

DEVELOPMENT CONTROL COMMITTEE

Thursday, 27th April, 2017
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 27th April, 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

5 - 16

To approve as a correct record the Minutes of the previous meeting held on 23rd March 2017.

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

17 - 18

To consider reports on planning applications for development permission:

- a) **APP/2016/0569 - 9 Jib Hill Cottages, Marsden Road, Burnley** 19 - 26
- b) **APP/2017/0140 & 0141 - Former Duke of York, 129 Colne Road, Burnley** 27 - 38
- c) **APP/2016/0506 - 1 Meadowside, Worsthorne** 39 - 44

- | | | |
|-----------|---|----------------|
| d) | APP/2017/0069 - 8 Lower Mead Drive, Burnley | 45 - 54 |
| e) | APP/2017/0103 - 7 Stanworth Street, Worsthorne | 55 - 62 |
| f) | APP/2017/0060 - 193 Casterton Avenue, Burnley | 63 - 68 |
| 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 Marcus Johnstone
Councillor Frank Cant (Vice-Chair)	Councillor Lubna Khan
Councillor Charlie Briggs	Councillor Elizabeth Monk
Councillor Margaret Brindle	Councillor Neil Mottershead
Councillor Trish Ellis	Councillor Mark Payne
Councillor Sue Graham	Councillor Tom Porter
Councillor John Harbour	Councillor Asif Raja
Councillor Tony Harrison	Councillor Cosima Towneley

PUBLISHED

Wednesday, 19 April 2017

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 23rd March, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), G Birtwistle, C Briggs, S Graham, J Harbour, T Harrison, M Johnstone, E Monk, T Porter, A Raja and C Towneley

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
Amanda Rumbelow	– Property Solicitor
Imelda Grady	– Democracy Officer

61. Apologies

Apologies for absence were received from Councillors Trish Ellis, Lubna Khan, Neil Mottershead and Mark Payne.

62. Minutes

The Minutes of the last meeting held on 16th February 2017 were approved as a correct record and signed by the Chair.

63. List of Deposited Plans and Applications

The following members of the public attend the meeting and addressed the Committee under the Right to Speak Policy on: APP/2016/0416 – Land South of Brownside Road Worsthorne

Mark Jkinson
Roger Wheeldon

Amy James

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

64. APP/2016/0416 - Land south of Brownside Road Worsthorne Burnley

APP/2026/0416 – Outline application for residential development of up to 39 dwellings including details of means of access (all other matters reserved for future approval) Land south of Brownside Road, Worsthorne, Burnley

Decision: That outline planning permission is refused for the following reason.

1. Approval of this application would lead to the inappropriate creation of new dwellings in the rural area of Burnley without sufficient justification, creating visual harm and an unacceptable coalescence between the urban boundary of Burnley and the urban boundary of the village of Worsthorne. The development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development. Approval of this development in principle would therefore be in conflict with Burnley Local Plan Policies GP2 and E27, as well as the NPPF which, among other matters, requires the protection and enhancement of the Borough's distinctive countryside, and the protection of the setting of urban and rural settlements.

65. APP/2016/0510 - Former Albion Mill Albion Street Padiham

**APP/2016/0510 Full Planning application
Proposed erection of 56no. dwellings at
Former Albion Mill, Albion Street, Padiham**

Decision: That delegated authority be given to the Head of Housing and Development Control to approve the application following clarification and agreement with the applicant over planning conditions contained in the report together with additional conditions 19 and 20 reported at Committee and to note members wishes to amend condition 9 to remove reference to Shakespeare Street and Russell Terrace;

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: 1713/001, 1713/104 2B4PGable Entrance-Roof Plan, 1713/106 2B4PGable Entrance-Ground Floor, 1713/107.1Gable entrance-Front Elevation, 1713/107.2 2B4PGable Entrance-Rear Elevation, 1713/107.3 2B4PGable Entrance-Gable Elevation, 1713/103 2B4P-Roof Plan, 1713/106.1 2B4P-Floor Plans, 1713/107.1 2B4P -Front Elevation, 1713/107.2 2B4P - Rear Elevation, 1713/107.3 2B4PGable Elevation, 1713/107.4 2B4P Gable 2 Elevation, 1713/104 3B5PRoof Plan, 1713/1053B5PFloor Plans, 1713/107.1RevA 3B5PFront Elevation, 1713/107.2 3B5PRear Elevation, 1713/107.4 3B5PGable 1 Elevation, 1713/103 1B2PFlats-Roof Plan, 1713/106 1B2PFlats, 1713/107.1 1B2PFlats- Front Elevation, 1713/107.2 1B2PFlats-Rear Elevation, 1713/107.3 1B2PFlats-Gable Elevation, 1713/104 1B2PHouse-Roof Plan, 1713/106 1B2P House-Floor Plans, 1713/107.1 1B2PHouse - Front Elevation, 1713/107.2 1B2PHouse- Rear Elevation, 1713/107.3 1B2PHouse-Gable Elevation, 1713/103 2B3PBungalow - Roof Plan, 1713/106 2B3PBungalow-Floor Plans, 1713/107.1 2B3P Bungalow-Front Elevation, 1713/107.2 2B3P Bungalow-Rear Elevation, 1713/107.3 2B3P Bungalow-Gable Elevation, 1713/104 2B3P Shallow Bungalow-Roof Plan, 1713/106 2B3P Shallow Bungalow-Ground Floor, 1713/107.1 2B3P Shallow Bungalow-Front Elevation, 1713/107.2 2B3P Shallow Bungalow-Rear Elevation, and 1713/107.3 2B3P Shallow Bungalow-Gable Elevation, received on 11th November 2016; and, 1713-010RevF, 1713-010RevFHatch, 1713-012.01RevC, 1713-012.2RevC, 1713-011RevC, 216-224/E01RevP8 and 216-224/D01RevP5, received on 10th March 2017.

3. The materials of construction to be used on the external walls and roofs of the development shall be as described in the Materials Schedule (dated October 2016) submitted with the application unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority. Prior to commencing any construction works, a detailed materials plan to indicate how the buff and weathered stone variations of the approved materials would be distributed across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

4. The development shall not be carried out otherwise than in accordance with the Phase I & II Geo-Environmental Assessment (report ref: 11-360-r1, dated October 2016) received on 11th November 2016; the Remediation & Enabling Works Strategy (report ref: 11-360-r2, dated November 2016) and Supplementary Stockpile Investigation (report ref: 11-360-L2, dated 13th December 2016, received on 3rd January 2017; and, the Ground Gas Addendum Report (report ref: 11-360-3L, dated 31st January 2017), received on 31st January

2017 and shall be completed prior to the first occupation of any dwelling. Verification of the works shall be provided to the Local Planning Authority prior to the occupation of the approved dwellings.

5. The development shall not be carried out otherwise than in accordance with the principles, strategies and mitigation measures contained within the Flood Risk Assessment, received on 13th March 2017.
6. Prior to any construction works being commenced on the site, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and be completed prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The approved drainage scheme shall thereafter be retained at all times.
7. Prior to any construction works being commenced on the site, details of a management and maintenance plan for the sustainable drainage system required by condition 6, which shall cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in accordance with the approved details prior to any dwelling being first occupied or the completion of the development, whichever is the sooner. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved plan details.
8. Prior to any construction works being commenced on the site, a conditions survey and scheme of works and maintenance strategy for the retaining structures adjacent to the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall thereafter be carried out and completed prior to any dwelling being first occupied and the retaining structures shall thereafter be maintained in accordance with the approved details.
9. Within three months of the date of the commencement of groundworks on the site, a scheme and mechanism to facilitate the provision of traffic regulation orders and/or traffic prohibition orders to manage traffic at Shakespeare Street and Russell Terrace and Brook Street, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

10. Within three months of the date of the commencement of groundworks on the site, a scheme for the construction of the site access and off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to any dwelling being first occupied.
11. The new estate road and access for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads and shall be constructed to at least base course level before any superstructure works are commenced on the site.
12. Prior to any construction vehicles entering the site, facilities for the washing and cleaning of wheels of vehicles shall be provided at a convenient location adjacent to the site access and shall be deployed before vehicles leave the site throughout the development process.
13. The development shall not at any time be carried out otherwise than in accordance with the measures contained within the Control of Dust statement (ref: RS(SWP).62.01) and Control of Noise statement (ref: (SWP).40.02), received on 2nd February 2017; and, the Construction Method Statement (dated February 2017) and the Construction Method Statement Plan (ref: 1713-010RevC), received on 7th February 2017.
14. No dwelling shall be first occupied until its associated boundary treatment has been constructed and finished in accordance with the approved plans and in the case of the boundary wall along Dryden Street, in accordance with a detailed design and specification (details of materials, design and copings) to be previously submitted to and approved in writing by the Local Planning Authority.
15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
16. The development shall, only be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Assessment (prepared by TEP,

reference 6038.002, dated February 2017), received on 8th March 2017.

17. No dwelling shall be first occupied unless and until its associated car parking space(s) has or have been constructed, drained, surfaced in a bound material and made available for use in accordance with the details indicated on the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
18. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for that dwelling shall be provided within a concealed area of the curtilage. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.
19. A Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority within two weeks of preliminary works being commenced on site to detail protection measures to avoid pollution of Green Brook, to minimise external lighting directed towards the brook and to detail Reasonable Avoidance Measures in respect of bats, reptiles and birds which shall be implemented for the full period of site clearance and construction works until the completion of the development.
20. Immediately prior to the commencement of any clearance of vegetation from the site between March and August inclusive, a suitably qualified ecologist shall undertake a bird nesting check across the application site and the findings from this shall be notified as soon as practicable thereafter to the Local Planning Authority.

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 a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that the site is appropriately remediated and made suitable for residential occupation, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006).
5. To ensure the satisfactory implementation of

measures to reduce the risk of flooding on the site in the locality, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).

6. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
7. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
8. In order to ensure the safety of the retaining structures, to safeguard the safety of the adjoining public highway, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
9. To allow the local highway authority to pursue the making of traffic regulation orders to restrict traffic movements in the immediate surroundings of the site in order to manage the risks associated with restricted visibility at the junction of Dryden Street and Russell Terrace and to manage car parking on Brook Street, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
10. To ensure a satisfactory means of access to cater for the approved development, in the interests of highway safety, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
11. To ensure a satisfactory standard of access to the site and to ensure construction vehicles can access the site prior to the main construction phase, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
12. To prevent mud and loose debris from being dragged onto the neighbouring streets, in the interests of highway safety and public amenity, in accordance with Policies GP1 and H3 of the Burnley Local Plan, Second Review (2006).
13. To safeguard residential amenities and highway safety, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

14. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
15. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
16. To ensure adequate protection and enhancement of the biodiversity of the site, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
17. To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy H3 of the Burnley Local Plan (2006).
18. To ensure adequate means of storing waste, in the interests of visual and local amenities, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
19. To ensure adequate precautions and protection measures to minimise any potential impacts from the carrying out of the development on protected species and wildlife, in accordance with Policies E4 and E5 of the Burnley Local Plan, Second Review (2006).
20. To ensure adequate precautions are taken to minimise any potential risks to nesting birds, in accordance with Policies E4 and E5 of the Burnley Local Plan, Second Review (2006).

66. APP/2017/0036 - 215 Manchester Road, Hapton
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APP/2017/0036 **Outline Planning Application for construction of a new 3 bedroom dwelling (with all matters reserved for future approval at 215 Manchester Road, Hapton, Burnley**

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

Conditions: 1. Details of the access, appearance, landscaping, layout and scale (hereinafter called ""the reserved matters"") shall be submitted to and approved in writing by the Local Planning Authority before any

development begins and the development shall be carried out as approved.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this permission; or (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: BUT03/OUTLINE003, received on 16th January 2017. The following plans which have been submitted are for indicative purposes only: BUT03/OUTLINE002Rev1 and BUT03/OUTLINE001Rev1, received on 9th March 2017.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
6. The Reserved Matters submission shall include details of all boundary treatment to be carried out on the perimeter boundaries of the site. The approved details of perimeter boundary treatment shall thereafter be carried out and completed prior to the approved dwelling is first occupied.
7. Prior to the commencement of any development, a scheme for the disposal of surface water and foul water for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented in full and completed prior to the approved dwelling being first occupied. The completed approved surface water and foul water drainage scheme shall thereafter be retained at all times in the future.
8. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.

