

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 15th November, 2018  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

**Thursday, 15th November, 2018 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 Monitoring Officer by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at:**

**<http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.**

### **A G E N D A**

#### **8. Late Correspondence 15.11.18**

**3 - 10**

#### **MEMBERSHIP OF COMMITTEE**

Councillor Arif Khan (Chair)  
Councillor Frank Cant (Vice-Chair)  
Councillor Afrasiab Anwar  
Councillor Gordon Birtwistle  
Councillor Margaret Brindle  
Councillor Saeed Chaudhary  
Councillor Sue Graham  
Councillor John Harbour

Councillor Alan Hosker  
Councillor Mohammed Ishtiaq  
Councillor Marcus Johnstone  
Councillor Neil Mottershead  
Councillor Mark Payne  
Councillor Asif Raja  
Councillor Jeff Sumner  
Councillor Cosima Towneley

#### **PUBLISHED**

**Wednesday, 7 November 2018**

## DEVELOPMENT CONTROL COMMITTEE

**Thursday 15 November 2018**

### **Late Correspondence/Verbal Reports**

#### **AGENDA ITEM 6a**

**APP/2018/0384 – Former Office Building, Wytham Street & Workshop & adjacent house Albion Street, Padiham**

**Pages 15-26**

#### **Conditions**

The applicant has agreed to the Pre-commencement conditions referred to in the agenda report subject to some minor revisions to Condition 4 to refer to the localized nature of the improvements. The reason for the condition has also been modified.

#### Agenda Condition 4

No development shall be commenced until a scheme for off-site works of highway improvement to include provision where practicable for additional footway and street lighting to Brook Street, Albion Street and Back Albion Street (adjacent to the proposed car park) has been submitted to and approved in writing by the Local Planning Authority.

#### Agenda Reason 4

To ensure that the highways immediately affected by the development are improved to an acceptable standard to cater for the needs of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

#### Revised Condition 4 to replace Condition 4 in Agenda

No development shall be commenced until a scheme of off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for the following: - footway re-instatement at former vehicular crossings, including a link to Brook Street; the construction of footway on Brook Street following the demolition of the existing office building; and, street lighting around the application site to include the lighting of the pedestrian access to the rear of the approved car park and the rear entrance of the main building.

#### Revised Reason 4

*To ensure the appropriate making up of defunct vehicular crossings and provision of continuous footways on Brook Street/Albion Street and provision of a safely lit pedestrian route around the site, in order to meet the needs of the occupiers of the approved development and to ensure adequate highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.*

## **AGENDA ITEM 6c**

### **APP/2018/0407 – Musty Haulgh Farm, Granville Street, Briercliffe**

**Pages 37-44**

#### **Consultations – LCC Public Rights of Way Officer**

The Public Rights of Way Officer at Lancashire County Council initially objected to the application on the basis of an obstruction of the Public Footpath through the site. The aerial photo below indicates that the minor encroachment onto the Public Footpath could be relatively easily rectified by a small re-siting of the white porta cabin. A more serious encroachment exists due to the position of an agricultural building.



The Public Rights of Way Officer (PROW) has visited the site and is satisfied that the applicant can make an application for a Public Footpath Diversion Order which the applicant has agreed to do. On this basis, the PROW Officer has withdrawn their initial objection.

## **AGENDA ITEM 6d**

### **APP/2018/0450 – Land adjacent to No. 3 Fairview Road, Burnley**

**Pages 45-54**

An additional condition to those set out in the report is recommended in regards to the materials to be used within the development.

This is as follows:

### Additional Condition 8

Notwithstanding the details of the materials to be used in the development set out in the application, precise details of the facing and roofing materials shall be submitted to and approved in writing by the local planning authority before their use in construction.

