

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 8th September, 2022  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 8th September, 2022 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 Legal & Democracy 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: [Request To Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

Due to Public Health guidance re social distancing there is limited space for members of the public to observe the meeting. Priority will be given to those who have registered to speak on an application. If you wish to attend the meeting we advise that you contact [democracy@burnley.gov.uk](mailto:democracy@burnley.gov.uk) in advance of the meeting.

## AGENDA

### 1. Apologies

To receive any apologies for absence.

### 2. Minutes

5 - 26

To approve as a correct record the Minutes of the meetings held on 21<sup>st</sup> July 2022 and 11<sup>th</sup> August 2022.

### 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

27 - 28

To consider reports on planning applications for development permission:

- a) **COU/2022/0166 - Mosque 112 - 114 Burns Street, Burnley** 29 - 40
- b) **FUL/2021/0395 - 385 Manchester Road, Burnley** 41 - 48
- c) **HOU/2022/0124 - 12 Lower Manor Lane, Burnley** 49 - 58
- d) **HOU/2022/0357 - 25 Applecross Drive, Burnley** 59 - 66
- e) **HOU/2022/0369 - 9 Fairholme Road, Burnley** 67 - 74

## 7. Decisions taken under the Scheme of Delegation

75 - 86

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

## MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)  
Councillor Anne Kelly (Vice-Chair)  
Councillor Gordon Birtwistle  
Councillor Phil Chamberlain  
Councillor Scott Cunliffe  
Councillor Sue Graham  
Councillor John Harbour  
Councillor Alan Hosker

Councillor Martyn Hurt  
Councillor Jacqueline Inckle  
Councillor Syeda Kazmi  
Councillor Lubna Khan  
Councillor Neil Mottershead  
Councillor Mark Payne  
Councillor Ann Royle  
Councillor Mike Steel

**PUBLISHED**

Wednesday, 31 August 2022

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 21st July, 2022 at 6.30 pm

### PRESENT

### MEMBERS

Councillors S Chaudhary (Chair), G Birtwistle, P Chamberlain, S Cunliffe, S Graham, J Harbour, M Hurt, J Inckle, Kazmi and A Royle

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Catherine Waudby	– Head of Legal and Democratic Services
Laura Golledge	– Planning Manager
Alison McEwan	– Democracy Officer

### IN ATTENDANCE

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#### 26. Apologies

Apologies for absence were received from Cllrs Hosker, Kelly and Lubna Khan.

#### 27. Minutes

The Minutes of the last meeting held on 30<sup>th</sup> June 2022 were approved as a correct record and signed by the Chair.

#### 28. Declaration of Interest

Cllr Saeed Chaudhary declared an other prejudicial interest in item 6D. During that item he vacated the Chair, left the meeting and took no part in the debate or decision.

## 29. 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:

Graeme Thorpe	<b>FUL/2022/0023</b> Land at Kinross Street & Airdrie Crescent
Leah Taylor	<b>FUL/2022/0146</b> Arncliffe Cottage Halifax Road Briercliffe Lancashire
Mary Wallace	<b>FUL/2022/0146</b> Arncliffe Cottage Halifax Road Briercliffe Lancashire

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

## 30. FUL/2022/0023 - Land at Kinross Street & Airdrie Crescent Burnley

### Town and Country Planning Act 1990

**The erection of 61no. dwellings with associated infrastructure and landscaping works Land At Kinross Street & Airdrie Crescent Burnley BB11 4DP**

### Decision

That the application be delegated to the Head of Housing & Development Control for approval subject to agreement of a S106 agreement and the following conditions.

### Conditions and Reasons

1. The development must be begun within three years of the date of this decision.  
Reason: 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 hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the submitted schedule of materials titled 'Materials Tracker' (Job No. 3588) prepared by BTP Architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority. The proposed offsetting scheme shall:

a) be based on prevailing DEFRA guidance;

b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;

c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;

d) include the identification of a receptor site or sites;

e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;

f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);

g) Timetable for implementation. The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that there is no net loss to biodiversity resulting from the proposed development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development in order to ensure that compensation for the loss of biodiversity resulting from the proposal can be adequately mitigated at an early stage.

5. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the Arboricultural Report (prepared by ACS Consulting, dated November 2021). There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

Reason: To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018).

6. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Proposals plan (drawing number 6676.01RevD) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development 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.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its

surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley's Local Plan (July 2018).

7. Details of any external lighting both temporary and permanent which shall be designed to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. No further external lighting shall thereafter be installed.

Reason: To protect bats and birds, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

8. Prior to the removal of any vegetation on the site or commencement of development, a Control and Eradication Method Statement for the removal of Japanese Knotweed and to prevent its spread from 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 method statement.

Reason: To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The method statement is required prior to the commencement of the development so that it can be effectively implemented from the earliest stages of the development.

9. No vegetation clearance required to facilitate the scheme shall take place during the bird nesting season between March and August inclusive unless a qualified ecologist has inspected the area no more than 24 hours prior to its removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

Reason: To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

10. Prior to the commencement of development above ground level, a Biodiversity Enhancement Plan which shall include details of ecologically permeable boundary fencing (to include gaps for small mammals and amphibians) and bird and bat boxes (including the location, quantum and specification) on the site, together with details of the timescales for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved Biodiversity Enhancement Plan shall thereafter be carried out as approved and retained at all times thereafter.

Reason: To ensure that the development provides opportunities for on-site biodiversity enhancement, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). The Biodiversity Enhancement Plan is required prior to the commencement of development above ground level to ensure that the agreed measures can be incorporated into the construction of the development at the appropriate stages.

11. Prior to the commencement of development above ground level, a scheme for the re-construction of the highway and off-site works of highway improvement to include lowered kerbs and tactile paving (at the junctions of Kinross Street and Harold Avenue; Kinross Street and Melrose Avenue; Airdrie Crescent and Melrose Avenue; and, Kinross Street and Melrose Avenue) site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling or flat being first occupied.

Reason: To ensure that satisfactory access is provided to the site and safe conditions for pedestrians in the immediate surroundings, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the



commencement of development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

12. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

Reason: To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

13. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

14. The development shall at all times be constructed in accordance with the measures and details contained within the Construction Method Statement, prepared by Ringstones Maintenance and Construction LLP and headed, Kinross Street, dated January 2021, and in accordance with an Estate Street Phasing Plan that shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018). The Estate Street Phasing Plan is required prior to the commencement of development in order that the stages of the development can be controlled in order to maintain access to residential properties in the immediate area.

15. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

16. No built development above ground level shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

17. No built development above ground level shall be commenced until details of a highway surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved highway surface water

drainage scheme shall thereafter be implemented in accordance with the approved details as part of the highway construction and completed prior to the occupation of any dwelling.

Reason: To prevent water from discharging onto the public highway, in the interest of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of above ground development to ensure that the approved scheme can be implemented at the appropriate stages of the construction of the development.

18. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (March 2022, AMO/210609/FRA rev C, SCP) and drawings: • Drainage Layout - SCP-210609A-0500-001 Rev B • Surface Water Catchment SCP-210609A-0500-003 Rev B • Flood Routing Plan - SCP-210609A-0500-004 Rev A • Finished Levels - SCP-210609A-0600-001 Rev A • Construction Phase Surface Water Management Plan (Ring Stones, 7/6/22) and associated drawings. The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. The approved drainage scheme shall be retained at all times thereafter.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

19. The approved development shall not be first occupied until a Verification Report and Operation and Management/Maintenance Plan for the approved surface water drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved plan.

Reason: To ensure 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 Policies CC4 and CC5 of the Burnley's Local Plan (July 2018).

20. Foul and surface water shall be drained on separate systems.

Reason: To reduce the risk of pollution and flooding, in accordance with Policies CC4 and NE5 of the Burnley's Local Plan (July 2018).

21. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the approved Site Plan. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

Reason: To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

22. The development shall not be carried out other than in accordance with the remediation works contained within the submitted Remediation Specification (prepared by Groundtech Consulting, report reference GRO-21190-3528, dated May 2022) and no dwelling shall be first occupied until a Verification Report has been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed remediation works have been completed and any further necessary steps, including an future monitoring have been identified. Reason: In order to deal appropriately and safely with the risks posed to the public and future occupiers by

the historic industrial use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

23. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

Reason: To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley's Local Plan (July 2018).

24. Electric vehicle charging points shall be installed externally in accordance with the approved plans (drawing number 3900 - 112Rev1) prior to the completion of the development.

Reason: To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

25. The plots identified on approved drawing number 3900-S3-106 shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes and none of these dwellings shall be first occupied until a verification report prepared by a suitably competent surveyor or professional to demonstrate that the standard has been achieved for each dwelling, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides benefits to new occupiers by the provision of adaptable homes to meet lifetime needs, in accordance with Policy HS4 of Burnley's Local Plan (July 2018).

## **31. HOU/2021/0694 - 429 Cog Lane, Burnley**

### **Town and Country Planning Act 1990**

#### **Demolition of existing single storey rear conservatory and erection of single storey rear extension (Resubmission of HOU/2020/0455)**

#### **Decision**

That planning permission be granted subject to the following conditions.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan and Block Plan: Dwg no 1 RLBRear Elevations, Section and Floor Plan: Dwg no A102 Rev 08 amended plan received 12.04.2022 Proposed Side Elevations: Dwg no A1205 Rev 05 amended plan received 12.04.2022

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. All new external work, materials and finishes shall match those of the existing dwelling/building in their detailed execution, colour, texture, form, scale and finished appearance except where indicated otherwise on the approved drawings.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the parent dwelling/building.