Reasons:

1. *The permission is an outline planning permission.*
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
5. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006).
6. To ensure a satisfactory appearance to the edges of the development, having regard to the site's surroundings, in accordance with Policies GP3 and H3 of the Burnley Local Plan (2006).
7. To ensure adequate drainage for the site, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The drainage scheme is required to be submitted prior to the commencement of development to ensure that the first elements of any approved scheme can be implemented at the appropriate stage during the course of the development of the site.
8. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).

67. APP/2017/0025/0026/0034/0038 - Alleygates various sites

APP/2017/0025
APP/2017/0026
APP/2017/0034
APP/2017/0038

Full Planning Application for various alleygating schemes

APP/2017/0025

2no. sets of 2m high gates

REAR OF 33-61 PEEL STREET & 36-58 VICTORIA ROAD, PADIHAM

APP/2017/0026

2no. sets of 2m high gates

REAR OF 2-32 BARBON STREET, BURNLEY

APP/2017/0034
3no. sets of 2m high gates
REAR OF 40-78 MILTON STREET, 1-35 HERBERT STREET, 92-102
VICTORIA ROAD, PADIHAM

APP/2017/0038
3no. sets of 2m high gates
REAR OF 306-316 PADIHAM ROAD, 15-27 CARTER STREET,
BURNLEY

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

- Conditions:**
1. The development must be begun within three years of the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the submitted approved plan.

- 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.

68. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 06/02/17 to 05/03/17.

69. Part 3 - Appeals and other decisions

Members received for information the outcome of an appeal in relation to:

Tree application APP/2016/0318 – Coal Clough House, Coal Clough Lane, Burnley (adjacent to 2 Netherby Street, Burnley) – APPEAL DISMISSED.

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BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for
Committee consideration

27th April 2017

Housing and Development

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Housing & Development
9 Parker Lane

Ref.

APP/2016/0569

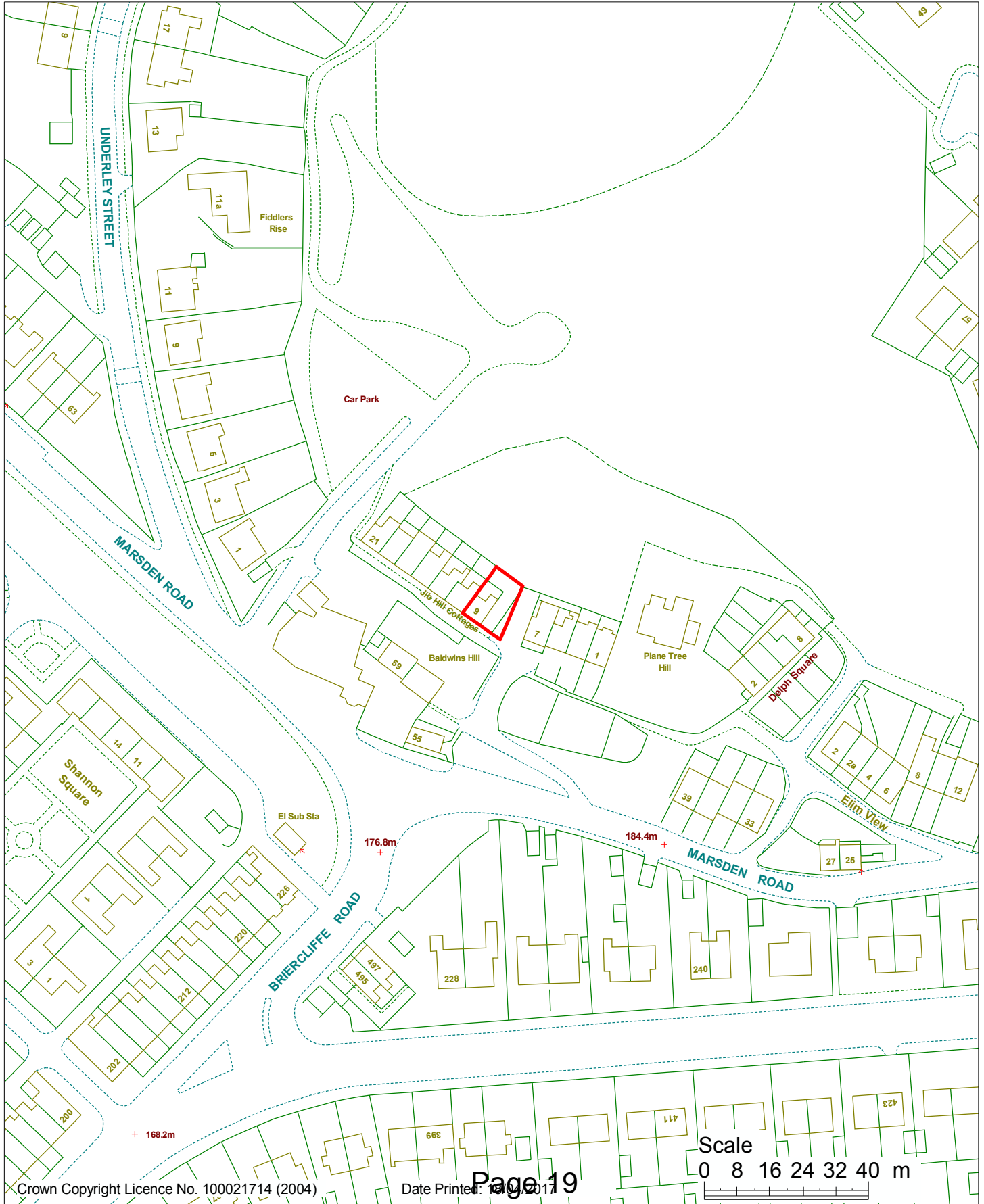
Paul Gatrell Head of Housing and Development

Location:



9 Jib Hill Cottages, Marsden Road, Burnley

1:1250



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Application Recommended for Approval

APP/2016/0569

Ward Lane Head

Full Planning Application

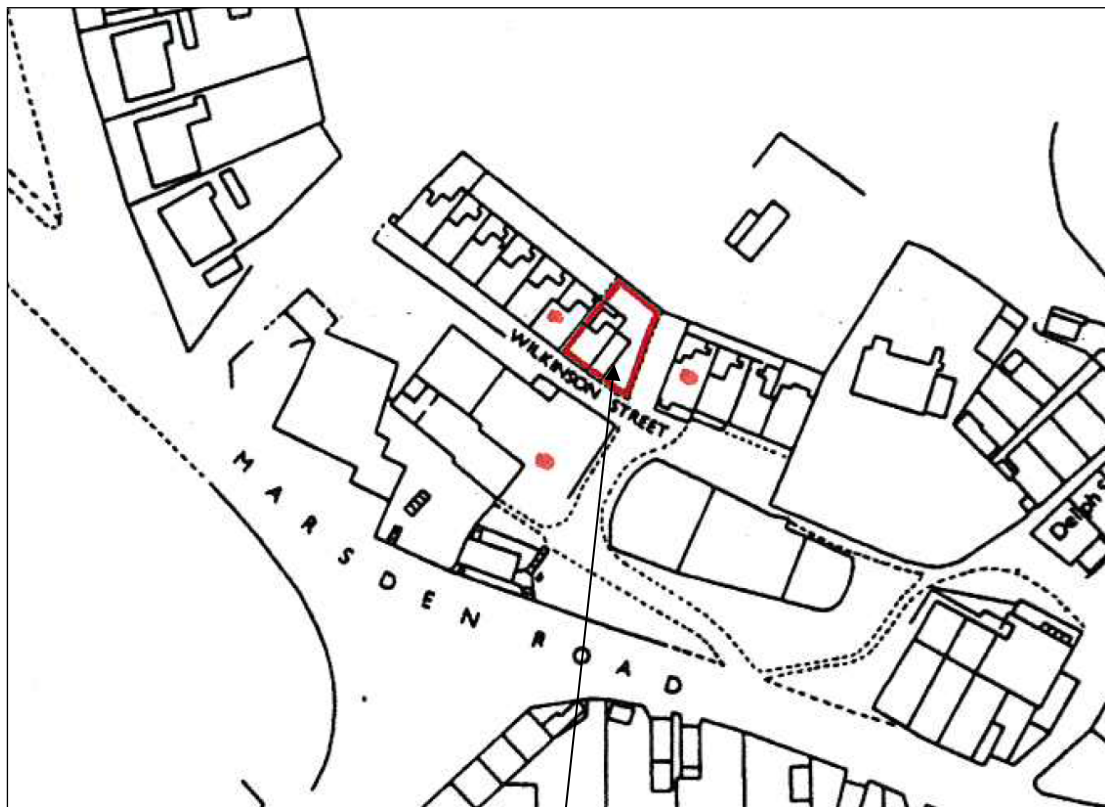
Change of use from tarmac surface to enclosed cottage garden, together with retention of 2.2m high fence; and, erection of climbing support/trellis 3.65 metres in height, to rear of garden.

9 JIB HILL COTTAGES MARSDEN ROAD BURNLEY

Background:

The application relates to land between two terraces in the Jib Hill Conservation Area.

Objections have been received.



Application site

Relevant Policies:

Burnley Local Plan Second Review

E12 - Development in or adjacent to Conservation Areas

Site History: No relevant applications.

Consultation Responses:

Highway Authority – There has historically been an access to the rear of the terraces but there is not a public right of access.

Neighbouring Residents – Five letters making objections to the proposal summarised as follows:

1. The proposal involves enclosing part of a road used for parking by local residents.
2. There is other development (gates and barriers) outside the application site, not referred to in the application [*Comment- This is a separate matter*]
3. Private rights of way are blocked
4. The tarmac road is not unused and has been an access to adjoining land since 1928.
5. Bin access has been interrupted and residents have now to move bins to a collection point.
6. Access to the rear of the dwellings is now gated and kept locked.

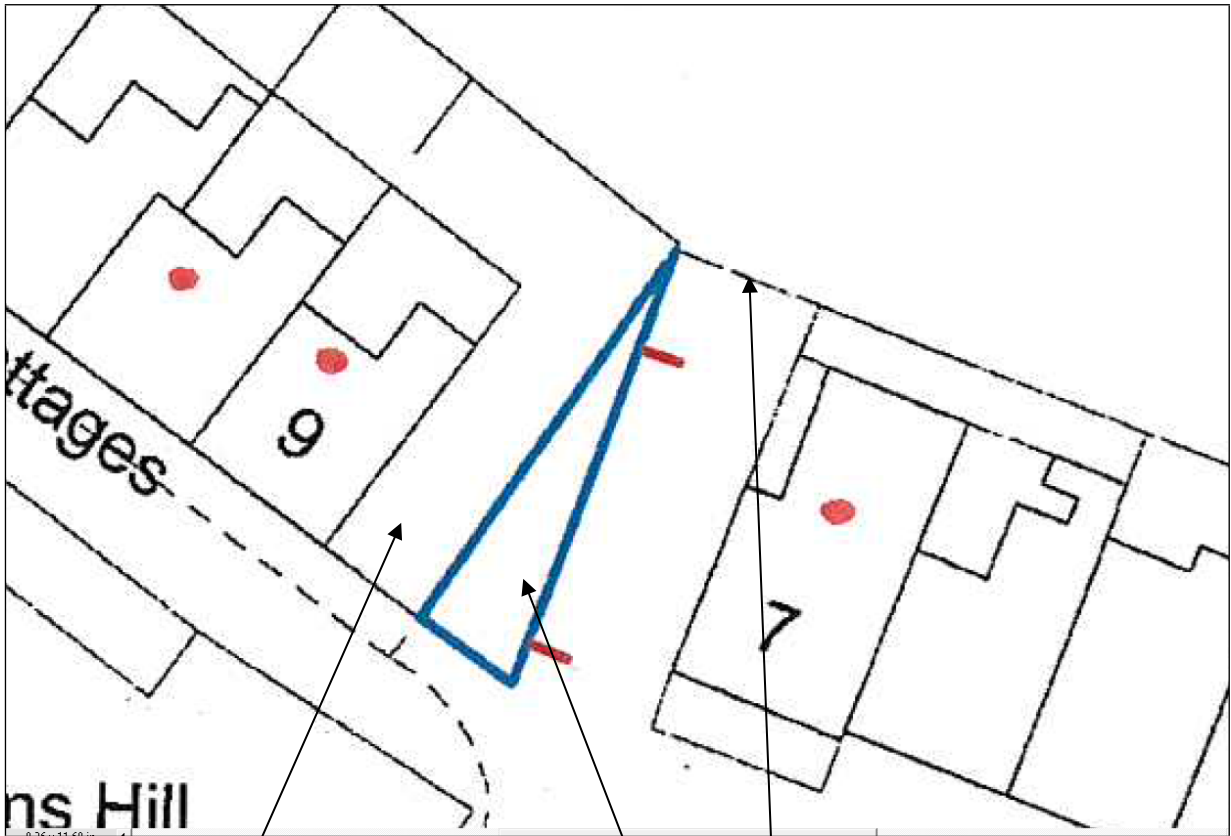
[*See comments in the main report on these matters*]

Planning and Environmental Considerations:

The application relates to a small piece of land between two terraces in the Jib Hill Conservation Area.

