 20 December 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.

AAhmed
12 Jan 2017

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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

26th January 2017

Housing and Development

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Delegated Decisions from 05/12/16 to 18/12/16

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Lawful Development Certificate (S192)		
Lawful Development Certificate Granted		
APP/2016/0498	Covered reservoir at Loveclough Water Treatment Works Burnley Road Dunnockshaw, Rossendale	Application for Lawful Development Certificate (under section 192 (b)) for proposed erection ground mounted solar panel array within 2.4m high fencing with reference to the General Permitted Development Order 2015 schedule 2 part 13 class A - Covered reservoir at Loveclough Water Treatment Works Burnley Road Dunnockshaw, Rossendale BB4 8RG

Express Consent to Display an Advertisement

Advert Consent Granted

APP/2016/0461	SAINSBURYS SUPERMARKET ACTIVE WAY BURNLEY	Display of 5no. various signage.
APP/2016/0467	11 15 ST JAMESS STREET BURNLEY BB11 1QL	Display of various signage
APP/2016/0482	TECHNOLOGY HOUSE MAGNESIUM WAY HAPTON BURNLEY BB12 7BF	Display of 2no. static, externally, illuminated fascia signs to North and East elevations.

Compliance with conditions

Conditions discharged

APP/2016/0515	BURNLEY BRIDGE BUSINESS PARK MAGNESIUM WAY HAPTON	Application for approval of details reserved by conditions 3 and 11 of planning permission APP/2016/0199
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Full Planning Application

Full Planning Permission Granted

APP/2016/0463	2 QUEEN VICTORIA ROAD BURNLEY BB10 3DH	Rebuild front elevation in stone, new UPVC windows and door
APP/2016/0464	22 CLOVER CRESCENT BURNLEY BB12 0EX	Conversion of attached double garage to kitchen/family room
APP/2016/0465	2 MERTON STREET BURNLEY BB12 0DG	Proposed 2 storey extension to rear

Delegated Decisions from 05/12/16 to 18/12/16

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2016/0466	11 15 ST JAMESS STREET BURNLEY BB11 1QL	New shop front
APP/2016/0474	14 HORDLEY STREET BURNLEY BB12 6JE	Proposed kitchen extension.
APP/2016/0477	CROW WOOD EQUESTRIAN NW LTD CROW WOOD LEISURE LIMITED HOLME ROAD	Erection of equine (therapy suite and rehabilitation unit) stables extension

Full Planning application

Withdrawn

APP/2016/0433	LAND SOUTH OF BLACKBURN ROAD PADIHAM BURNLEY BB12 7SN	Erection of gas fuelled electricity generating plant (9 MW) to provide standby power.
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Listed Building Application

Listed Building Consent Granted

APP/2016/0471	CANAL COTTAGE LOWERHOUSE LANE BURNLEY BB12 6HU	Replacement of timber warehouse pedestrian access door with timber/steel composite door. Replacement of timber/glass cottage door with timber/steel composite door
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Reserved Matters Application

Reserved Matters Granted

APP/2016/0472	LAND OFF LENNOX STREET WORSTHORNE BURNLEY	Application for approval of all reserved matters except access for the erection of 3no. detached dwellings together with provision of community garden (pursuant to outline planning permission APP/2014/0122).
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Work to trees covered by Tree Preservation Order

Work to TPO trees granted

APP/2016/0459	9 ROCHESTER DRIVE BURNLEY BB10 2BH	Application to crown thin to a maximum of 20% a Sycamore (T1) and an Ash (T5) Trees covered by the Burnley (Marsden Hospital, Burnley) Tree Preservation Order 1994.
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