### **32. FUL/2022/0146 - Arncliffe Cottage, Halifax Road, Briercliffe**

#### **Town and Country Planning Act 1990**

#### **Change of use from C3 Dwellinghouse to C2 small children's residential care home.**

#### **Decision**

That planning permission be granted subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to 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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans; SLP – 001 Rev B, EX-001 Rev A, PR-001, PR-002 Rev A unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the approved use shall operate for up to four children only and not for any other use falling within Class C2.

Reason: To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties, in accordance with Policies IC3 and SP5 of Burnley's Local Plan (July 2018).

4. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed to serve the development and shall thereafter be maintained.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

### **33. Vacation of Chair and Election of Chair**

Due to the interest declared in Minute 34, Cllr Chaudhary vacated the Chair and left the meeting.

Cllr Sue Graham was nominated as Chair for that item. On being put to the vote the motion was carried, and Cllr Sue Graham stepped into the Chair.

**34. COU/2022/0348 - 55 Daneshouse Road, Burnley**

**Town and Country Planning Act 1990**

**Change of use from an existing commercial office premises (Class E) to a 5 bedroom HMO (House of Multiple Occupation)(Class C4).**

**55 Daneshouse Road Burnley Lancashire BB10 1AF**

A motion to refuse the application was moved and seconded for the following reasons: *The proposed development would not be an appropriate reuse of the building as it would be an over intensive use of the site that would result in unacceptable living conditions for future occupants due to the lack of provision of adequate outdoor space within the curtilage for amenity, bin storage and cycle storage. As such the proposal conflicts with policies SP4 (3a) and SP5 (2h&i) of the adopted Local Plan for Burnley.*

As this was against officer recommendation, a recorded vote was undertaken. On being put to the vote, the motion was carried.

<b>Motion to refuse COU/2022/0348 against Officer recommendation (Motion)</b>	
Councillor Saeed Chaudhary	Conflict Of Interests
Councillor Gordon Birtwistle	For
Councillor Phil Chamberlain	For
Councillor Scott Cunliffe	For
Councillor Sue Graham	For
Councillor John Harbour	For
Councillor Martyn Hurt	For
Councillor Jacqueline Inckle	For
Councillor Syeda Kazmi	For
Councillor Ann Royle	For
<b>Carried</b>	

**Decision**

That planning permission be refused for the following reasons:

The proposed development would not be an appropriate reuse of the building as it would be an over intensive use of the site that would result in unacceptable living conditions for future occupants due to the lack of provision of adequate outdoor space within the curtilage for amenity, bin storage and cycle storage. As such the proposal conflicts with policies SP4 (3a) and SP5 (2h&i) of the adopted Local Plan for Burnley.

*Cllr Chaudhary re-joined the meeting at the conclusion of this item and took the Chair for the remainder of the meeting.*

**35. LBC/2022/0103 - 1, 2 & 3 Towneley Park Cottages, Towneley Park, Burnley**

**Application for Listed Building Consent**

**Replacement of existing aluminium window frames and external timber doors.**

**1, 2 AND 3 TOWNELEY PARK COTTAGES TOWNELEY PARK BURNLEY BB11 3RQ  
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.  
Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out other than to the approved window specification: Optio 58BW Flush System submitted 18 February 2022.  
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).
3. All materials to be used in the approved scheme shall be as stated on the application form and submitted specifications and shall not be varied without the prior written approval of the Local Planning Authority.  
Reason: To ensure that the development will be of a satisfactory appearance, having regard to the special historic interest and character of the listed building, in accordance with Policy HE2 and SP5 of Burnley's Local Plan (July 2018).
4. Prior to the removal of the external doors to the front (east) elevation, full and precise joinery details shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
Reason: In order to ensure the replacement doors are an accurate reproduction and to comply with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

**36. FUL/2022/0024 - 160 St James Street, Burnley**

**Town and Country Planning Act 1990**

**Proposed conversion of ground floor from cafe to retail and offices; conversion of first and second floor to offices/studios; installation of new shop front and**

**replacement windows to front and rear elevations; removal of a rear fire escape and erection of a single storey rear extension.**

**160 ST JAMES'S STREET BURNLEY BB11 1NR**

## **Decision**

That planning permission be granted subject to the following conditions:

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.  
Reason: 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 hereby permitted shall not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are: Drawing Nos1457-7 (Site Plans at 1:500 scale) received 18 January 2022; 1457-3C (Scheme Drawing Floor Plans at 1:50 Scale) received 22 February 2022; and 1457-4E (Scheme Drawing Elevations at 1:50 scale) and1457-6D (Proposed Section and Details at 1:50, 1:10 and 1:5 scale) received 02 July 2022.  
Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.  
Reason: To ensure that the development will be of a satisfactory appearance, having regard to the character and appearance of the building and the visual amenities of the area in accordance with Policy SP5and HE2of Burnley's Local Plan (July 2018).
4. Notwithstanding the approved drawings, prior to the removal of theshopfront full and precise joinery details for the shopfront console/corbel; fascia and pilaster(at a scale of no more than 1:20 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the shopfront shall be constructed in accordance with the approved details and shall be retained as such thereafter.  
Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).
5. Notwithstanding the approved drawings, prior to the removal of the window frames to the front (north) elevation full and precise details of the oriel bay windows including the dimensions of all component parts including any glazing bars, opening mechanisms, decorative mouldings and proposed glazing to be used shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include appropriately scaled cross sectional drawings. Once approved by the Local Planning Authority, the oriel bay windows shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

6. The development shall be carried out in full accordance with the approved Flood Risk Assessment (prepared by Aegaea ref AEG0359\_BB11\_Burnley dated 13/04/2022) and the mitigation measures it details. The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/phasing arrangements and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC4 of Burnley's Local Plan (July 2018).

7. The rating levels for any cumulative noise generated by external plant and equipment as part of the development shall not exceed the pre-existing background noise level (LA90) at the external façade of any noise sensitive premises, as determined by BS4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

8. No equipment for the reproduction of music or other sound, or any equipment creating internally generated noise, shall be installed or operated on the premises until a scheme to insulate the development in order to secure the reduction in the level of noise emanating from the building has been submitted to and approved in writing by the Local Planning Authority. The equipment shall not be installed or operated until the approved insulation measures have been implemented and thereafter permanently retained.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

9. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

<b>37. HOU/2022/0187 - 40 Pasturegate, Burnley</b>
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**Town and Country Planning Act 1990**



**Proposed single storey ground floor rear extension.  
40 Pasturegate Burnley Lancashire BB11 4DE**

**Decision**

That planning permission be granted subject to the following conditions.

**Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Site Location Plan Dwg no 21164.01 Proposed Site Layout/Roof Plan Dwg no 21164.06 Proposed Ground Floor Plan: 21164.07 Proposed Elevations: Dwg 21164.08  
Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.
3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.  
Reason: To ensure that the materials to be used are appropriate to the locality.

**38. HOU/2022/0123 - 54 Morse Street, Burnley**

**Town and Country Planning Act 1990  
Erection of single storey rear extension, rendering and new doors and windows  
54 Morse Street Burnley Lancashire BB10 4LS**

**Decision**

That planning permission be granted subject to the following conditions.

**Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan: Dwg no 1 RLB Proposed Plans: Dwg no 599/03

Proposed Elevations: Dwg no 599/04A amended plan received 23.06.2022 Site  
Layout: Dwg no 599/05

Reason: For the avoidance of doubt and to clarify which plans are relevant to the  
consent.

3. The external facing materials, detailed on the approved plans, shall be used and no  
others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

### **39. Decisions taken under the Scheme of Delegation**

Members noted the report on items considered under the scheme of delegation. Officers  
reported that there is no provision to bring items to committee unless objections are  
received.



# DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 11th August, 2022 at 6.30 pm

## PRESENT

## MEMBERS

Councillors A Kelly (Chair), G Birtwistle, P Chamberlain, S Cunliffe, J Harbour, A Hosker, J Inckle, Kazmi, A Royle and Steel

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Sajada Khan	– Locum Regulatory Solicitor
Carol Eddleston	– Democracy Officer

### 40. Apologies

Apologies for absence were received from Councillors Chaudhary, Graham, Hurt, Mottershead and M Payne.

### 41. Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

### 42. List of Deposited Plans and Applications

The following member of the public attend the meeting and addressed the Committee under the Right to Speak Policy:

LESLEY FANSHAWE	FUL/0200/0332 113 Woodgrove Road, Burnley, Lancashire, BB11 3EJ.
-----------------	--

**RESOLVED**

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

**43. FUL/2022/0332 - 113 Woodgrove Road, Burnley**

Town and Country Planning Act 1990

Change of Use from C3 Dwelling to C2 Children’s Care Home

113 Woodgrove Road, Burnley, Lancashire, BB11 3EJ

**Decision**

That the application be refused for the following reason:

1. The proposed use is considered to be an intensification of the site by virtue of increased traffic movements and day to day operational activities associated with the use, which would lead to a detrimental impact on the character and residential amenity of the area, contrary to policy SP5 (g) of Burnley’s adopted Local Plan.