The two terraces of cottage style houses dating from the mid-C19th or earlier were built with a generous space between their gable ends. This is evident from historic plans of the area. Presumably the space allowed ease of access to the rear of the terraces; however, there is no evidence of the access achieving the status of public highway. There is an existing gateway/field-access accessible across the tarmac surfaced space.

The present application is to change the use of a triangle of land to domestic garden to be included in the garden space of No.9. It is for retention of the fence already erected around the area.



Existing garden triangle of land for which change of use sought
 Position of field/land access gate



Application site and fence
 Other development not part of the application

Law, Policies and Assessment

The site is within the Jib Hill Conservation Area and, therefore, the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to the proposal.

For conservation areas (CA), s72 requires that special attention be paid to the desirability of preserving or enhancing the character of that area. **Policy E12** sets criteria, as relevant to this application, requiring proposals to respect the character and historic street patterns of the CA.

Also, the terrace, Nos9-21 is Locally Listed as a heritage asset, and Policy **E15** requires that proposals avoid removal of features of historic importance.

The character of the CA arises from the development of the short terraces of modest stone cottages built to follow the contours around Jib Hill, the site of an historic stone-quarry. A splayed gap between the terraces formed a rudimentary access to the rear.

Over the years, domestic improvement has seen the access provided with a tarmac surface and the track, rear of the terrace, was subdivided as private rear gardens, retaining pedestrian access along the rear of the terrace.

The present proposal would see the triangular area changed from part of an open tarmac surfaced track to part of a private garden attached to the end terrace house.

Enclosure of the land would affect the character and appearance of the CA. The 'permitted development' rights conferred in planning legislation would permit the erection of a fence in this location up to a height of 2m. The fence erected, for which permission is now sought, is marginally above 2m in height mainly as a result of the ornamental curve atop each panel. The present bright colour of the fence conflicts to a degree with the rugged stonework of the traditional buildings and setting, however this could be mitigated by painting a suitable dark colour.

In conclusion, the enclosure of the land and erection of the fence, whilst it would change the appearance of the CA, would not harm its character and appearance in any significant way, provided a condition is imposed requiring dark coloured painting of the fence.

Procedural matters

A representation has been received claiming of ownership of a small part of the land to which the application relates. However, the applicant can give documentary evidence of ownership at the present time, so that, whatever the outcome of any future dispute, the certification of ownership is in accordance with planning legislation.

Also, there are representations about right of access to/from the field gate, rights to pass over and park on the land. The nature of any of those rights is a private matter to be resolved between the parties involved. However, it needs be said that, on plan, it appears that space would still be available to gain access to the gate.

In any event, a grant of planning permission does not over-ride any matter of land ownership or private right of access.

Other matters

Representations are made about the interruption of rear access to the dwellings, including for bin clearance purposes. Such access was available when the dwellings were erected and throughout intervening years. **Policy GP3** requires that account be taken of movement needs to and through the development and this report considers that the retention of the development, if granted, should be conditional on access to dwellings being kept available.

Recommendation:

That planning permission be Granted subject to the following conditions:

Conditions

1. The development must be begun within three years of the date of this decision.
2. The change of use shall relate only to the area edged in blue on the submitted application plan
3. Pedestrian access shall be kept available at all times across the land to which this application relates to the rear of the terrace of dwelling houses attached to No9 Jib Hill Cottages. Such access shall be sufficient to enable reasonable access for movement of refuse/recycling storage containers.

Reason

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To ensure proper access is retained to dwelling houses in accordance with Policy GP3 of the Burnley Local Plan, Second Review, currently saved.

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18.4.2017

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Application Recommended for Approval
Bank Hall Ward

APP/2017/0140

Full Planning Application

Proposed change of use and conversion of former hotel/public house into retail units at ground floor and 8no. self-contained flats on upper floors

and

APP/2017/0141

Listed Building Application

Proposed change of use and conversion of former hotel/public house into retail units at ground floor and 8no. self-contained flats on upper floors

FORMER DUKE OF YORK PH 129 COLNE ROAD BURNLEY

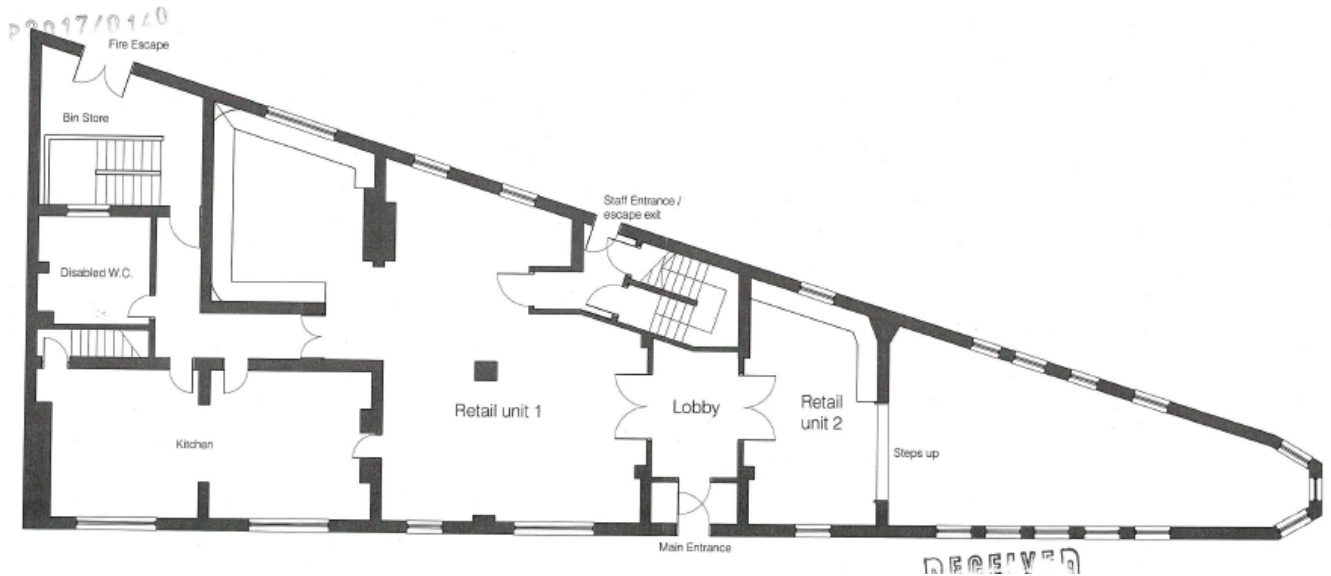
Background:



The former Duke of York PH is a Grade 11 Listed Building which has been vacant for several years.

Planning permission and Listed Building Consent have been previously granted (on appeal to the Secretary of State in 2009) for a similar development. These permissions were renewed in 2012 and work started on the conversion. The works were not fully in accordance with the approved plans and the conditions of the permission were not complied with. The new owner now wishes to regularise the position with new permissions and continue with the conversion.

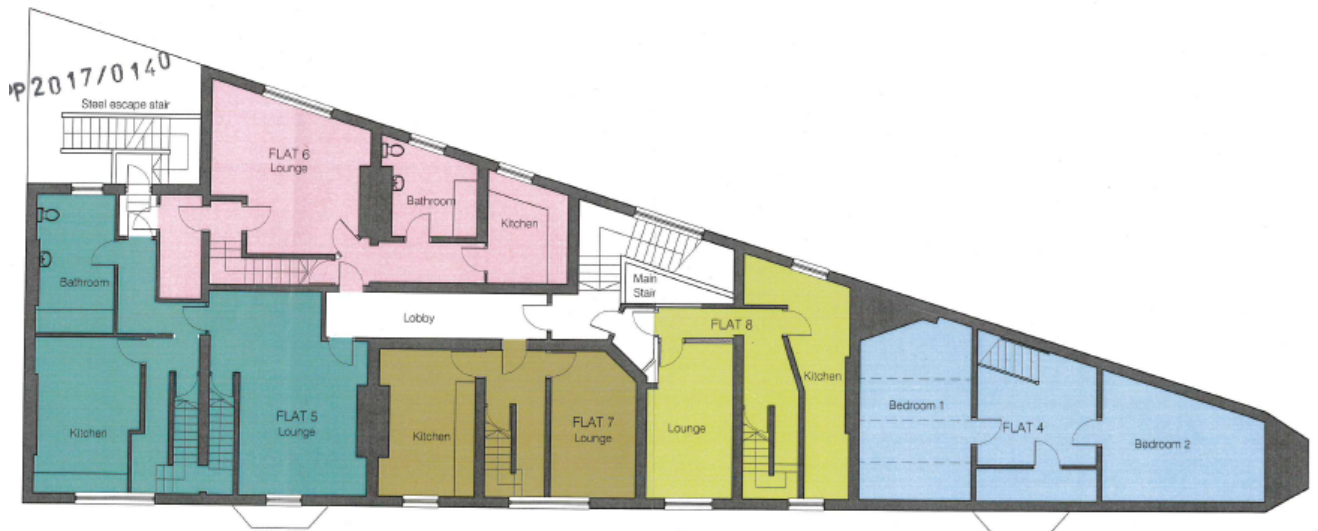
It is proposed to convert the former pub to 8 apartments on the upper floors. The change of use of the ground floor to 2 retail units would be a permitted change under the General Permitted Development Order and would not require planning permission.