### Additional Reason 8

To ensure a satisfactory development which harmonises with the character and appearance of the Conservation Area, having regard to Policy HE2 of Burnley's Local Plan (adopted July 18)

## **AGENDA ITEM 6e**

### **APP/2018/0435 – 32 Holyoake Street**

#### **Pages 55-66**

#### **Publicity**

Three further neighbour letters have been received from neighbours on Holyoake Street.

The first states that the letter is not an objection but is for information only and asserts that there are other owners to the land within the application site and that it is not all owned by the applicant.

*Case Officer comments:* A Land Registry search has been carried out which names the applicants as the sole proprietors of the site. Whilst this is not proof of ownership, it provides sufficient assurance for the purposes of this application that the correct certificates have been served to make a valid application.

Two of the neighbour letters object to the application and makes the following points:-

- The site is at the end of a back street with no other access than an already overcrowded unadopted back street
- Access needed by contractors would be disruptive if not impossible
- Increase in traffic due to construction will increase noise and disturbance
- The access road is full of pot holes
- Extra vehicles would add to the road's deterioration/damage and overcrowded condition and make it more unsafe
- Heavy vehicles will not be able to turn the narrow corner at the bottom of the back street
- Access to Lowerhouse Lane is already dangerous due to parking on the lane on a blind bend; any increase in traffic will increase the risk of an accident.

## **AGENDA ITEM 6k**

### **APP/2018/0488 – Extwistle Cottage, Todmorden Road, Burnley**

#### **Pages 107 – 114**

#### **Late Correspondence**

Objections have been received to the application. In response, the applicant has provided amendments to overcome the concerns raised. A letter of support has also been received.

The objections and letter of support are as follows:

1. A neighbouring resident objects to the application on the following grounds:

*1) The application proposes development on land outside the applicant's control*

*"The northern boundary of the garden to Extwistle Cottage appears to have been extended onto our clients land to the north of the site. The original boundary line can be seen on site where there is a change in land levels, and the line of a former hawthorn hedge is evident from the position of remaining hawthorn trees. The submitted application not only includes the adjoining neighbours land within the red outline on the site location plan, but also proposes the construction of a single storey rear extension upon their land. Paragraph 13 of the Development Management Procedure Order 2015 sets out the requirements for applicants to give requisite notice of the application to any land owners. The requisite notice has not been served upon the land owners, the neighbour, and the applicant has incorrectly signed Certificate A to state that she is the sole owner of the land. I would also draw your attention to discrepancies between the two location plans submitted with the application (drawing No. 5319/100 and the 'existing location plan' within the drawing package), which do not correspond with one another. The southern boundary of the site shown on the 'existing location plan' includes land within the neighbour's ownership (the verge to their access track) and notice should have been served on our clients in respect of this."*

**Comment:**

**The applicant has provided the correct location plan from the Land Registry and the existing Location Plan has been superseded. However, the Agent confirmed the block plan was drawn according to the current layout on site and the boundary fence in question was recently replaced by the complainant who has not positioned the fence according to the Land Registry documents.**

*2) Highway safety implications*

*"As a four bedroom property, Extwistle Cottage is served by only 2 parking spaces, and it is understood that these spaces are not owned by the applicant. Lancashire County Council Highway Authority has not been consulted on the application; however Lancashire County Council's parking standards require 3 parking spaces for properties with 4+ bedrooms in rural areas. The proposed extension would result in further intensification of use of the site, which would in turn put pressure on the limited off street car parking facilities that serve Extwistle Cottage, and potentially impact upon the ability for the neighbour's (along with any other users of the lane) to safely access and egress their lane."*

**Comment:**

**The Highway Authority has provided the following comments:**

**"With respect to this application we would not wish to raise an objection to the principle of the extension.**

**If the application had included a material change in the number of bedrooms we would have looked for some off-street parking within the applicant's curtilage, from which it can be deemed to be in the applicants control for the perpetuity of the development."**

*3) Visual amenity*

*"Policy HC5 of the Burnley Local Plan sets out a requirement for extensions to be subordinate to an existing building, to allow the form of the original building to be clearly understood. The application property is of a traditional design, with a symmetrical frontage that contributes to the*