The Locum Regulatory Solicitor issued the following Cost Warning to members:

‘May I remind members that any decision taken in this matter must be based on, and only on, proper planning grounds reflecting your planning judgement on the case. Your officers have advised fully in relation to the relevant material considerations and policy background and you should consider that advice carefully. Whilst you are not bound to follow that advice, in any appeal proceedings arising out of the decision you make, the Council will be expected to produce evidence to substantiate each reason for refusal, by reference to the Development Plan and all other material considerations. If the Council fails to, or cannot do so, then costs may be awarded against it.

To reiterate, you are not bound to adopt the professional or technical advice given by your own officers or received from statutory bodies or consultees. However, you will be expected to show that you had reasonable planning grounds for taking a decision contrary to such advice and are able to produce relevant evidence to support your decision in all respects. If the Council were to fail to do so, it may be liable to have costs awarded against it.

Whether or not a costs order may, or may not, be made and how much that may, or may not, amount to, is, however, not a material consideration and is therefore not something you should be considering in deciding whether planning permission should be granted or not.

**As the decision was contrary to officer recommendation a named vote was taken as follows:**

<b>To refuse FUL/2022/0332 - 113 Woodgrove Road, Bunley (Resolution)</b>	
Councillor Anne Kelly	Abstain
Councillor Gordon Birtwistle	For
Councillor Phil Chamberlain	For

Councillor Scott Cunliffe	For
Councillor John Harbour	For
Councillor Alan Hosker	For
Councillor Jacqueline Inckle	Abstain
Councillor Syeda Kazmi	For
Councillor Ann Royle	For
Councillor Mike Steel	For
<b>Carried</b>	

#### **44. COU/2022/0207 - 40-42 St James's Street, Burnley**

COU/2022/0207

Change of use from bank (Class E) to a betting shop (sui generis)

40 – 42 St James's Street, Burnley, BB11 1NQ

#### **Decision**

That the application be approved subject to the following conditions.

#### **Conditions and reasons for conditions**

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

Reason: 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 hereby permitted shall be carried out in accordance with the ground floor layout in the following approved plans: Drawing No 2021/130/02 B (Proposed Plans at 1:50 Scale) and 2022/130/09 A (Proposed Floor Plans at 1:100 Scale) received 19 April 2022.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

#### **45. VAR/2022/0337 - 148-150 Colne Road, Burnley**

Town and Country Planning Act 1990

Variation of Condition 3 of COU/2021/0536 (Hours of Operation)

148 – 150 Colne Road, Burnley, Lancashire, BB10 1DT

#### **Decision**

That planning consent be granted subject to the following conditions.

## Conditions and reasons for conditions

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Existing and Proposed Plans: 2077/01 Rev A.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

2. The use of the premises hereby permitted shall only be operated between the following hour: 11:00 – 00:00 Monday to Sunday including Bank Holidays.

Reason: To define the scope of the consent hereby approved and in order to protect nearby residential amenity.

3. Unless otherwise agreed in writing with the Local Planning Authority, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification) shall be used as a café (Use Class E) at ground floor with ancillary storage and office at first floor (Use Class E) and for no other use within these use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the property is used solely as its intended use as any other use within use class may not be considered acceptable in the interest of amenity of the area and the area generally in accordance with Policies SP1, SP4, SP5, TC2 and EMP3 of the Local Plan.

4. The proposed refuse provision hereby approved shall be implemented prior to the commencement of the use hereby approved. Thereafter the approved facilities together with the means of access thereto shall be maintained and carried out as approved and be retained for the benefit of the lifetime of the development hereby permitted.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan.

5. Prior to the extraction flue being first brought into use all external parts of the flue and cowl and associated fitments shall be coloured black/a dark matt finish and retained as such at all times in the future.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan.

6. Notwithstanding the submitted details, prior to implementation of the extended opening hours hereby approved a Noise Management Plan shall have been submitted to, and agreed in writing by, the Local Planning Authority. For the avoidance of doubt the submitted document shall provide details for the control of patrons when leaving, especially late at night, use of any outside space, the noise monitoring procedure, procedure for addressing any complaints received, and details of mitigation methods (if required). The approved plan shall thereafter be adhered to

during the use of the facility hereby approved and any mitigation measures undertaken prior to the first use of the development thereby approved.

Reason: To ensure the satisfactory management of the site in the interests of general amenity of the area and to safeguard where appropriate neighbouring residential amenity.

#### **46. HOU/2022/0095 - 7 Fairfield Drive, Burnley**

Town and Country Planning Act 1990

Single storey side extension with alterations to front lawn area.

7 Fairfield Drive, Burnley, Lancashire, BB10 2PU.

#### **Decision**

That planning consent be granted subject to the following conditions.

#### **Conditions and reasons for conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Existing Plans and Location Plan: Dwg no 2110 - 01

Proposed Plans: Dwg no 2110-02-REV D amended plan received 18th July 2022.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

4. The parking (and manoeuvring) area(s) shall thereafter always remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking is achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

5. The off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

6. 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 3m back from the nearside edge of the footway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To protect pedestrians passing the drive and ensure adequate intervisibility between drivers and pedestrian traffic, in the interests of highway safety.

#### **47. HOU/2022/0021 - 242 Manchester Road, Burnley**

Town and Country Planning Act 1990

Proposed part two storey and part single storey rear extension to existing dwelling 242 Manchester Road, Burnley, Lancashire, BB11 4HF

#### **Decision**

That planning permission be refused.

#### **Reason**

1. The proposed development would constitute an overbearing and over-dominant addition to the building which will lead to an unacceptable level of amenity and outlook for occupants of the host dwelling and for occupants of No. 244 Manchester Road. The proposal does not meet the required separation distance standards set out in Local Plan Policies HS4.3.c and referred to in HS5.1.c and as such it is contrary to the provisions of the Adopted Local Plan and the NPPF.

#### **48. ADV/2022/0257 - Management Office, Evolve at Vision Park, Edison Way**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Totem Sign with static illumination at entrance to adjacent business park Management Office Evolve At Vision Park, Edison Way, Burnley.

#### **Decision**



That advertisement consent be granted subject to conditions.

### Conditions and reasons for conditions

1. This proposed advertisement hereby permitted shall be carried out in accordance with the following approved plans listed on the notice below.

Reason: To clarify the terms of this consent.

2. This consent is valid for a period of 5 years from the date upon which this consent is granted.

Reason: To comply with the requirement of the Town and Country Planning (Control Advertisements) (England) Regulations 2007

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

5. Any advertisements displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. Any illuminated advertisement shall be designed so that:

- No part of the source of the illumination shall at any time be directly visible to users of adjacent adopted highway.
- Static illumination is provided, and the sign shall not feature intermittent or flashing lights.
- The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of illuminated advertisements or its equivalent in any replacement guide.
- Moving features are not provided.

Reason: In the interest of highway safety to avoid glare, dazzle, or distraction to passing highway users in accordance with Policy IC2 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

#### **49. Decisions taken under the Scheme of Delegation**

Members received for information a list of decision taken under delegation for the period 8<sup>th</sup> July 2022 to 29<sup>th</sup> July 2022.

BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

8<sup>th</sup> September 2022

Housing and Development

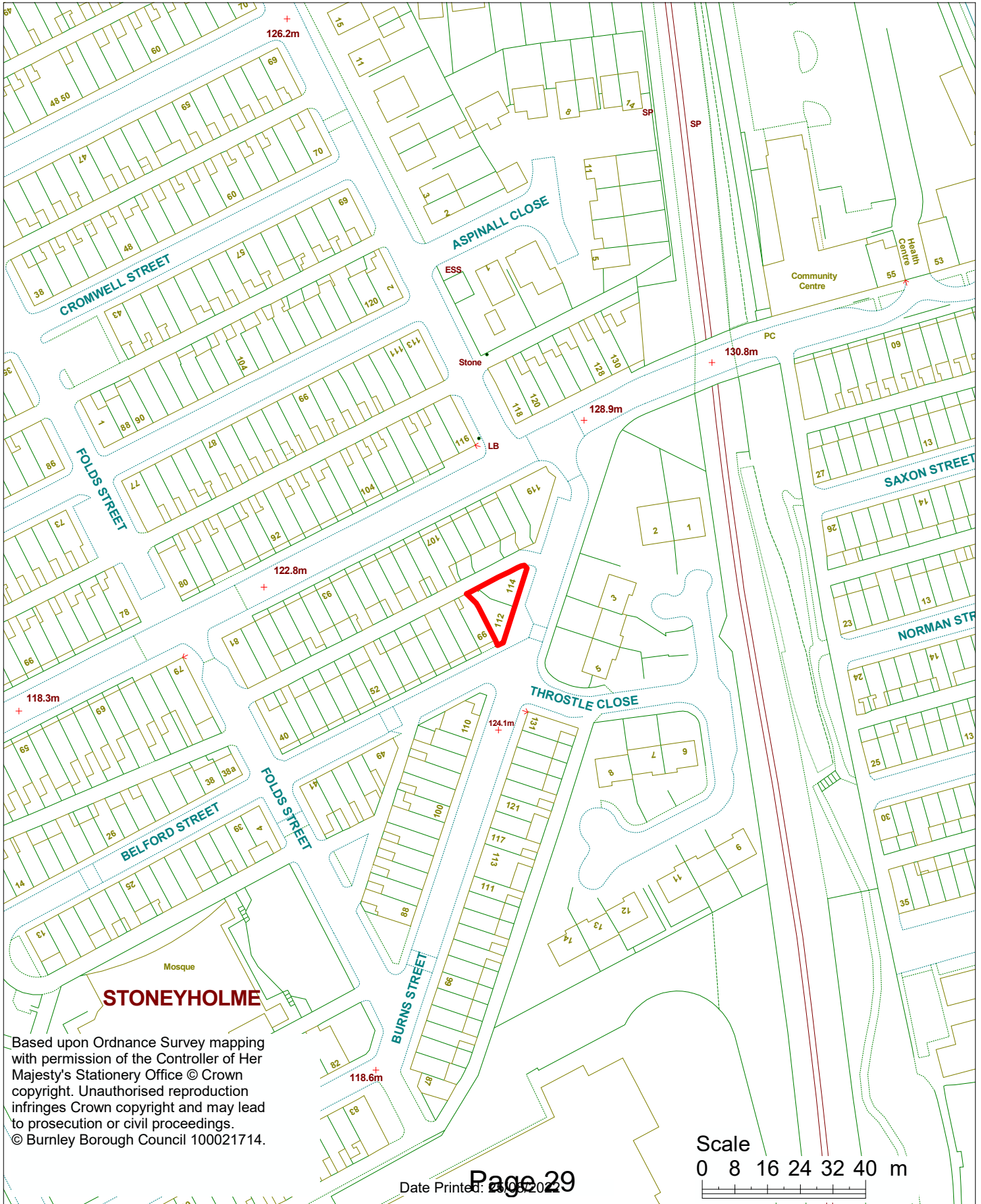
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Location:



## Mosque, 112-114 Burns Street, Burnley

1:1250



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**Application Recommended for Approve with  
Conditions**

**COU/2022/0166**

Daneshouse with Stoneyholme

Town and Country Planning Act 1990

Change of use from F1(f) Place of Worship to 4no. C3 One-Bed Self-Contained Residential Flats

Mosque, 112 - 114 Burns Street, Burnley, Lancashire BB12 0AJ

**Background:**

The property is a two storey, unusually shaped end-terrace building of traditional stone and blue slate construction, with its front elevation facing Burns Street, in Burnley. The property has a single storey extension of indeterminate age that occupies all of what would have been the external yard area. Until recently the property was used as a Mosque, albeit without the benefit of planning permission. The attached property (No. 66 Belford Street) is currently used as an 'advice centre', again without the benefit of planning permission. It is assumed that both this and 66 Belford Street were dwellings originally.

Within development limits as defined by the adopted Local Plan.

**Proposal:**

It is proposed to convert the building into four self-contained flats, two on either floor.

GF Flat 1 – 48.68sq.m gross internal floor area, one bedroom.

GF Flat 2 – 39.27sq.m gross internal floor area, one bedroom.

1<sup>st</sup> F Flat 3 – 39.86sq.m gross internal floor area, one bedroom.

1<sup>st</sup> F Flat 4 – 37.48sq.m gross internal floor area, one bedroom.

All flats are to have a separate access and separate, self-contained kitchen and bathroom facilities. No external amenity space is being provided. External alterations are restricted to the creation of a new window at ground floor level to serve the kitchen of Flat 1. This window is notated as 'obscure glazed'.

The Design and Access Statement describes the intended tenure as '*to rent*'. The tenure however does not form part of the application for consideration. The Statement also states that doors and windows will be replaced, and that general repairs will be undertaken in addition to the conversion works.

**Visuals:**

Side (North) Elevation



Side (North East) Elevation



Front (East) Elevation

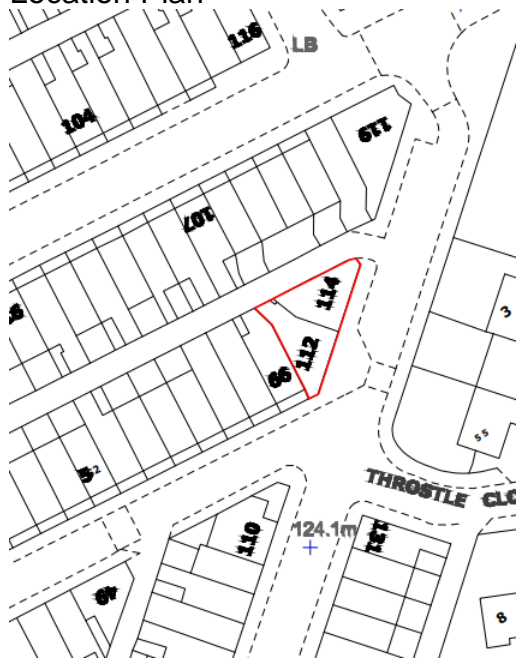


Side (South) Elevation

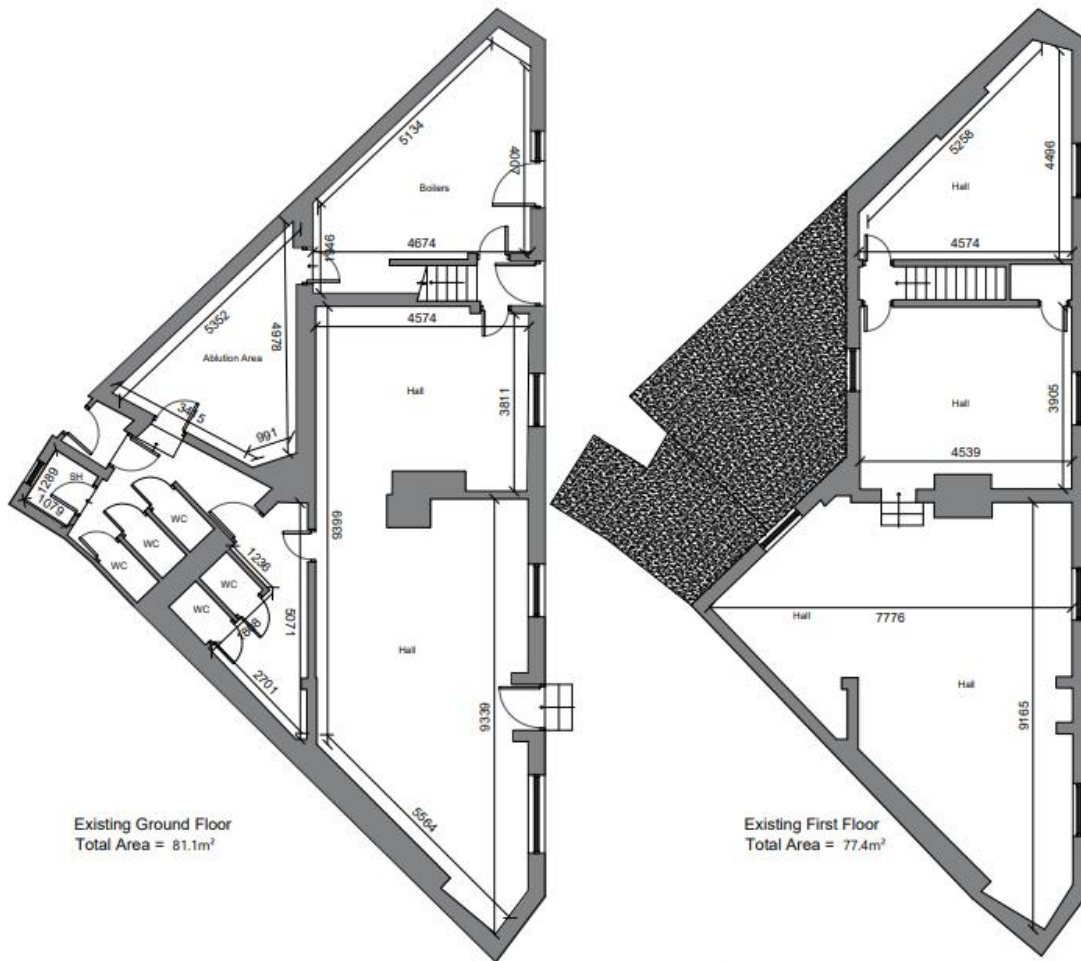




Location Plan



Existing Floorplan



EXISTING PLANS

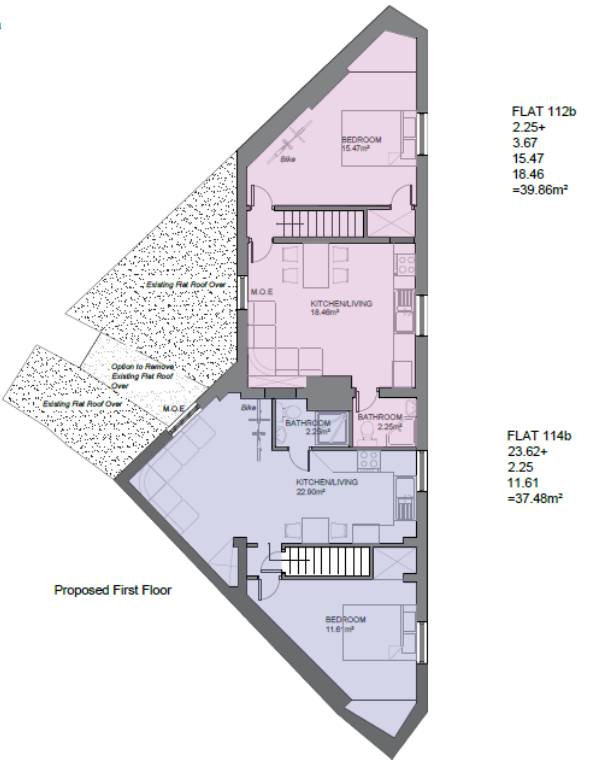
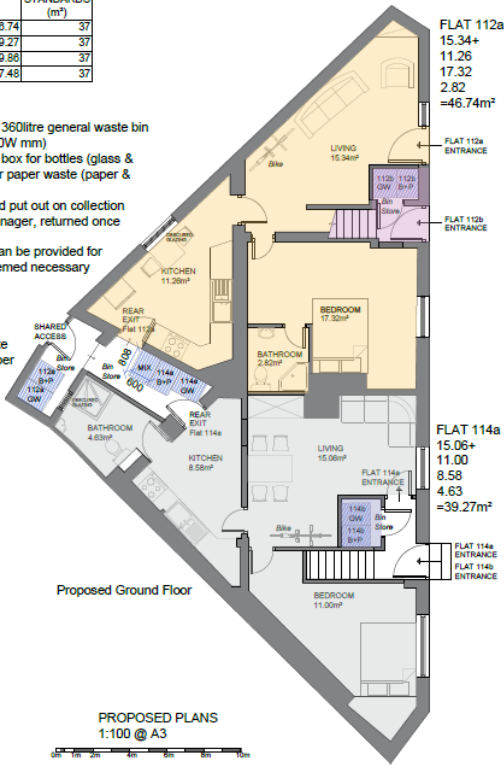
# Proposed Floorplan (ignore scale bar as incorrect)