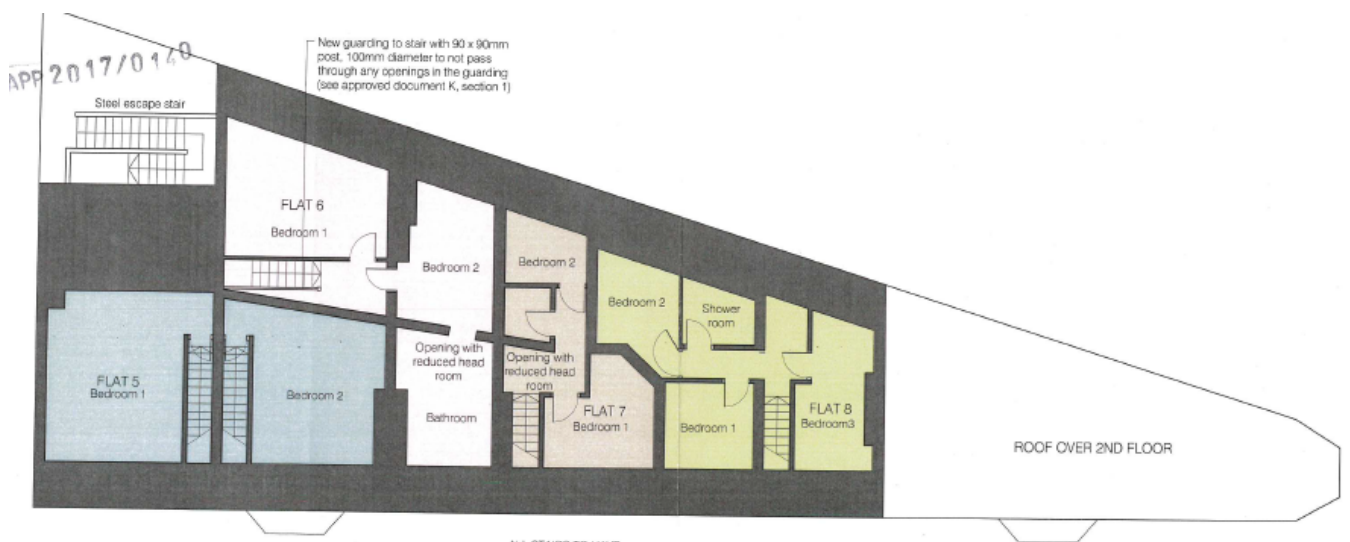
Proposed Ground Floor Plan showing the layout of the two shops. Access would be taken from the main entrance on the Colne Road elevation. There would be provision for a bin store in the yard area.



Proposed first floor plan showing the layout for Flats 1-4. The flats are each two bed roomed and access to all flats would be taken from the Briercliffe Road elevation via the existing staircase. Flats 1-3 are contained on the first floor. Flat 4 is spread over the second and third floor with the lounge, kitchen and bathroom on the first floor and the bedrooms on the second floor.



Proposed second floor plan showing the two bedrooms of Flat 4 and the ground floor of Flats 5 to 8.



Proposed third floor plan showing the bedrooms of Flats 5-8

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

CF11 - District and local centres

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

E19 – Development and Archaeological Remains

E21 - Gateways and throughroutes

GP1 - Development within the Urban Boundary

H11 - Living over shops and other commercial premises and housing and training projects

H15 - Conversion and re-use for flats and bedsits

TM15 - Car parking standards

Site History:

APP/2012/0338 – Change of use and conversion of former public house to two retail units at ground floor and 8 self-contained apartments on upper floors. Granted

APP/2012/0339 – Listed Building Consent as above. Granted

APP/2008/0798 - Proposed change of use and conversion of former hotel/public house into 2 retail units at ground floor and 8no self-contained flats on upper floors – planning permission refused. Appeal upheld.

APP/2008/0800 - Proposed change of use and conversion of former hotel/public house into 2 retail units at ground floor and 8no self-contained flats on upper floors – Listed Building consent granted

12/02/0204 – Listed Building Consent – Replacement of lower panes to ground floor windows with polycarbonate safety glazing (Approved)

12/02/0048 – Display of externally illuminated fascia signs and hanging pictorials (Approved)

12/87/0617 – Erection of 5 externally illuminated fascia signs, 2 externally illuminated double-sided painted signs, 4 internally illuminated ‘Bass’ triangles and 4 painted and sign written signs (Approved)

Consultation Responses:

- 1 Lancashire County Council Highways: The Highway Authority comments will be reported to the meeting.

The Highway response on the 2012 application was as follows:

‘ Whilst it is accepted that the appeal decision overturned the original refusal on the site, the concerns of the highway authority remain because of lack of off-street parking which could be detrimental to businesses and residents in the area.’

(The Highway Authority’s main concern related to the activity associated with the shops, which are permitted development in any case. The Inspector on appeal acknowledged that the proposal would not be in line with standards, but took into account alternative transport options, e.g. the quality bus route and determined that more weight should be attached to bringing the Listed Building back into use)

2. A petition signed by 24 residents (17 addresses) has been received, objecting on the grounds that the redevelopment proposal for 8 apartments and 2 retail premises shows no detail of car parking or waste removal provision.

Planning and Environmental Considerations:

The proposal is to convert the former Duke of York public house / hotel to 2 ground floor retail units with 8 self-contained apartments on the first and second floor.

The building had been used as a public house for many years but the business deteriorated over the last decade and it suffered damage from an arson attack a number of years ago. It has not proved viable to reinstate the premises as a public house.

The change of use of the public house (Use Class A4) to retail (Use Class A1) is permitted development which does not require planning permission but is included in the application for completeness.

The main issues to consider are the suitability of the site for residential conversion; residential amenity for both the neighbouring properties and the proposed apartments; the impact on the character and appearance of the Listed Building; traffic / parking and refuse disposal.

Conversion of the building to apartments

In principle the use of the site as residential accommodation would not undermine the aims for the regeneration of the area and could provide alternative options following demolition of housing in the vicinity. Whilst the Council is not in a position of undersupply of housing and there is no need to seek further sites for housing purposes, the residential units will have already been recorded in the housing figures, following the previous grant of permission. The principle of using the property for residential with ground floor retail is considered acceptable.

Policy H15 of the Burnley Local Plan States that proposals for the conversion and re-use of buildings for the creation of flats and bedsits, which require planning permission, will be permitted where:

(a) the proposal would not adversely affect the amenity of the residents of neighbouring properties;

The nearest residential properties are located on the terraces running from Colne Road and set perpendicular to the application site, namely Bar Street and Cobden Street to the east, in addition to any possible flats above shops on Colne Road.

It is unlikely that neighbouring residential properties would be adversely affected by the proposal – there are no extensions or other buildings proposed which could affect light or outlook, and the residential properties are sufficiently distanced from the site so as not to be adversely affected in terms of loss of privacy.

(b) the proposal is sympathetic to the character and appearance of the building and its locality;

The building is a Grade II Listed Building and the Council has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to preserving the character and appearance of the Listed Building and its setting.

Policy E10 of the Burnley Local Plan sets out that the Council will not permit proposals which adversely affect the character, architectural or historic interest of a Listed Building or its setting and would expect proposals to retain and repair features of architectural or historic interest, use appropriate materials and traditional working practices and if necessary make provision for the appropriate recording of any features that may be affected by the conversion.

The application sets out that there are minimal changes to the exterior of the building. The windows would be refurbished where necessary and windows which are partially blocked or panelled will be reinstated to windows, with bathroom windows proposed to be glazed in obscure glass. The plans indicate that where windows are beyond repair they will be replaced as necessary. It will be appropriate to condition full details of any alterations to the windows as these are not fully detailed in the application and for the avoidance of doubt. The first option would be to repair the windows and only if they are beyond repair would a like-for-like replacement be appropriate.

It is also proposed to retain the timber framed rooflights which have been inserted by the previous owner on both elevations. There is a discrepancy in the number of rooflights shown on the plans and the existing ones. This will be clarified with the applicant and a condition requiring full specifications of the rooflights would be appropriate.



Existing rooflights

The application sets out that remaining items of interest within the building, such as an original fireplace, staircase, cornice and skirting details, etc would retained, although several original features such as panelling, original doors and skirtings were removed during the course of the work started in 2014 under the 2012 permission.

Subject to appropriate conditions to control the work to the building, it is possible for the conversion work to be carried out without further detriment to the character and appearance of the Listed Building and without having an adverse impact on the significant aspects of the building.

The building is significant historically and architecturally and it is an important landmark building in a prominent position at the junction of Colne Road and Briercliffe Road. It is very important to find a viable use for the building to improve its appearance and secure its long term future.

A condition is suggested to require the building to be appropriately recorded prior to any further conversion work commencing. It would not be a full record of the original building because of the work which has already been undertaken but it will serve to record several of the remaining features.

(c) the proposal provides a satisfactory residential environment for its occupants and for their immediate neighbours;

The proposed flats are sufficiently sized for single occupancy or couples. Each flat has adequate light from the existing windows. There is no outside sitting space but the site is reasonably located to local Parks.

The amenities of the new residents of the apartments are likely to experience some disturbance having regard to the location of the property in a busy centre close to main traffic routes. However, they would be aware of this before taking occupancy. It is also material that the precedent exists for the provision of the apartments by the approval of previous permissions.

(d) the proposal provides adequate facilities for refuse disposal; and

The proposed plans indicate that an existing storage yard to the rear of the building would be used for refuse storage for both the apartments and retail units. The provision can be secured by condition.

(e) there would be safe and convenient access for vehicles and pedestrians, and the provision of appropriate car-parking for the needs of the people living there, see Transport and Movement Policy TM15 – “Car Parking Standards”.



Link road on northern boundary



Hatched area on Briercliffe Road (above zigzags)

There is no off-street parking available within the application site. The change of use of the ground floor of the former pub into retail units does not require planning permission and therefore issues in relation to the unloading of goods for these units would be difficult to control under planning legislation. The unloading of deliveries for the apartments can be carried out in the hatched area on the link road between Colne Road and Briercliffe Road on the northern boundary of the site, or in the hatched area before the zigzag markings on Briercliffe Road on the eastern side of the site at all times and a condition is suggested to achieve this.

The site clearly has no off-street parking spaces and this would become apparent to any potential future occupiers of the apartments. The proposed apartments are unlikely to attract families or couples using one or more cars, and given that the site is on a Quality Bus Route within a district centre, they would more likely attract non-drivers.

The immediate vicinity is served by a variety of existing retail outlets, in addition to the larger supermarket Lidl to the north. The site is served well by a Quality Bus Route, allowing easy access into Burnley Town Centre to the south and Nelson to the north. After careful consideration, although there is no parking provision, it would be unreasonable to refuse the application for the lack of parking facilities given the location of the site and this was the view of the Inspector when considering the planning appeal.

The proposal is within the aims of the above Local Plan policies and it is considered to be acceptable in line with the previous decisions on the site.

Recommendation APP/2017/0140

That planning permission be granted subject to the following conditions

Conditions

1. The development must be begun within 3 years of the date of this decision
2. The development shall be carried out in accordance with the application plans – Drawing Nos. 1703-PL01- 1703-PL04; 1703-PL05 (existing and proposed Briercliffe Road elevation); 1703-L05 (existing and proposed Colne Road elevation); 1703-PL10; 1703-PL11A; 1703-PL12A; 1703-PL13; 1703-PL31; 1703-PL32 - 703-PL35 received 20 February 2017.
3. The bin storage arrangements shown on drawing no. 1703-PL10 received 15 March 2017 shall be provided before the start of any of the uses hereby approved and thereafter permanently retained for the use of the occupants of the apartments and the operators of the retail units.
4. No further conversion works to the building shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority.
5. The unloading of deliveries for the apartments shall be carried out in the hatched area on the link road between Colne Road and Briercliffe road on the northern boundary of the site, or in the hatched area before the zigzag markings on Briercliffe Road on the eastern side of the site at all times.
6. Precise specifications of all proposed changes to the windows on the building shall be submitted to and approved in writing by the local planning authority before any alterations are carried out. No changes other than those approved by the Local Planning Authority shall be carried out.
7. Precise details of the rooflights to be retained on the building shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved is implemented.

8. Notwithstanding the details of the works specified on the Schedule of Works submitted with the application, all existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise approved in writing by the Local Planning Authority. Precise specifications of any alterations which affect original features shall be submitted to and approved in writing by the local planning authority before any changes to the features are carried out.

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. The development shall be carried out in accordance with the application plans – Drawing Nos. 1703-PL01- 1703-PL04; 1703-PL05 (existing and proposed Briercliffe Road elevation); 1703-L05 (existing and proposed Colne Road elevation); 1703-PL10; 1703-PL11A; 1703-PL12A; 1703-PL13; 1703-PL31; 1703-PL32 - 703-PL35 received 20 February 2017.
3. To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality, having regard to Policy H15 of the Burnley Local Plan Second Review.
4. To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the building / site having regard to Policy E19 of the Burnley Local Plan Second Review.
5. In the interests of highway and pedestrian safety having regard to Policy H15 of the Burnley Local Plan Second Review.
- 6/8. To ensure the satisfactory preservation of this listed building and to comply with policy E10 of the Burnley Local Plan Second Review.

