



# **DEVELOPMENT CONTROL COMMITTEE**

## **BURNLEY TOWN HALL**

**Thursday, 22nd March, 2018 at 6.30 pm**

### **SUPPLEMENTARY AGENDA**

**9) *Late Correspondence 22.03.18***

**3 - 8**

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## DEVELOPMENT CONTROL COMMITTEE

Thursday 22 March 2018

### Late Correspondence/Verbal Reports

#### AGENDA ITEM 6b

Full Planning Application - APP/2017/0559

Proposed 2 storey extension to side and rear with a front porch

462 Colne Road, Burnley

#### Late Correspondence

LCC Highways

No objection to the amended plans as indicated within the agenda report.

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#### AGENDA ITEM 6c

Full Planning Application – APP/2018/0025

Amended description - Use of site as residential care home/nursing home (Class C2), together with retention of extension to hardstanding and landscape treatment.

1 The Paddock, Highfield Avenue, Burnley

#### Late Correspondence

Petition received bearing 47 signatures of neighbouring residents (The Paddock, Highfield Avenue and Osborne Grove) making objections on the following grounds (summarised):

1. More than 16 residents would adversely affect residential amenity.  
*[Comments – A condition is recommended restricting occupation to 16 in-care residents].*
2. The property has never been a nursing home; a nursing home would be open to abuse; the property was restricted to the elderly in the 1987 planning permission and this restriction should remain in place.  
*[Comments – The recommendation is to restrict the use to home for people in need of care and a nursing home, but no other use. The opinion expressed by the report and recommendation is that, as a result of the proposal, residential amenity would not be adversely affected, nor would street parking be exacerbated, and that there are no material planning considerations that indicate otherwise].*

3. There has been breach of planning control; enforcement and stop notice action should be taken against the works and removal of a heavily planted area.

*[Comments – The applicant has carried out internal works to the building, removed an area of dense landscaping and laid an area of concrete hardstanding. The internal works and the removal of the landscaping are not development. Therefore, under planning law there is no breach of control and no action can be taken. The applicant is seeking retrospective planning permission for the hardstanding and has included a boundary hedge in the application. The hardstanding is considered acceptable because it enables more convenient manoeuvring for parked cars, and the hedge, although minimal compared with the previous landscaping, is nevertheless adequate to provide a visual screen to neighbouring dwellings contribute to the visual amenity of the area].*

4. Car parking resulting in on-street parking and vehicle movement issues causing noise and disturbance.

*[Comments – The provided car parking is in accordance with car parking standards].*

5. Security issues.

*[Comments – Matters of security are not considered to materially differ, if at all, from anything arising from the previous use as a home for the elderly, in operation for almost 30 years].*

6. Use as flats would be like a dormitory.

*[Comments – Use as flats is not proposed or enabled by this application].*

7. Lack of transparency in the application.

*[Comments – The application clearly describes the proposal. Whilst the submitted floor plan drawing is at odds with an understanding of the description, a condition is recommended to give it no effect or status in the terms of the permission, if granted]*

8. The applicant has put bolts/locks on en-suite room doors indicating a proposal for individual/bedsitter occupation.

*[Comments – Whilst this would not appear to fit the proposal, it would not have any effect on the scope of the permission, if granted].*

### **Additional Report**

Further consideration has been given to specifying the precise terms of the planning permission, if granted, and the conditions initially proposed within the agenda report are being replaced in full by the following.

### **Revised List of Conditions**

#### **Conditions**

1. The development must be begun within three years of the date of this decision.

2. The development shall be carried out in accordance with the application drawings, namely: Location Plan received 16 Jan 2018; Proposed Site Plan drawing number 17/017/4b, received 8 March 2018.
3. For the avoidance of doubt, the layout of 22 en-suite bedrooms shown on the submitted layout drawing number 17/017/2b, dated 19/4/17, shall not be construed to permit any form of accommodation other than the use described in this grant of permission.
4. The premises shall be used for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)) or a nursing home and no other purpose, including any purpose within Class C2 Residential Institutions, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.
5. The maximum number of people for whom provision is made under Condition 4 shall be 16. The building shall be laid out in a manner appropriate to its use for a purpose hereby granted and a drawing shall be deposited with the Local Planning Authority prior to first occupation of the building for that purpose.
6. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before development is occupied and the lighting shall only be implemented wholly in accordance with the approved details.
7. Before the development comes into use the provision for cycle parking shall be implemented in accordance with the submitted details shown on the submitted drawing 17/017/4ba.
8. Before the development is brought into use, the new hedge (identified on drawing 17/017/4b, received 8 March 2018) shall be provided in the position shown on that drawing, in accordance with details to be submitted beforehand to and approved in writing by the Local Planning Authority. The details shall include a planted area at least 14 metres by 1 metre in extent and plant species sufficient to provide a continuous hedge, with the expectation that it will grow to a height of 2.4 metres within 3 years of planting.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To ensure that there is no doubt about the meaning of this planning permission and the form of accommodation for which it is granted.

4. To enable the Local Planning Authority to consider any future change having regard to Policy CF14 of the Burnley Local Plan, Second Review, currently saved, and any other material considerations.
5. In the interests of the amenities of neighbouring residents in accordance with Policy CF14 of the Burnley Local Plan, Second Review, currently saved, and because that information was not included in the application.
6. In the interests of the amenities of neighbouring residents in accordance with Policy CF14 of the Burnley Local Plan, Second Review, currently saved.
7. In the interests of promoting cycling as a sustainable and non-polluting mode of transport.
8. In the interests of the amenities of future residents of the development, nearby residents and the visual amenities of the area generally, accordance with Policy GP6 of the Burnley Local Plan, Second Review, currently saved.

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#### **AGENDA ITEM 6d**

#### **Full Planning Application - APP/2018/0064**

#### **Erection of detached dwelling with detached garage**

#### **Land adjacent to 9 & 15 Southern Avenue Burnley**

#### Additional Consultation Response:

#### United Utilities

#### Drainage Comments

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

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

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the

most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

[A note will be added to the decision notice to cover any relevant points for the application]

#### Water Comments

A water main crosses the site. As we need access for operating and maintaining it, we will not permit development over or in close proximity to the main. You will need an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of mains diversion is prohibitive in the context of their development scheme.

[A note will be added to the decision notice to cover any relevant points for the application]

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