FLAT SCHEDULE		
FLAT	AREA (m <sup>2</sup> )	MINIMUM SPACE STANDARDS (m <sup>2</sup> )
FLAT 112a	46.74	37
FLAT 114a	39.27	37
FLAT 3A	39.86	37
FLAT 4A	37.48	37

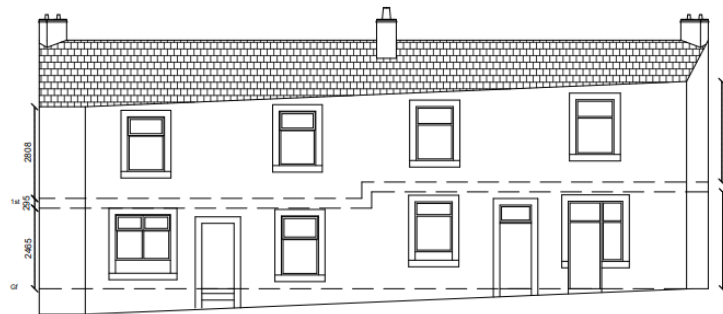
**WASTE STORES:**  
 - Each flat to have a 360litre general waste bin (1100H x 800D x 600W mm)  
 - Each flat to have a box for bottles (glass & plastic) and a bag for paper waste (paper & card)  
 - Securely stored and put out on collection days by property manager, returned once emptied  
 - Extra 360litre bin can be provided for communal use if deemed necessary

GW = General Waste  
 B+P = Bottles & Paper (recycling)  
 MIX = optional extra provisions

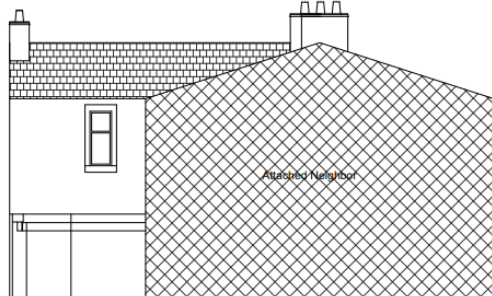
**NDSS MIN SPACE REQUIREMENTS:**  
 1BED 1P- 37m<sup>2</sup>  
 1BED 2P- 50m<sup>2</sup>



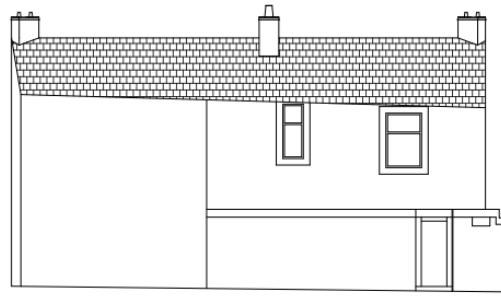
## Existing Elevations



Existing Front Elevation



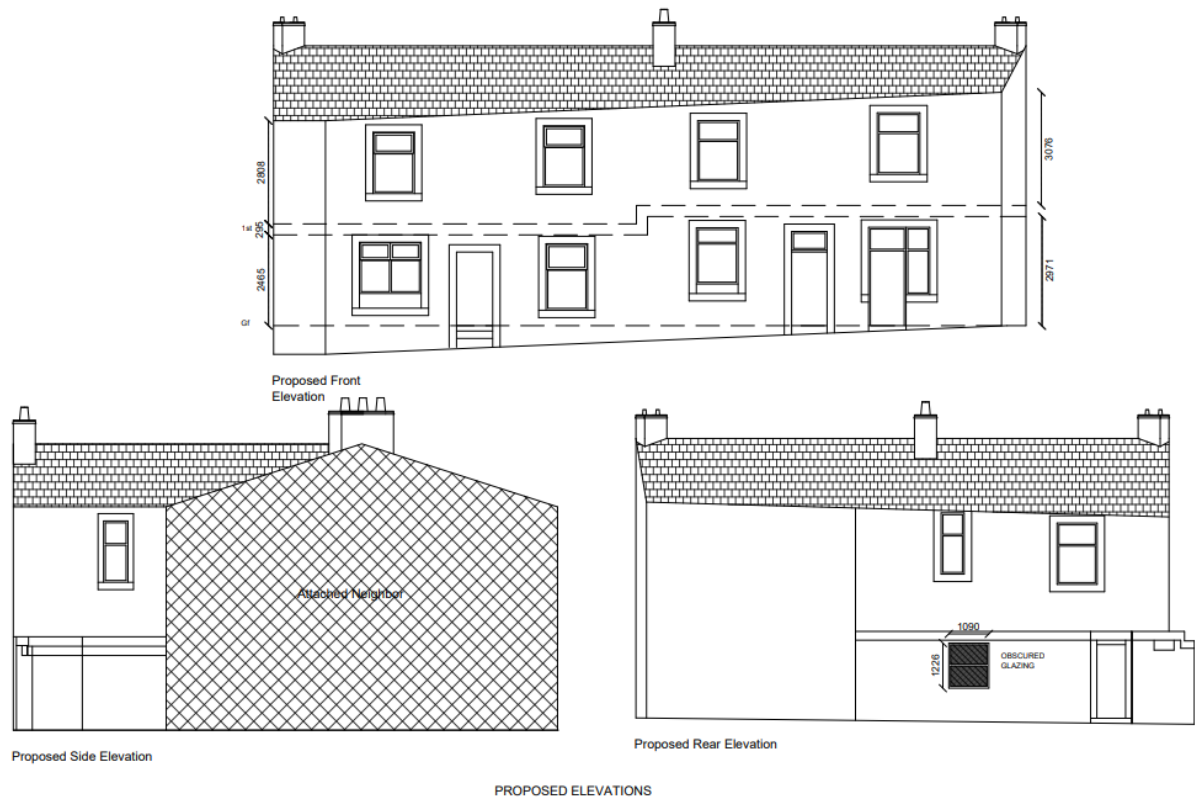
Existing Side Elevation



Existing Rear Elevation

EXISTING ELEVATIONS

## Proposed Elevations



## Relevant Policies:

### Burnley's Local Plan 2018

- HS4 – Housing Developments
- HS5 – House Extensions and Alterations
- SP5 – Development Quality and Sustainability
- IC3 – Parking

Houses in Multiple Occupation & Small Flats SPD April 2022

National Planning Policy Framework 2021

## Site History:

None of relevance, bar the fact that the property was last used as a Mosque. This use ceased following the recent opening of a purpose-built Mosque within close proximity.

## Consultation Responses:

Highways – no objection

Streetscene (following submission of amended plans showing re-arranged and increased refuse provisions) – no objection

## **Public Comments:**

Three letters of objection received, main points being:

Potential for increased noise and disturbance.  
Potential parking issues.  
Potential for an increase in crime.  
Potential for anti-social behaviour.  
Building should be used as a family home instead of flats.  
Unsuitable tenants would create an 'unapproachable ghetto'.

## **Consideration:**

### **The Principle of Development**

The site is located within the development boundary of a Principal Town as identified within the adopted Local Plan. Policy SP4 states that within Burnley, development of an appropriate scale will be supported. This is an application to re-use dwellings as dwellings once more, and it is considered that the scale of the development remains consistent with the scale of development in what is primarily a residential area.

### **Main Issues**

- Design and appearance
- Impact upon residential amenity
- Refuse storage
- Parking

### Design and Appearance

Given that external alterations are limited to a single new window opening on the ground floor, it is considered that the proposal is in accordance with SP5 in terms of appearance. HS4 (with re-iteration in the SPD) requires that new housing development:

- a. Provides private and functional outdoor space for occupants. None is provided, but none can be provided in this location as no external space exists within the curtilage. If the principle of the development is accepted, then it can be accepted that no external space is provided. Note that this is contrary to guidance contained within the SPD.
- b. Be well laid out to ensure habitable rooms have adequate levels of daylight. In this instance each flat has a single bedroom and a kitchen/living area, and all rooms bar bathrooms and toilets have at least one window. The existing window in what will become the living room of flat one is small, however the front door will open directly into this room and it is assumed that this door will be glazed to provide additional daylight. Existing fenestration is re-used. The flats accord with Nationally Described Space Standards minimum space standards for single bedroom dwellings.
- c. Provide appropriate levels of privacy and outlook for occupants and existing adjacent residents. Given that the building was designed as two dwellings, and one assumes used as such for the majority its life, it is difficult to argue that HS4

visibility distances between habitable room windows should apply rigidly in this instance.