Recommendation APP/2017/0141

That Listed Building Consent be granted subject to the following conditions

Conditions:

1. The works shall start within three years from the date of this consent.
2. To ensure compliance with the Development Plan and to avoid ambiguity.
3. No further conversion works to the building shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

3. Precise specifications of all proposed changes to the windows on the building shall be submitted to and approved in writing by the local planning authority before any alterations are carried out. No changes other than those approved by the Local Planning Authority shall be carried out.
4. Precise details of the rooflights to be retained on the building shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved is implemented.
5. Notwithstanding the details of the works specified on the Schedule of Works submitted with the application, all existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise approved in writing by the Local Planning Authority. Precise specifications of any alterations which affect original features shall be submitted to and approved in writing by the local planning authority before any changes to the features are carried out.

Reasons:

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure compliance with the Development Plan and to avoid ambiguity.
3. To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the building / site.
- 4/5 To ensure the satisfactory preservation of this listed building and to comply with policy E10 of the Burnley Local Plan Second Review.

CMR
07/04/2017

Housing & Development
9 Parker Lane

Ref.

APP/2016/0506

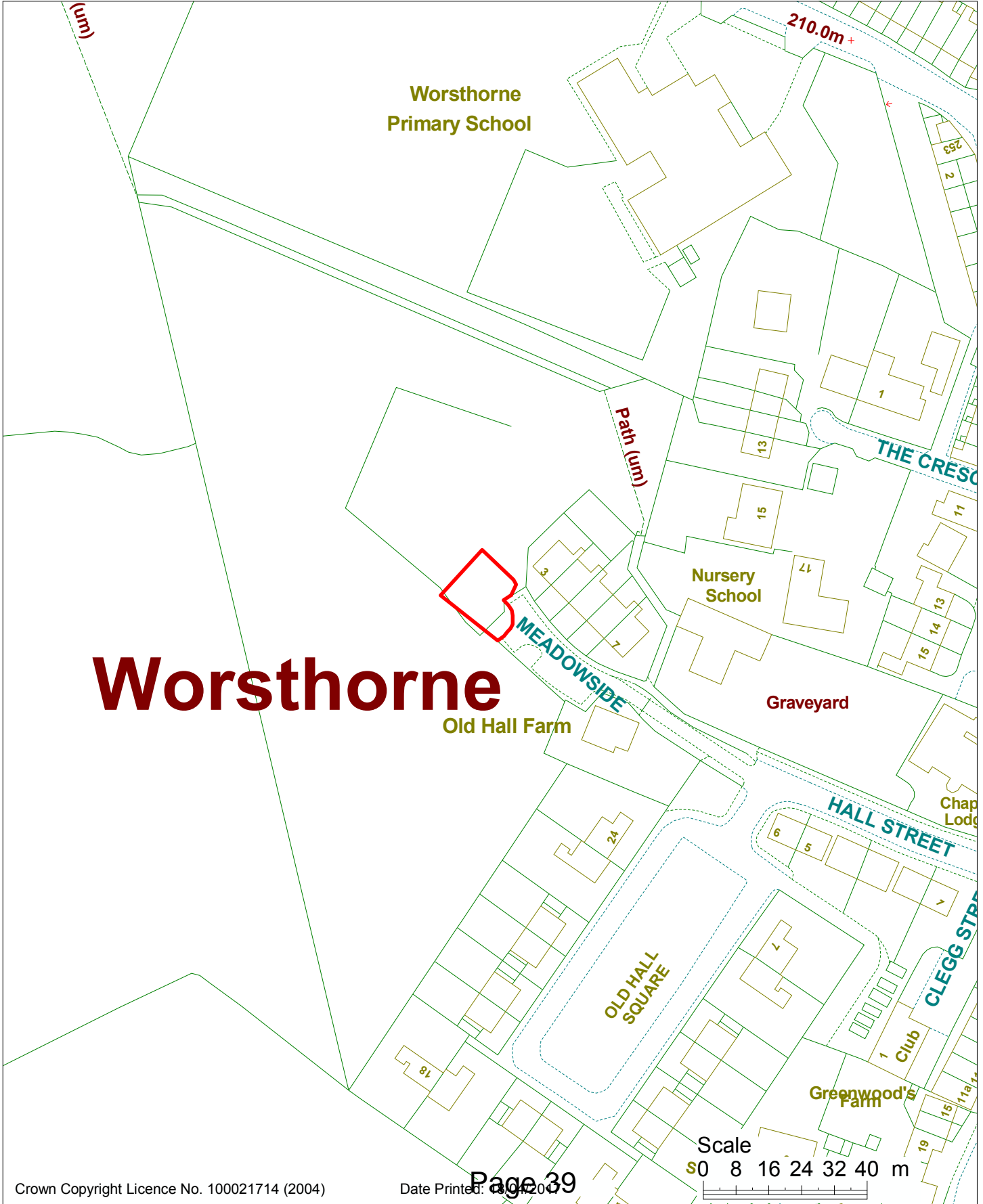
Paul Gatrell Head of Housing and Development

Location:

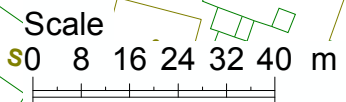


1 Meadowside, Worsthorne, Burnley

1:1250



Worsthorne



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Application Recommended for Approval
Cliviger with Worsthorne Ward

APP/2016/0506

Full Planning Application

Proposed detached house - change of previously approved house type to plot 1.

1 MEADOWSIDE WORSTHORNE-WITH-HURSTWOOD

Background:

The application relates to a partly completed residential site developed on a site previously occupied by agricultural buildings.

A representation has been received about design of the building.

Additional visual information has been submitted seeking to demonstrate the acceptability of the proposal.

Relevant Policies:

Burnley Local Plan Second Review

E12 - Development in or adjacent to Conservation Areas

H3 - Quality and design in new housing development

TM15 - Car parking standards

Site History:

12/01/0494: Outline for residential development: Refused

12/02/0647: Change of use of farmyard and buildings to Use Classes B1 and A2:
Withdrawn

APP/2003/0473: Change of use from farmyard and buildings to (Class B1) use –
Granted

APP/2003/0948: Erection of 3 dwellings – Refused

APP/2005/0970: Demolition of existing agricultural buildings and construction of two
new buildings to accommodate business (Class B1 - Light industry/offices) and the
formation of car parking and turning areas - Granted

APP/2007/0739: Erection of seven houses with parking spaces including layout, scale,
access and appearance (Outline) (landscaping reserved for future approval) - Granted

APP/2009/0711: Proposed residential development consisting of a row of five stone
built cottages – Granted

APP/2009/0714: Proposed residential development of two detached houses – Granted

APP/2014/0341: Proposed erection of 2no. apartments with the appearance of a 2
storey cottage and erection of cottage previously approved under planning application

APP/2009/0714 – Granted

Consultation Responses:

Highway Authority - No objection on highway grounds, however to avoid any
encroachment into the turning head by parked vehicles, recommend that the parking
spaces be increased to a minimum length of 6 metres. [*Comment – This is a matter to
be addressed by condition*].

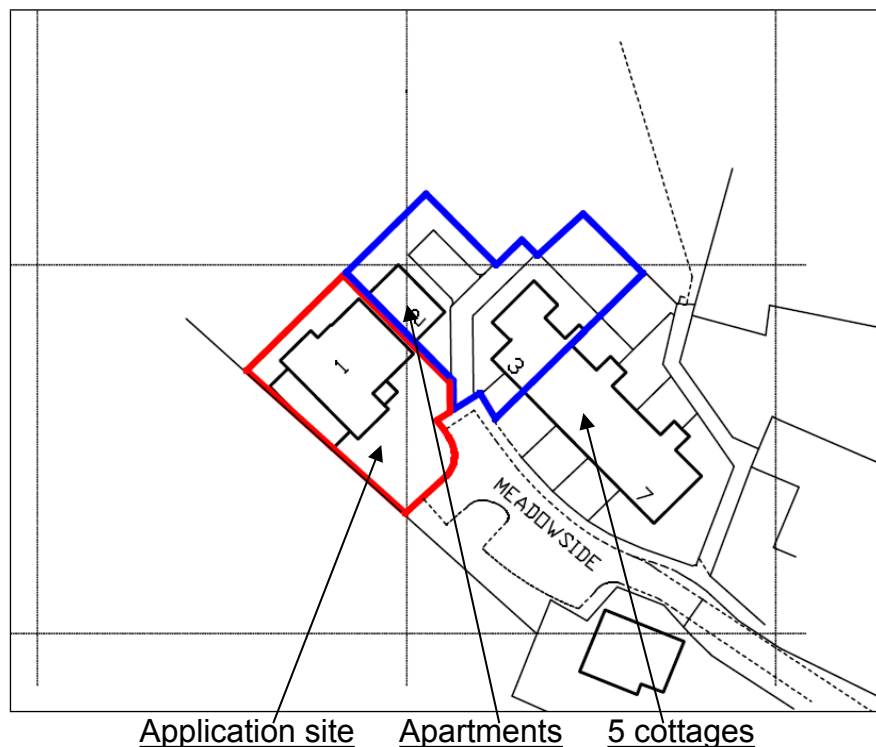
Worsthorne Parish Council – Oppose the proposal considering that it is too big and disproportionate for its location and out of keeping with the locality.

Neighbouring resident – Letter supporting the proposal on the grounds that it would complement the other properties and nicely finish off the Meadowside development.

Planning and Environmental Considerations:

The site originally formed part of Old Hall Farm and is currently the site of a residential development, nearing completion.

Planning permission was granted for 5 cottages and 2 detached house in 2009. The 5 cottages and one detached house were erected. Then the 2014 permission enabled the building of 2 apartments in place of, and with the appearance of, a small detached cottage.



The present proposal is to erect a large detached house on the remaining house plot. It would be designed with features representative of late C18th style, notably in its form and stonework, including stone-mullioned windows and stone-featured, porch entrance.



Proposed front elevation

Policies and Assessment

The application site is within the Urban Boundary set by **Policy GP1** and would be appropriately located.

The site is within the Worsthorne Conservation Area (CA) and therefore the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to the proposal.

Section 72 of the Act requires that special attention be paid to the desirability of preserving or enhancing the character of the conservation area. **Policy E12** sets criteria requiring, as relevant to this proposal, the quality, siting, detailing, height, scale, materials, landscaping and external appearance to respect the character of the conservation area.

The overall concept of the applicant in carrying out the residential development, known as Meadowside, is that it would form a group comprising a large country house with associated smaller dwellings as might have arisen from the mid C18th to mid C19th, and reflective of that style. The buildings already erected (and occupied for some time) have been built using an 'artisan' approach to construction, using a blend of traditional and contemporary methods, with the emphasis on achieving a historic appearance.

The proposal would be in keeping with the buildings already erected at the site and would enhance the character and appearance of the CA.

The proposal would meet the car parking standards, provided a condition requiring appropriate dimensions (referred to above) is imposed.

In conclusion, the proposed development would provide a sustainably dwelling of character and quality within the village envelope and the recommendation is made on that basis.

Recommendation:

That planning permission be Granted subject to the following conditions:

Condition

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: location plan; drawings number 15/070/1a and 15/070/2; Proposed Basement Plan; Proposed Ground Floor Plan; Proposed First Floor Plan; Proposed North East Elevation; Proposed South East Elevation; received 10 November 2016.
3. The 3 car parking spaces to be provided in accordance with the drawings identified in Condition 2 shall each have a minimum length of 6 metres.

Reason

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

AR
18.4.2017

Housing & Development
9 Parker Lane

Ref.