*character and appearance of its setting. The proposal, by extending the original roofline across the extension, and by the front and rear elevations being flush with the original property, would fail to be subordinate to the existing building. As a result, the proposed extension would lead to the loss of symmetry to the original front elevation of the property, in turn harming the character and appearance of the original building and surrounding area."*

**Comment:**

**Amended plans have been received and the single storey element has been deleted.**

**The view is taken that the retention of the existing coping stones differentiates the extension from the original building, although the roof line and front elevation is flush. The design in this form can be clearly understood to be subordinate and later extension which does not have a negative impact on the character and appearance of the original building.**

**4) Matters of access**

*"The neighbours own the access track that runs past the southern boundary of Extwistle Cottage, over which the applicant has pedestrian rights of access only. Whilst this is a private civil matter between land owners, we have been asked to remind the applicant that access over our clients' land, for the purposes of undertaking any building works at the property, may not be possible without our clients express permission."*

**Comment:**

**This is a private/legal matter and not for the Council to resolve.**

**2. Briercliffe Parish Council's Planning Committee make the following observations.**

*1. We feel that, if this proposal is accepted, the new extensions will be too large not only for its location but also that the additional extensions will detract from the existing building.*

*2. This is not a planning point but we feel that it ought to be mentioned. A previous application for this site resulted in a successful objection from the farmer whose property is accessed from the farm land adjacent to the building. It is imperative that the proposals do not interfere with that farmer's rights.*

*3. We feel that the additional extensions are not in keeping with the original building and that they are not acceptable in the stone built hamlet of Roggerham.*

*We do not want to OBJECT outright and would support measures officers might take to bring this application more in line with its surroundings. Lastly, we have commented on other similar applications but we feel that they (including that at Cockden Cottage) have been extended in ways that have respected not only the original building but also its surroundings more appropriately than does this application.*

**Comment:**

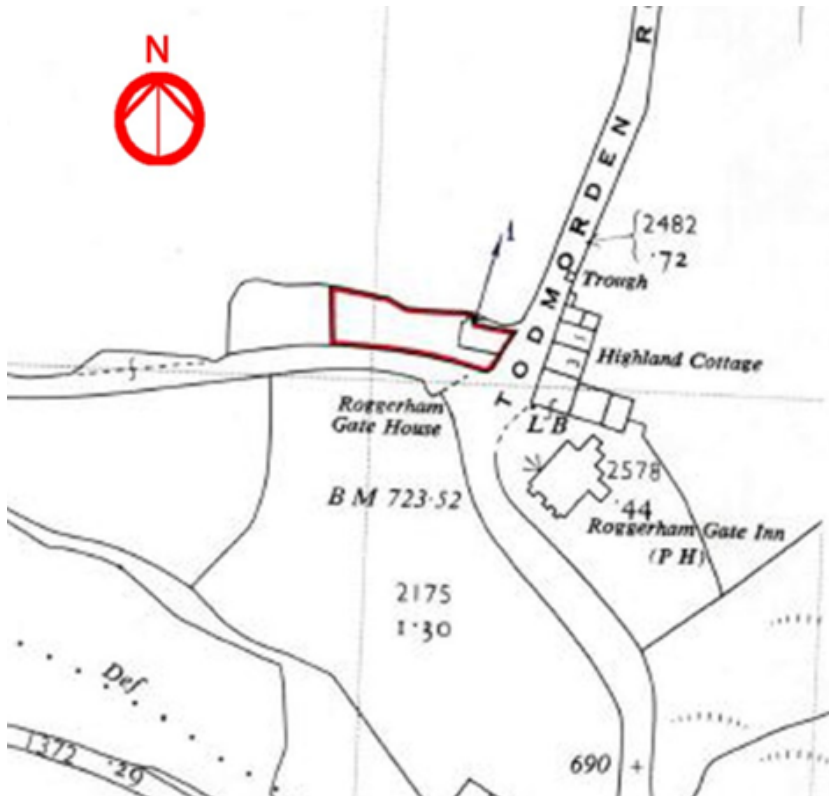
**The concerns raised by the Parish Council have been addressed above and in the report.**