To the front (east) – habitable room windows face the highway directly and the front elevation of dwellings on the opposite side of the street at approx. 18.0m. On balance considered acceptable given the juxtaposition of existing housing stock in the area.

To the side (north) – habitable room windows face the back alley directly and the rear elevation of a terrace of houses at approx. 7.5m. The only proposed new window is the kitchen window in Flat 1 and this is proposed to be obscure glazed, so no additional detriment to residential amenity likely if the principle of re-use as dwellings is accepted.

To the side (north east) – blank elevation. No conflict.

To the side (south) – blank elevation. No conflict.

Despite not achieving the 20.0m minimum distances between habitable room windows required by HS4.3.c, on balance the development is considered acceptable given that the street layout and juxtaposition of buildings is long-established, and that what is proposed is representative of what commonly exists in such circumstances. Whilst it is both straightforward and reasonable to expect a 20.0m minimum distance between habitable room windows on new-build housing schemes, on balance it isn't practical to do so in this instance.

#### Impact upon Residential Amenity

HS4 distances are discussed above.

Whilst not a requirement under the Local Plan, Nationally Described Space Standards (NDSS) can be applied to the proposal as a tool to assess the suitability of the building for conversion into two flats. NDSS are referred to in the SPD.

**Flat 1** – 48.68sq.m. (NDSS requires 37sq.m for 1 bed, single storey with a shower room).

Bedroom size – 17.32sq.m. (NDSS requires 7.5sq.m)

**Flat 2** – 39.27sq.m

Bedroom size – 11.0sq.m

**Flat 3** – 39.86sq.m

Bedroom size – 15.47sq.m

**Flat 4** – 37.48sq.m

Bedroom size – 11.6sq.m

In respect of NDSS, the Gross Internal Floor Area and bedroom sizes are acceptable and the proposal can be said to meet HS5.2.h in this respect.

## Refuse Storage

SP5 2.i requires *'adequate and carefully designed storage for bins and containers'*. This need is re-iterated and elaborated upon in the SPD. The Design and Access Statement describes bin storage for the ground floor flats (access to the back alley) as:

*'A secure enclosure for the ground floor flats refuse has been provided at the rear of the property where wheelie bins can be stored and then wheeled out to the back street for collection on the relevant days.'*

Following an objection from Streetscene to the above, refuse storage facilities were increased to those shown on submitted plan No. HAD3399-06 Rev.C. The revision shows individual facilities in areas separate from living accommodation. The current proposal is now considered acceptable.

## Parking

Appendix 9 Car Parking Standards of the Local Plan requires 1 space per dwelling. This proposal provides no off-street parking and is therefore contrary to policy IC3. However, none of the dwellings in the vicinity have any off-street parking due to the character of the area and the housing stock. Amended plan No. HAD3399-06 Rev.C shows a bicycle within each flat. It is appreciated that keeping a bicycle inside a flat isn't necessarily the best option from the point of view of circulation and convenience, and indeed the keeping of bicycles within habitable rooms is noted as 'not acceptable' within the SPD. It is also appreciated that occupants may not own bicycles and that the level of provision suggested may never be fully utilised.

Note that Highways has not objected to the proposal nor requested any Conditions.

## **Conclusion:**

As set out above the development as proposed is deficient in outdoor amenity space and parking provision (for both for vehicles and bicycles) and is contrary to Policies HS4, IC3 and guidance contained within the Houses in Multiple Occupation & Small Flats SPD as a result. However, given that the property exists already as does the historic street layout and juxtaposition of buildings, and that it was constructed originally as dwellings, on balance this proposal is considered to be acceptable for the reasons described within this Report.

## **Recommendation:** Approve subject to conditions

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

Reason: 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 hereby permitted shall be carried out in accordance with the approved plans and Statements listed below:

Drawing No. HAD3399-01 – Location Plan received 29.03.2022

Drawing No. HAD3399-02 – Existing Floorplans received 29.03.2022

Drawing No. HAD3399-03 – Roof Plan received 29.03.2022  
Drawing No. HAD3399-04 – Existing Elevations received 29.03.2022  
Drawing No. HAD3399-05B – Proposed Site Plan received 16.08.2022  
Drawing No. HAD3399-06C – Proposed Floor Plans received 16.08.2022  
Drawing No. HAD3399-07 – Proposed Elevations received 29.03.2022  
Design and Access Statement (Revised) received 18.08.2022

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

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Housing & Development  
Town Hall, Manchester Road

Ref.

## FUL/2021/0395

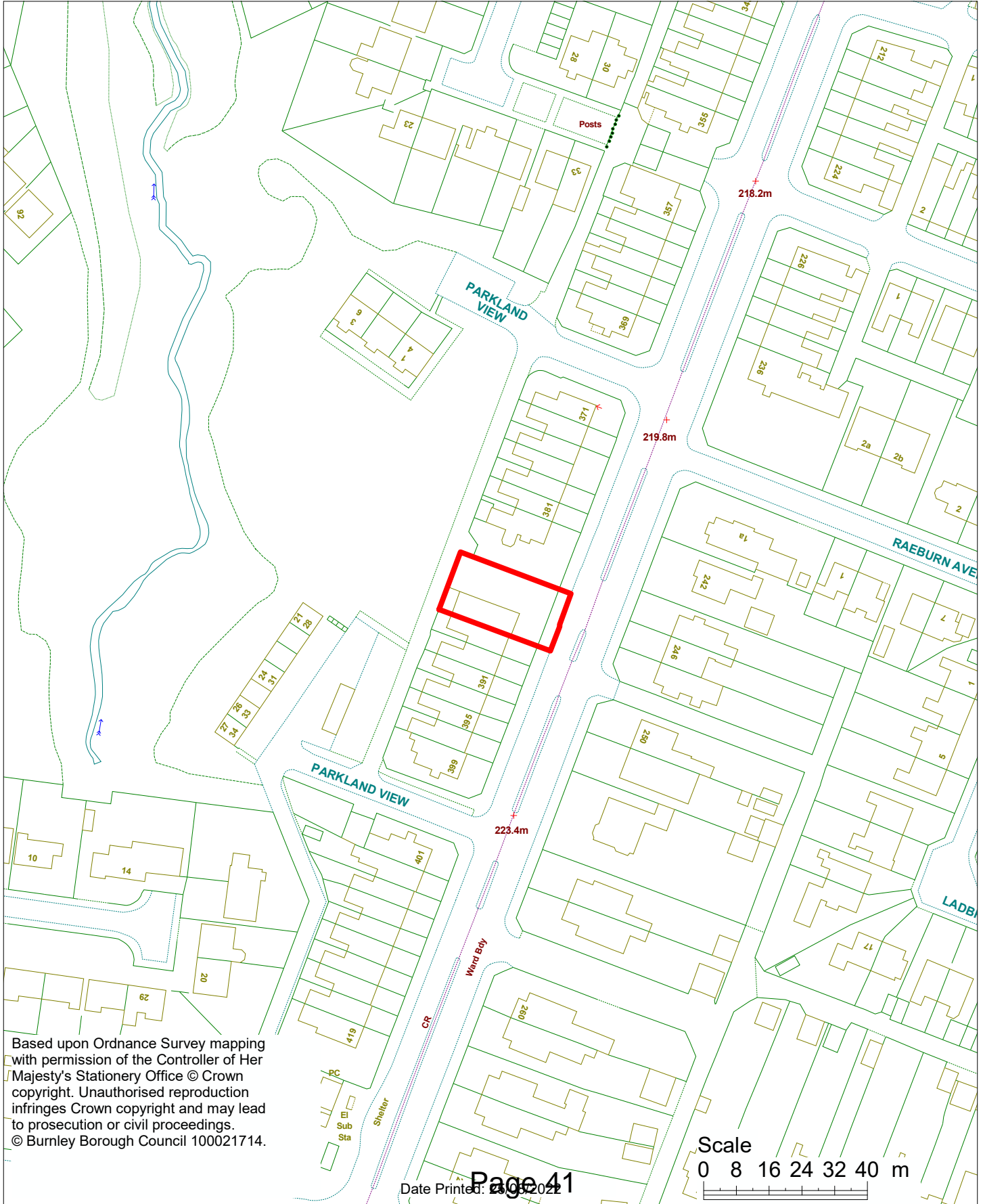
Paul Gatrell Head of Housing and Development Control

Location:



### 385 Manchester Road, Burnley

1:1250



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**Application Recommended for Approval with  
Conditions**

**FUL/2021/0395**

Coal Clough with Deerplay

Town and Country Planning Act 1990

Proposed driveway and a dropped kerb  
385 Manchester Road, Burnley, Lancashire BB11 4HE

**Background:**

An end-terrace traditional stone house on a classified road. The house has a substantial garden to the side that is currently fenced. The property is situated within the urban area of Burnley as designated within the adopted Local Plan.

**Proposal:**

To create a vehicular access to the area of garden via a dropped kerb. Also, to surface an area of 9.7m x 7.2m within the side garden with brick pavements for parking and turning purposes. To gain access to the area from the highway will also necessitate the removal of a length of stone boundary wall. Amended plans were submitted during the assessment of the application following an initial recommendation for refusal by Highways.