APP/2017/0069

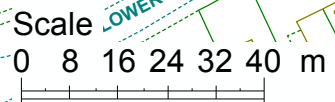
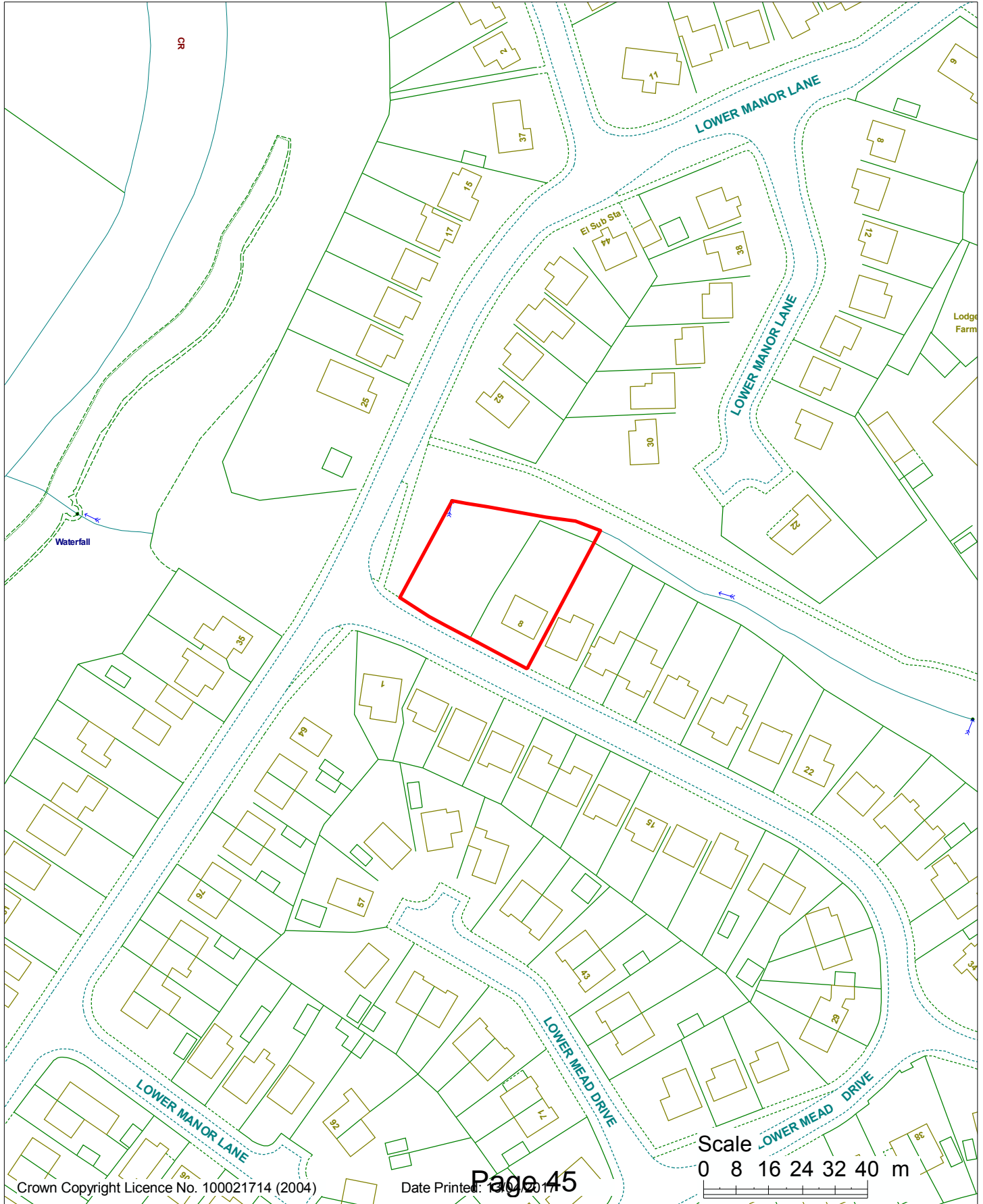
Paul Gatrell Head of Housing and Development

Location:



8 Lower Mead Drive, Burnley

1:1250



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Full Planning Application

Proposed change of use of amenity green space to form extension to residential curtilage. Erection of two/three storey side and rear extensions and erection of a detached double garage, including soft and hard landscaped, terraced areas.
8 LOWER MEAD DRIVE BURNLEY

Background:

The application is referred to Committee because the applicant is an officer of the Council.

The land to the side of No. 8 Lower Mead Drive was previously owned by the Council, and the applicant has purchased part of the land to enable him to extend his garden curtilage. Work started work on levelling the area and erecting a low gabion retaining wall, to enclose the land. The levels of the land would be raised to the top of the gabion baskets which would retain the land and a 1.8 metre high close boarded timber fence would surround the garden.

The rest of the land at the junction of Lower Manor Lane and Lower Mead Drive is still in Council ownership and will remain as amenity green space.



Side elevation of dwelling and adjacent land

It is also proposed to erect an extension to the house which would be contained within the original garden curtilage of the dwelling and would comprise a two storey extension to the side elevation and, where the land slopes down at the rear, the extension would become three storey. It would provide an additional 3 bedrooms on the first floor, an additional living room, new hall / w.c. and family / dining room on the ground floor, with a gym, workshop and patio area in the lower basement area. A double garage would be constructed on the adjacent newly acquired land.

An objection from a neighbouring resident 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

TM15 - Car parking standards

Burnley Green Space Strategy 2015 - 20125

Consultation Responses:

1. Lancashire County Council (Highways) -
2. Green Spaces and Amenities – No objections are raised to the loss of the open space. This is on the basis that the Council's Green Space Strategy 2015-2025 shows a slight surplus of Amenity Green Space in this residential area and the area of grass adjacent to the application property is not well used for active recreation.
3. United Utilities – The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way, in the following order of priority:
 - Into the ground
 - To a surface water body
 - To a surface water sewer, highway drain or another drainage system
 - To a combined sewer

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of 6 metres, three metres either side of the centre line of the sewer, in accordance with the minimum distances specified in 'Sewers for Adoption' for maintenance and replacement. There a modification of the site layout, or the diversion of the affected public sewer may be necessary at the applicant's expense. The applicant must discuss this with the Developer Engineer at an early stage.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

The level of cover to the water mains must not be compromised either during or after construction.

4. A neighbouring resident objects on the basis that the gabion wall is an eyesore and a hazard to the public

Planning and Environmental Considerations:

The main issues relate to the change of part of the open amenity green space to residential garden area; the impact of the proposed double garage, extension and

boundary treatment on the design of the dwelling and the visual amenity of the surrounding area; the impact on residential amenity and highway safety.

Change of use of the area of amenity green space to residential garden area.

The area at the junction of Lower Mead Drive and Lower Manor Lane is classed as Amenity Open Space in the Council's Green Space Strategy and the applicant has acquired 390 sq.metres of it to include as part of his residential curtilage. The remainder of the area at the junction would remain as amenity green space.

The Head of Green Spaces and Amenity raises no objection to the loss of part of the amenity green space because it is not well used as active amenity space and the Green Space Strategy shows that there is a slight surplus of this type of open space in the area.

On this basis, the inclusion of the land within the residential curtilage is acceptable.

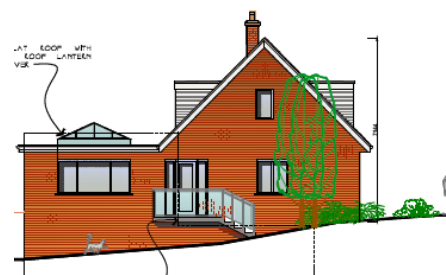
It would be advisable to withdraw householder permitted development rights to retain control of development on the land in the future having regard to its prominence on the estate. A condition is suggested requiring that a further planning permission would be required for any further development on the additional land, other than the garage and fence proposed as part of this application.

Design and appearance

Policy H13 of the Burnley Local Plan sets out that extensions and alterations to dwellings will be permitted where they are in keeping with the existing dwelling and surrounding area with regard to scale, size, design and materials.



Proposed front elevation including new garage



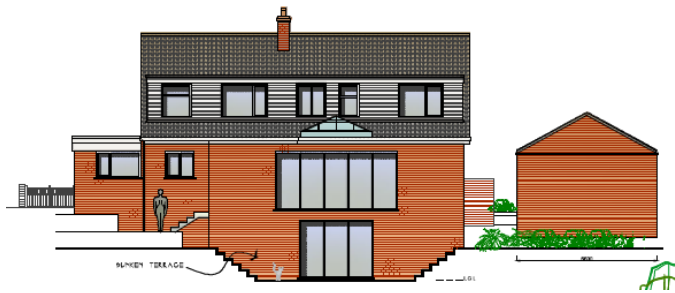
Proposed side elevation without garage



Existing front elevation



Existing side elevation



Proposed rear elevation with garage



Proposed side elevation



Existing rear elevation



Existing side elevation

In terms of scale and size, the extension more than doubles the size of the existing property. However, it is a detached dwelling set at the entrance to Lower Mead Drive with a large side garden, including the newly acquired land. In this location a suitably designed large scale extension would be acceptable in principle and would not have a detrimental impact on the surrounding area as a whole.



Proposal in relation to adjacent bungalow

The front elevation of the extension mirrors the existing bungalow when viewed from Lower Mead Drive and would have a similar impact as a pair of semis. It is set at a slightly lower level than the adjacent bungalow which helps to reduce its impact in the street scene.



Existing side elevation from the junction of Lower Manor Lane and Lower Mead Drive.

The side elevation facing Lower Manor Lane would be quite prominent, especially having regard to the levels of the land, where Lower Manor Lane is set around 3 metres lower than the land the extension would sit on. The extension to the rear would have a flat roof which will be visible from the side elevation but, because a pitched roof here would increase the mass and prominence of the building, a flat roof is the better option. The position of the new garage would break up the elevation and screen it to some extent from Lower Manor Lane.



Side elevation facing Lower Manor Lane showing the position of the garage

The basement extension would be below the ground floor level at the front and side of the dwelling. The rear elevation which includes the basement area is not very visible from public viewpoints and there is a significant amount of screening at the rear along the culvert.

On balance, the extension would be in line with Policy H13 of the Local Plan in terms of its design and impact on the character and appearance of the area.

Residential Amenity

Policy H13 sets out that proposals should not have an adverse impact on neighbouring residential properties through overlooking, lack of privacy or reduction in outlook or daylight.

The amenities of neighbouring properties would not be significantly affected by the extension. The nearest property at the rear would be more than 200 metres away, separated by the culvert and significant screening.

Other Issues

Adequate private amenity space would remain at the property if the extension was constructed and the proposal satisfies the Council's standards in respect of car parking.

Conclusion

The loss of the amenity green space is acceptable in this location having regard to the comments of the Head of Green Spaces and Amenity. The Green Space Strategy shows that there is a surplus of this type of amenity space within the wider area and the land is not well used for active recreation purposes.

The design of the extension and its impact on the visual character and appearance of the locality is acceptable and there is no adverse impact on neighbouring properties or highway safety.

The proposal satisfies the policies of the Local Plan and is acceptable.

Recommendation:

That planning permission be granted subject to the following conditions:

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos: (LMD) (20) - BUR-03, (LMD) (20) - BUR-04, received 24 January 2017. Drawing nos: (LMD) (SUR)-01-01 & received 02 February 2017. Drawing No. (LMD) (SL)-01-02 A, (LMD) (20) - BUR-05B & (LMD) (20) -BUR-06B received 6 April 2017. Drawing No. (LMD) (20) -L-01 A (location plan) received 7 April 2017.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 relating to the extended curtilage, 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.

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 enable the local planning authority to consider future development having regard to all relevant material considerations.

CMR
06/04/17

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Housing & Development
9 Parker Lane

Ref.