**3. A letter of support has been received from residents at a neighbouring property**

*"With regard to the above Planning Application, we have NO objections to the extension and garden room as this will not impact on highway safety or the visual view, and will not affect the rural area. This alteration will in fact enhance the property."*

## **AMENDED PLANS**

The amended plans remove the main concern relating to land ownership and reduce the scale of the proposal. It is considered that the proposal is acceptable.

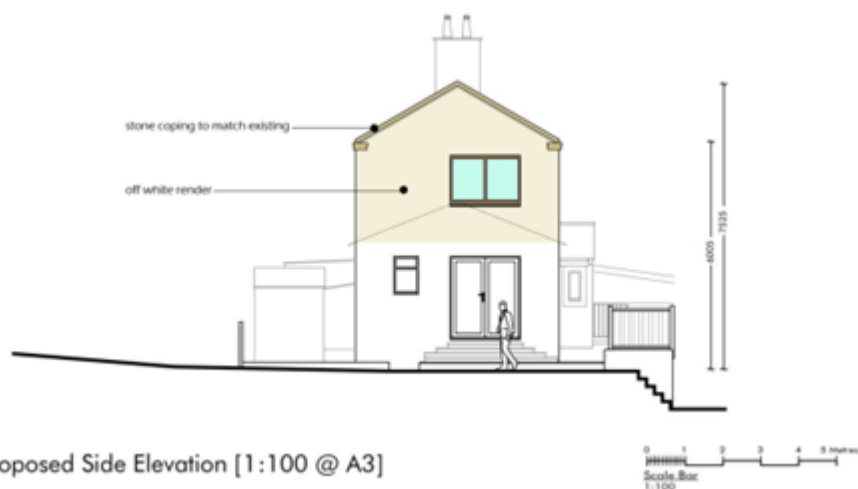


## **AMENDED LOCATION PLAN**

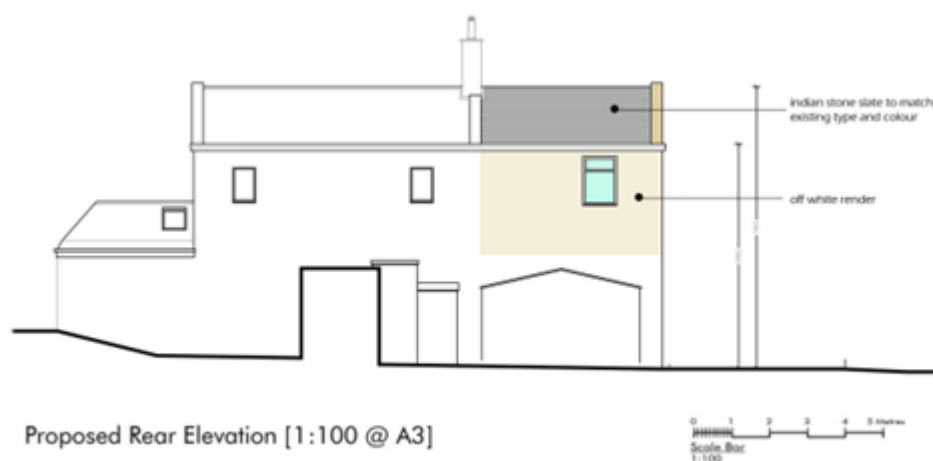




## AMENDED FLOOR PLANS



## AMENDED SIDE ELEVATION



## AMENDED REAR ELEVATION

### Change to Recommendation

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:
  - Amended Drawing Package 5319 – 01 to 5319 – 09, received 13 November 2018
  - Amended Location Plan, received 13 November 2018

#### 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 to avoid ambiguity.

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