**Relevant Policies:**

Burnley's Local Plan July 2018.

HS5 – House extensions and alterations  
SP1 – Achieving sustainable development  
SP4 – Development Strategy  
SP5 – Development quality and sustainability  
IC3 - Parking

National Planning Policy Framework 2021

**Site History:**

PRE/2021/0074 – the pre-application advice determined that planning permission is necessary as Manchester Road is a classified road.

**Consultation Responses:**

Highways – the amended plans submitted are considered acceptable as vehicles are now able to enter and exit in a forward gear. Conditions regarding an electric charging point and works to be complete prior to use of the land for parking have been requested. Informatives regarding specification of electric charging point and the need to comply with Highways Act 1980 s.184 in respect of dropped kerb have been requested.

**Objections/Comments**

Objection received from a member of the public (subsequent to the submission of the amended plans) on grounds of highway safety, given speed that vehicles travel along

Manchester Road at this point and the potential for conflict between users of the access and other road users.

**Article 35 Statement:**

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as originally submitted and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

**Visuals:**

Host Property

Side Garden



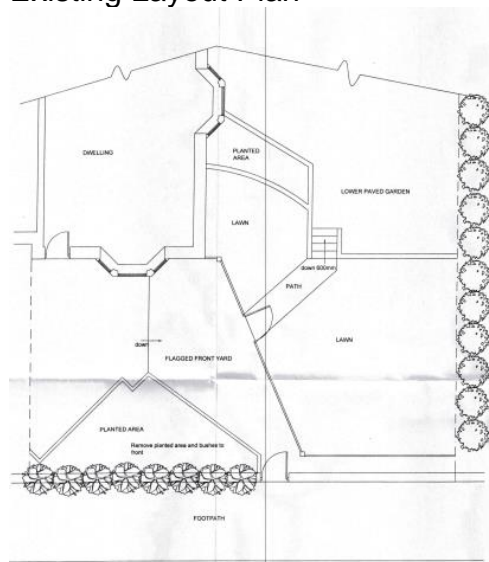
Extent of Proposed Drop Kerb



# Proposed Block Plan



# Existing Layout Plan



EXISTING PARTIAL SITE PLAN  
SCALE 1:50

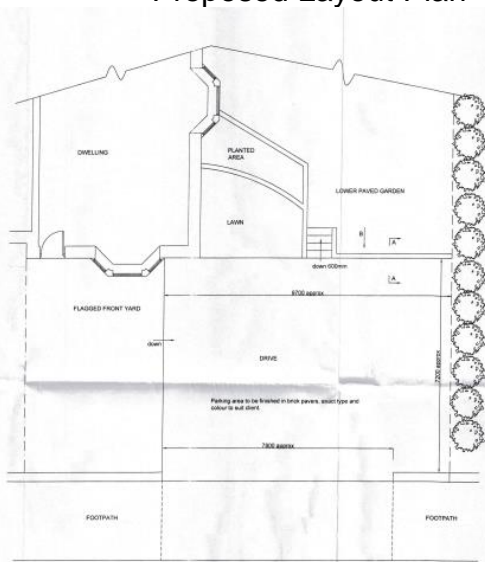
Retaining wall:  
Concrete block retained to soil level. Wall set on concrete footing. Exact depth of footing and thickness of retaining wall to suit Structural Engineers calculations to follow.

Driveway:  
Driveway paved full on sub base set on hardcore (to suit). All details to be as per structural engineers calculations to follow.



PROPOSED SECTION A-A  
SCALE 1:50

# Proposed Layout Plan



PROPOSED PARTIAL SITE PLAN  
SCALE 1:50

Foot new dropped kerb and footpath crossing, all in accordance with Local Authority requirements.



PROPOSED ELEVATION ON ARROW B  
SCALE 1:50

## **Planning and Environmental Considerations:**

*The main issues for consideration in the determination of this application are:*

- Principle
- Design and Highway Safety

### **Principle**

The property is within the Development Boundary of a Principal Town (i.e. Burnley) as identified within the Adopted Burnley Local Plan. Subject to compliance with other Local Plan Policies, the principle of alterations to dwellings is acceptable if *'of an appropriate type and scale'* in this area under Policy SP4.

This is a drop crossing. It is acceptable in principle as such development is considered to be of an appropriate type and scale.

### **Design and Highway Safety**

Policy SP5 requires *'high standards of design, construction and sustainability in all types of development.'* The proposal is a minor, functional piece of operational development involving the removal of a length of kerb, reducing the height of the footpath and replacement of a length of kerb at a lower level to ease vehicular access from road to property and vice versa.

In terms of highway safety, the view of the Highways consultee is that the amended proposal is acceptable.

### **Conclusion**

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 shall be carried out in accordance with the following submitted Drawings:

Drawing No. MR385/1 – existing and proposed plans, received 13.12.2021

Drawing No. MR385/2 – location plan, received 13.12.2021

Drawing No. MR385/1 – existing block plan, received 13.12.2021

Drawing No. MR385/1 – proposed block plan, received 13.12.2021

3. The proposal shall not be brought into use until a suitable charging point for an electric motor vehicle has been provided to the satisfaction of the Local Planning Authority. The electric charging point shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

4. No part of the development hereby approved shall be used until all the highway works have been constructed and completed in accordance with the approved plans and to the satisfaction of the Local Planning Authority and the Highway 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 continued compliance with the Development Plan.
3. To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.
4. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

**Notes:**

1. Due to the nature of the application, it is expected that a charging point for electric vehicles shall be included within the proposal to promote sustainable modes of transport. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle.
2. This consent requires the construction, improvement, or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx> (For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.





# Part One Plan

Housing & Development  
Town Hall, Manchester Road

# Agenda Item 6c

Ref.

## HOU/2022/0124

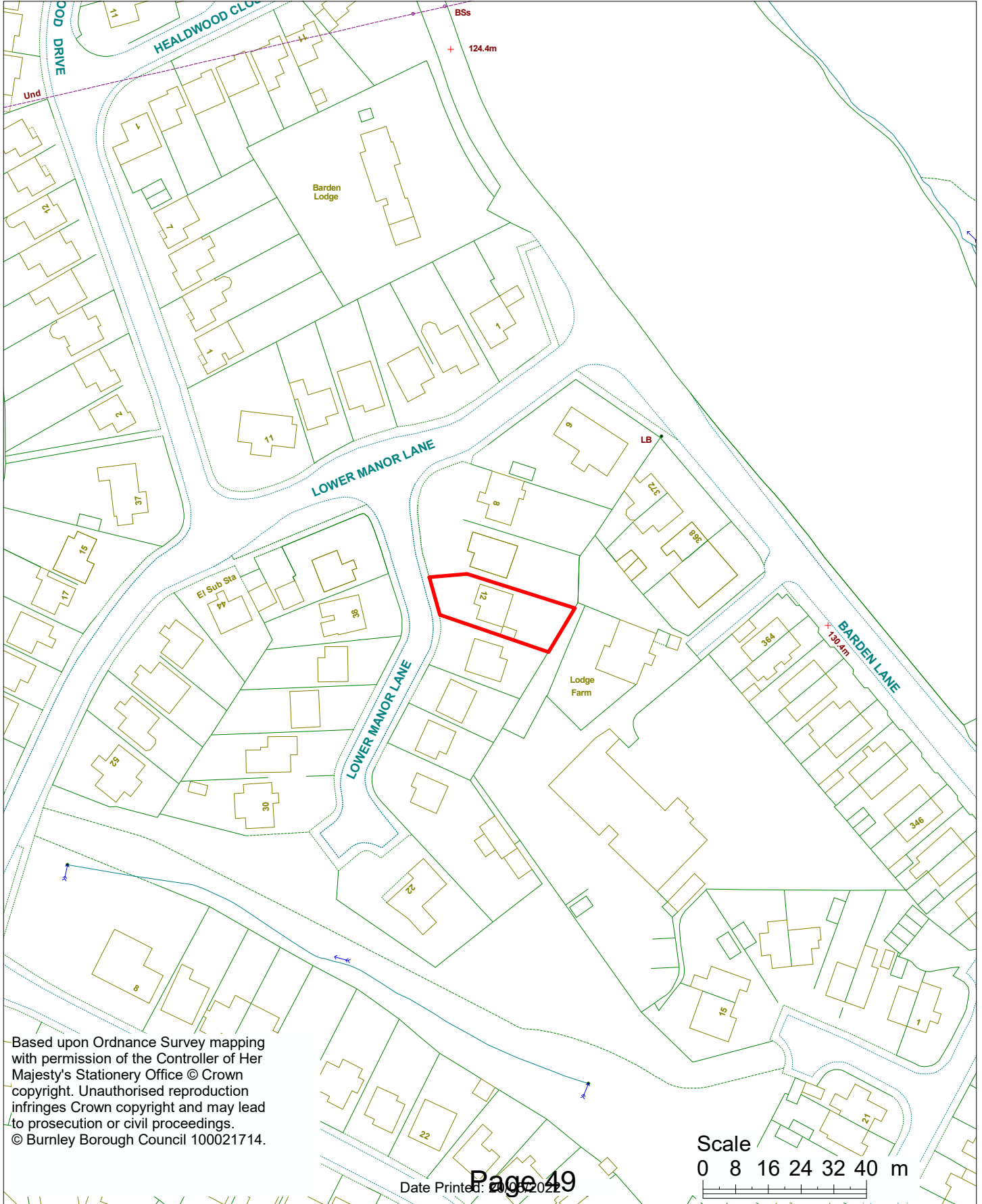
Paul Gatrell Head of Housing and Development Control

Location:



## 12 Lower Manor Lane, Burnley

1:1250



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**Application Recommended for Approve with  
Conditions**  
Queensgate

**HOU/2022/0124**

Town and Country Planning Act 1990

Proposed 2-storey rear extension and erection of flat roof dormer to rear  
2 Lower Manor Lane Burnley Lancashire BB12 0EB

**Background:**

The application relates to a detached property located in Burnley. The property benefits from a garden and driveway to the front, an integral garage and a private garden to the rear.