APP/2017/0103

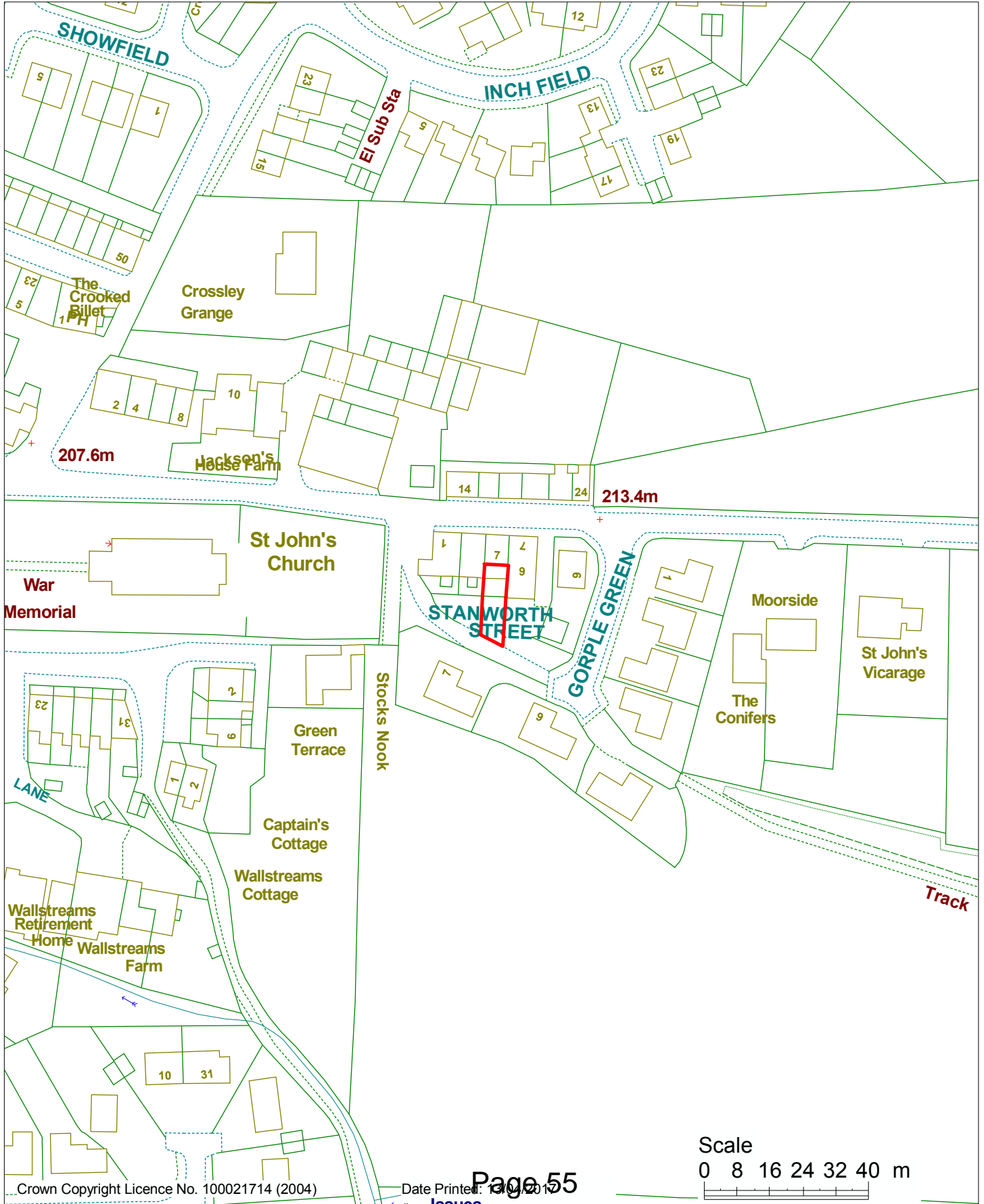
Paul Gatrell Head of Housing and Development

Location:



7 Stanworth Street, Worsthorne, Burnley

1:1250



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Full Planning Application
Proposed single storey extension
7 STANWORTH STREET WORSTHORNE BURNLEY

Background:

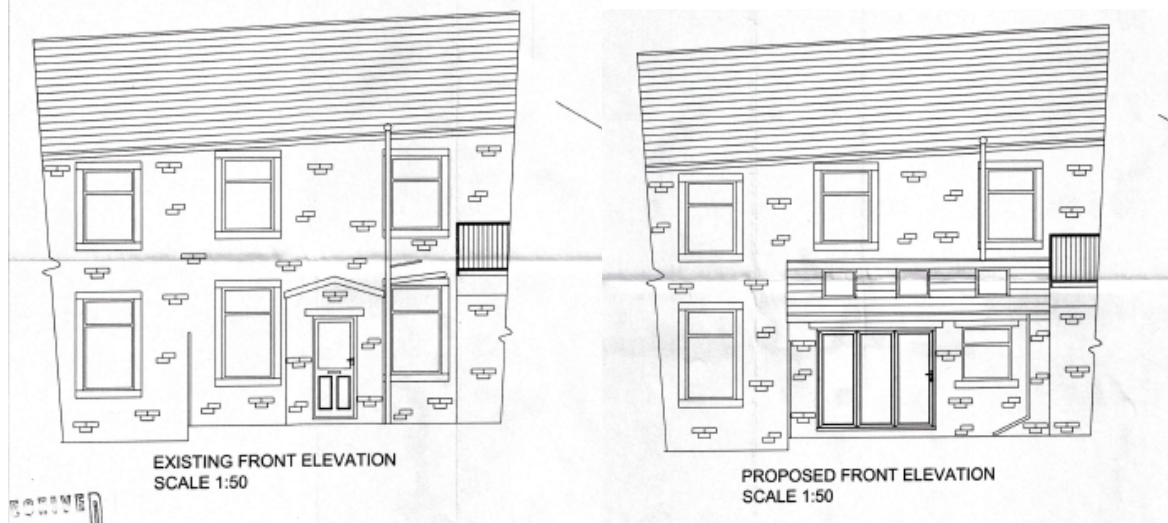


Existing frontage of application property

It is proposed to remove the existing porch and construct a single storey extension to the front of the dwelling to form an enlarged living area and kitchen.

It would project from the rear elevation by approximately 3.45 metres, level with the neighbouring kitchen extension at no. 9 Gorple Road.

The property is within Worsthorne Conservation Area.



Existing Elevation

Proposed Elevation

A neighbour expresses concern about the proposal.

Relevant Policies:

Burnley Local Plan Second Review

E12 - Development in or adjacent to Conservation Areas

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

TM15 - Car parking standards

Consultation Responses:

1. Lancashire County Council (Highways) – The proposal raises no highway concerns and therefore there are no objections on highway grounds.
2. A neighbouring resident wishes the following to be taken into consideration:
 - The end wall would be higher than the kitchen extension at 9 Stanworth Street
 - The extension would be higher than the neighbouring sun porch. All light for the kitchen and sun porch would be degraded until midday
 - There have been problems with drainage and sewerage.

Planning and Environmental Considerations:

The main issue relates to the design of the extension; its impact on the character and appearance of the Worsthorne Conservation Area and; the impact on the residential amenities of the neighbouring dwellings.

Design and Impact on the character and appearance of Worsthorne Conservation Area.

The property is unusual in that it fronts onto Stanworth Street and is back to back with 5 Gorple Road, where the other properties in the row have been knocked through and face onto Gorple Road, with the rear elevations facing Stanworth Street. Extensions have been constructed to the other properties along Stanworth Street, including a conservatory, sun porch and kitchen extension.



Dwellings on Stanworth Street

The existing porch would be demolished and the proposed extension would be constructed of natural stone with rendered sides. The applicant has agreed to amend the roofing materials to natural blue slate to match the existing dwelling which are appropriate in the Conservation Area. There would be three rooflights in the roof and these would be of the conservation type (this can be ensured by condition).

It would project from the existing elevation by 3.45 metres which would be level with the kitchen extension at the adjacent property. Whilst the proposed window and door arrangement is not wholly traditional in appearance for a front elevation of a dwelling it is not out of keeping with the other extensions along the row.



The property is within Worsthorne Conservation Area and the Local Planning Authority has a duty under the Planning (Listed Building and Conservation Areas) Act 2015 to consider the impact of the proposal on the character and appearance of the Conservation Area.

Having regard to the existing extensions and alterations along the terrace, the proposals will not have a significant impact on the character and appearance of the Conservation Area.

Impact on residential amenity

The proposed extension is set in from the boundary with the adjacent property at No. 5 Stanworth Street by approximately 0.2 metres and No. 5 has a kitchen window approximately 1.2 metres from the boundary. There will be some impact on this window when the extension is constructed in terms of some loss of outlook and sunlight in the morning. However, the room is not a main living room and it is not considered that the impact would be so significant to warrant refusal of the application.

Existing sun porch extension to No. 5



There is also an existing sun porch extension to No. 5, with one window in the side elevation facing the proposed extension and one in the front elevation facing Stanworth Street. There would be some loss of light to the side window of the sun porch but this would not unduly affect the amenities of the residents to an unwarranted degree.

Other issues

The neighbouring resident comments that the drainage arrangements are unsatisfactory in the area, but this is an issue which would be controlled under the Building Regulations for the extension. The drainage for the extension will have to comply with Building Regulations.

Conclusion

The design of the proposal is acceptable and the extension would not have an adverse impact on the character and appearance of the Conservation Area. There would be some impact on outlook and light to the kitchen and sun porch at the adjacent property but this would not significantly impact on the amenities of the residents.

The proposal is in line with the Burnley Local Plan and is acceptable.

Recommendation:

That planning permission be granted subject to the following conditions:

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans Drawing No, SS7/2 (location plan), SS7/3 & SS7/4 received 17 February 2017. Drawing nos: SS7/1 received 17 February 2017 as amended 5 April 2017 to provide for amended roofing materials.
3. The extension shall be constructed with a natural stone front elevation which matches in colour, coursing size and texture the stone work of the existing

dwelling, together with a natural blue slate roof, unless otherwise approved in writing by the local planning authority.

4. The proposed rooflights indicated on drawing no. S.S7/1 received 17 February 2017 (as amended 5 April 17), shall be of the 'conservation' type.

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.
- 3/4 To ensure the development is sympathetic to the character and appearance of the Conservation Area, having regard to policy E12 of the Burnley Local Plan Second Review.

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Housing & Development
9 Parker Lane

Ref.

APP/2017/0060

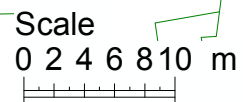
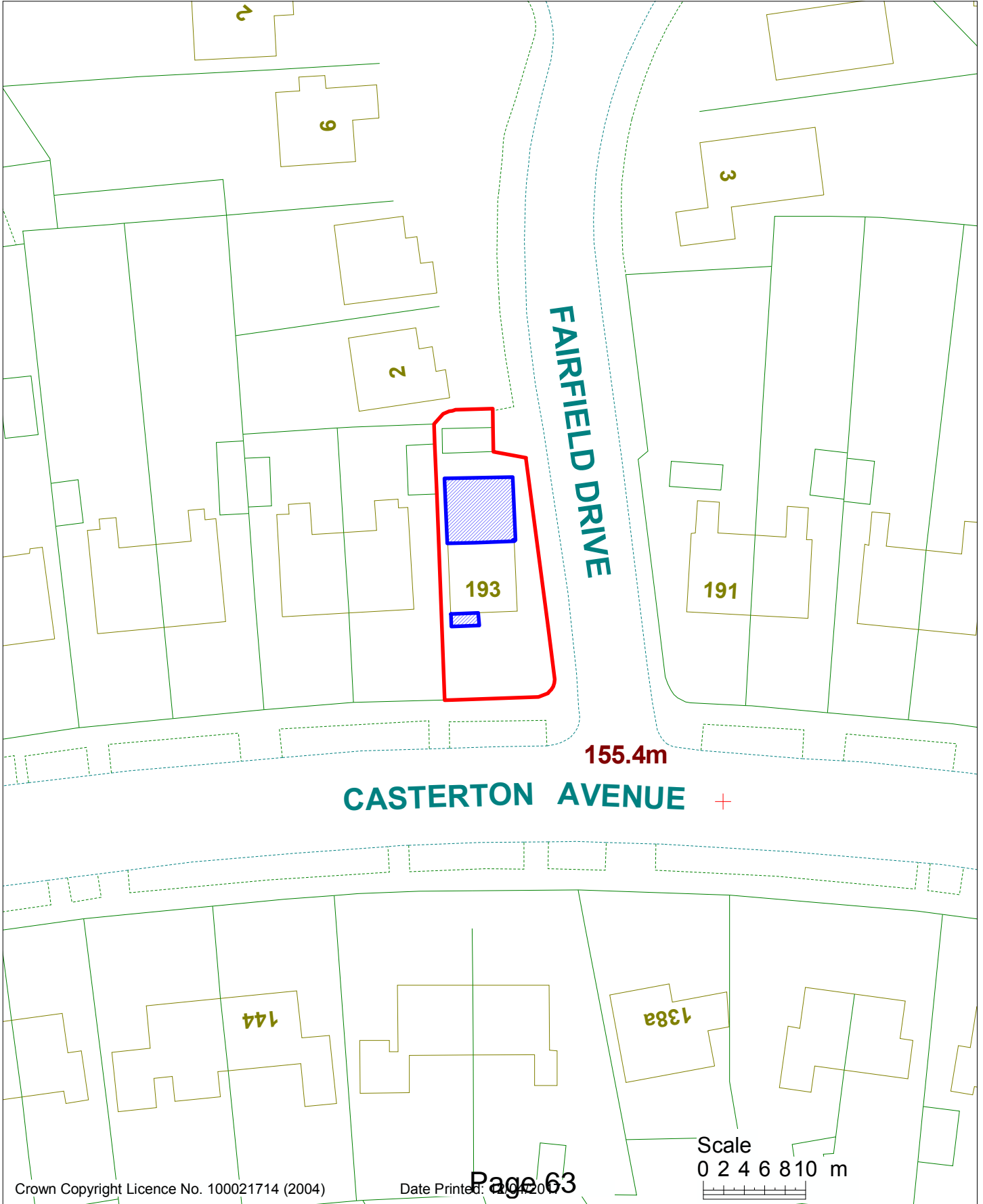
Paul Gatrell Head of Housing and Development

Location:



193 Casterton Avenue, Burnley

1:500



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Application Recommended for Approval

APP/2017/0060

Lanehead Ward

Full Planning Application

Proposed first floor rear extension, alterations to the existing roof, erection of porch to the front and formation of driveway access to front.

193 CASTERTON AVENUE BURNLEY

Background:

The property is a detached house on the corner of Casterton Avenue and Fairfield Drive. A previous application for a first floor rear extension and driveway was approved in July 2016; the existing single-storey extension has been demolished and a new rear single-storey extension has been started (NOT/2016/0440).

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

TM15 - Car parking standards

Site History:

91/0504 – replacement of detached garage – c/c

16/0202 – proposed first floor rear extension and formation of driveway – c/c

NOT/2016/0440 – proposed single-storey rear extension – planning permission not required.

Consultation Responses:

Highway Authority – The proposal increases the number of bedrooms from 3 to 4 but provides an additional parking space. Ideally the front garden could accommodate an additional vehicle but as submitted I would raise no objection to the proposal on highway grounds. The formation of the new access will require the construction of a vehicle access crossing and I would be grateful if you could attach a note to any permission that may be granted.

Neighbour (195 Casterton Ave) – Objects to the proposals for the following reasons:

- The proposed rear first floor extension will potentially intrude on my privacy.
- The alterations to the existing roof may cause damage to my cars and property due to falling debris.
- I will not allow scaffolding to be erected on my driveway or creep onto my land boundary space causing me in convenience.
- With regards to the formation of the driveway, again I object to this as the boundary wall may have to be broken, altered or rebuilt which may cause the boundary walls of the other properties to look out of place.

Planning and Environmental Considerations:

The detached dwelling is located on the corner of Casterton Avenue and Fairfield Drive and has a garage at the rear of the property with access of Fairfield Drive. The proposals involve the erection of a 1st floor extension at the rear over the existing ground floor kitchen/dining room (in the process of being built), and a new driveway at the front of the property. The roofline on the existing dwelling is also to be changed from a hipped roof to a pitched gabled roof and a small porch is also proposed at the front.

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

Design/materials

The proposal involves the erection of a 1st floor extension above a single storey extension (which was permitted development – NOT/2016/0440) at the rear of the house together with alterations to the roof, a front porch and a new vehicular access at the front of the dwelling (off Casterton Ave) .



The proposed 1st floor extension extends out from the rear elevation by 4.5m and is the same width as the existing house. The single-storey extension which is being built under permitted development rights is the same width as the existing house and extends out from the rear elevation by 5.96m.

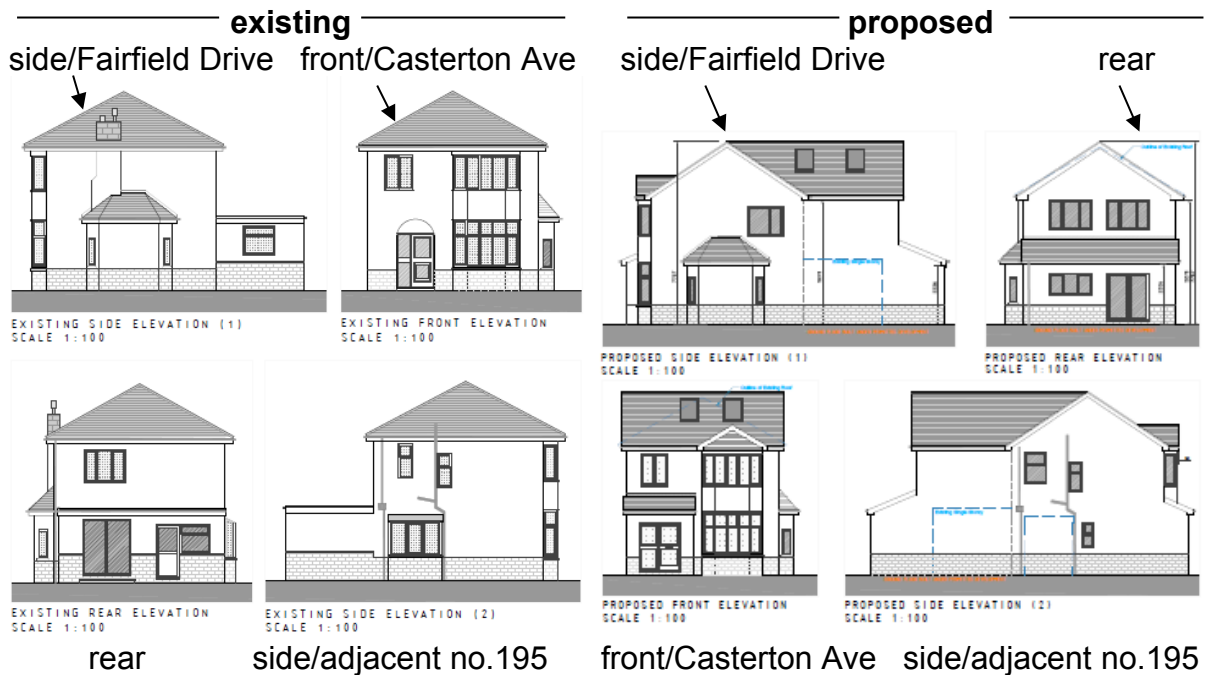
The existing main house roof is hipped, it is proposed to change this to a gabled roofline, with the 1st floor extension roof also a gabled roof with the ridge at the same height as the main roof.

The proposed materials are render for the elevations and slates for the roof to match the existing dwelling.

The design and materials are considered to be acceptable.



side / rear of 193 Casterton Avenue



Privacy/outlook

The 1st floor extension would have no windows in the side elevations. There would be two bedroom windows on the rear elevation and a new bathroom window is to be formed on the side elevation of the existing dwelling facing onto Fairfield Drive.

The adjacent house, 195 Casterton Ave, does not have any 1st floor windows directly opposite the proposed 1st floor extension (there are what appears to be landing and bathroom windows further forward on the side elevation at 195). Privacy and outlook are not therefore an issue in respect of 195 Casterton Avenue.

With regard to the dwelling at the rear, 2 Fairfield Drive, this property is set further back, has no windows on its side elevation at 1st floor level and will not therefore be affected in terms of privacy and outlook.

Privacy and outlook are not considered to be an issue.

Highway issues

A new vehicular access and off-street parking area are proposed at the front of the dwelling off Casterton Avenue. There are highway trees at either side of the proposed vehicle crossing. The applicants have stated that no trees will be affected.

The Highway Authority raises no objections on highway grounds. The formation of the new access will require the construction of a vehicle access crossing; a note can be attached to the decision notice to that effect if approved.

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 nos: 0517/002/A2 and location plan received 30/01/2017 and 0517/003/A1/Rev F received 20th March 2017.
3. The 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.

LAB

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

27th April 2017

Housing and Development

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Delegated Decisions from 06/03/17 to 02/04/2017

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
Express Consent to Display an Advertisement		
Advert Consent Granted		
APP/2016/0297	40 42 ST JAMESS STREET BURNLEY BB11 1NQ	Proposed replacement of signage following corporate rebrand
APP/2016/0303	PRINCE PRIVATE HIRE 143 ST JAMESS STREET BURNLEY	Retrospective application for retention of illuminated projecting sign and externally illuminated fascia sign.
APP/2016/0306	McDONALDS RESTAURANT BURNHAM GATE BURNLEY BB11 4SL	Proposed increase and relocation of existing pole sign
Compliance with conditions		
Conditions discharged		
APP/2016/0360	UNIT 15 GANNOW LANE BURNLEY BB12 6HY	Application for approval of details reserved by conditions 3, 14 and 15 of planning permission APP/2015/0114
Conditions partially discharged		
APP/2016/0213	LAND OFF GREY STREET BURNLEY	Application for approval of details reserved by conditions 8,11,13,14 and 15 of planning permission APP/2014/0380
APP/2016/0319	SHUTTLEWORTH PASTURE FARM BACK LANE BRIERCLIFFE BB10 3RD	Application for approval of details reserved by condition 4 of planning permission APP/2014/0271
Full Planning Application		
Full Planning Permission Granted		
APP/2016/0258	1 GLENDOR ROAD WORSTHORNE BURNLEY BB10 4HL	Proposed garage and store room extension
APP/2016/0280	9 MAY AVENUE BURNLEY BB11 3DW	Proposed bed/shower room extension
APP/2016/0287	23 HOWARD STREET BURNLEY BB11 4BJ	Demolition of existing rear extension and addition of one rear single storey flat roof extension
APP/2016/0293	217 RIDGE AVENUE BURNLEY BB10 3JF	Proposed side extension inside new roof truss

Delegated Decisions from 06/03/17 to 02/04/2017

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2016/0299	14 PLOVER STREET BURNLEY BB12 0HE	Proposed single storey rear kitchen extension and associated alterations
APP/2016/0301	D & D MOTORS 19 MARLBOROUGH STREET BURNLEY	Proposed extension to side
APP/2016/0302	15 THE SPINNEY BURNLEY BB12 0PB	Revision of APP/2016/0034. Proposed ground floor sitting room in lieu of garage (3 car spaces on driveway)
APP/2016/0310	56 KIDDROW LANE BURNLEY BB12 6LH	Lowering of 4.57 Metres kerb (Five individual kerb stones) give access to double driveway
APP/2016/0326	LONG HEY HOUSE HALIFAX ROAD BRIERCLIFFE BB10 3QZ	Proposed erection of porches to South and West elevations, formation of new window opening to North elevation, alterations to roof etc of previously approved garage, erection of linked store and stable block.
APP/2016/0328	SHUTTLEWORTH HALL FARM HIGHER SHUTTLEWORTH HAPTON BB12 7EL	Continuation of use of former farm shop to use as dog care centre
APP/2016/0338	74 WESTGATE BURNLEY BB11 1RY	Change of use from single dwelling to House in Multiple Occupation (Class C4) to include 5 units
APP/2016/0339	LOW SYM HALIFAX ROAD BRIERCLIFFE BURNLEY BB10 3QY	Proposed 2 storey extension to side and single storey extension to rear

Full Planning Permission Refused

APP/2016/0304	Rear of 391 PADIHAM ROAD BURNLEY BB12 6SZ	Erection of extension to Care Home (Class C2) to provide detached block accommodating 5 flats for use in connection with the Care Home
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