The application has been brought to Development Control Committee as objections have been received.



**Proposed Development:**

Consent is sought for the erection of a two-storey rear extension and a flat roof dormer on the rear elevation.

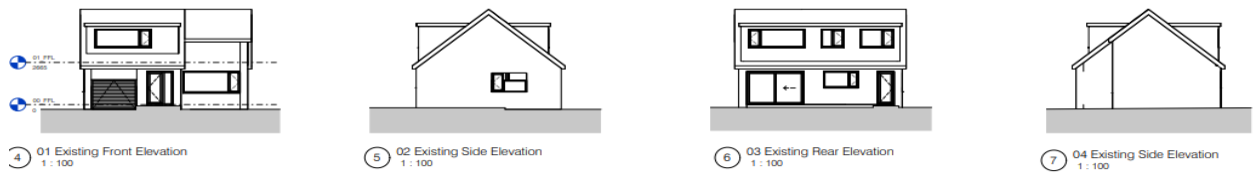
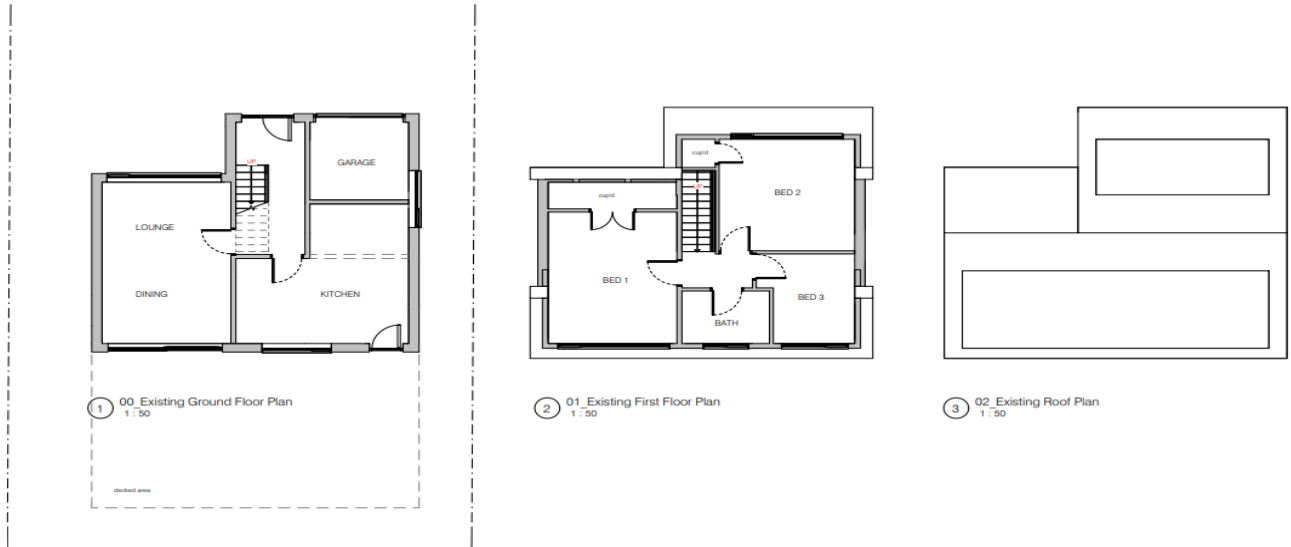
At ground floor the extension will span the full width of the house measuring approximately 8.3m in width with a rearward projection of 4.9m. This element of the extension will have a sloping roof measuring 2.8m and a maximum height of 3.1m.

At first floor the extension will measure 5.6m in width and project beyond the rear wall of the property by 2.9m. The extension will have an eaves height of 4.7m with a maximum height of 6m.

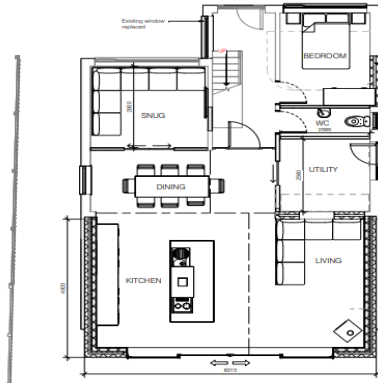
The flat roof dormer will measure 1.85m in width by 1.9m in height and will project beyond the roof slope by 2.2m.

Both the extension and rear dormer will be faced with off white render. The ground floor extension and dormer will have an edpm or similar roof type. The two-storey extension will have a concrete tile roof.

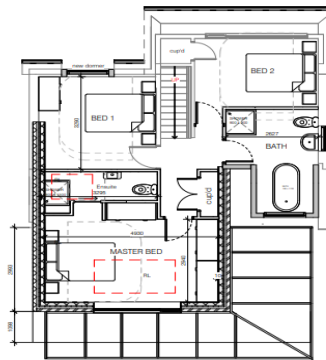
### Existing Plans and Elevations



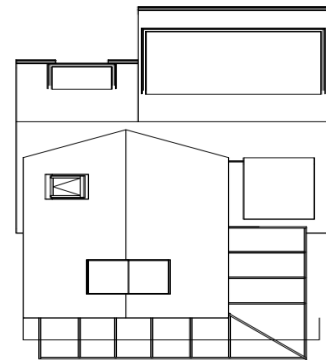
# Proposed Plans and Elevations



1 00\_Proposed Ground Floor Plan  
1:50



2 01\_Proposed First Floor Plan  
1:50



3 02\_Proposed Roof Plan  
1:50



1 01 Proposed Front Elevation  
1:50



2 02 Proposed Side Elevation  
1:50



3 04 Proposed Side Elevation  
1:50



4 03 Proposed Rear Elevation  
1:50

**Relevant Policies:**

Burnley Local Plan

SP1: Achieving Sustainable Development  
SP4: Development Strategy  
HS4: Housing Developments  
HS5: House Extensions and Alterations  
SP5: Development Quality and Sustainability

NPPF

**Site History:**

None

**Consultation Responses:**

Highways - The Highways Depot (Burnley District)	No objection subject to a condition requiring an electrical supply suitable for charging an electric motor vehicle be installed.
--	--

**Interested Party Comments:**

Several letters have been received from two addresses with concerns regarding loss of light and loss of privacy/overlooking. As well as concerns regarding the size of the extension.

**Planning and Environmental Considerations:**

**The key issues in relation to this application are:**

- Principle of Development
- Visual Amenity / Design
- Residential Amenity

**Principle of Development:**

The site is located within the development boundary of Burnley within the adopted Local Plan, as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. Given that the works will take place within the curtilage of an existing dwelling sited within the development boundary of Burnley the principle of the development is considered acceptable.

**Visual Amenity/Design.**

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out a requirement for the extension to remain subordinate to the existing building with appropriate building materials and that the extension should not have an adverse impact upon the character of the street scene. Also, the proposal should not lead to an unacceptable loss of useable private amenity space.

Paragraph 126 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The proposal has been subject to a number of amendments to reduce the size of the extension. The plans have been amended and the proposal now consists of a two-storey rear extension and flat roof dormer.

As the development relates to the rear elevation of the property the development would not be visible from the nearest highway and would therefore have limited impact on the visual amenity of the area.

In terms of the scale and size of the extension the amended plans propose a development that is considered to remain subservient to the main dwelling due to both the extension and dormer being set in from the side elevations as well as the ridge of the two-storey extension being set below the ridge of the main house. Although the development could be considered a large addition when compared to the main house the extensions will be clearly read as later additions to the original dwelling.

In addition to the above the adjacent neighbouring property benefits from a two-storey extension and garden room to the rear. Therefore, when viewed from the rear, the proposal contained in this application and the neighbouring property will be viewed in context with each other and as a result it is not considered that the proposal would appear as an incongruous form of development.

#### **Impact on Residential Amenity:**

Both policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants of adjacent land users, with reference to issues including: loss of light, privacy / overlooking and outlook.

The application site is a detached dwelling surrounded by neighbouring dwellings and objections have been received.

The neighbour property to the rear is sited approximately 22m from the rear elevation of the proposed extension and 10m from the shared boundary. Therefore, it is considered that the development meets the separation distances to ensure the development does not result in any detrimental loss of privacy to this property.

The neighbour property to the north, no 10 Lower Manor Lane benefits from a two storey and single storey rear extension. When assessed against the 45 degrees rule the two-storey rear and single storey extension will not negatively impact this neighbour in terms of loss of light. The original submission was considered to have a detrimental impact on the garden room to the rear of the neighbouring property due to the proximity of the two-storey extension. The extension is now set in from the shared boundary and a dormer is proposed to ensure the two-storey extension would not have a overbearing impact on this room.

The neighbouring property to the south is no 14 Lower Manor Lane. This property benefits from a dormer on the rear serving habitable rooms and a dining room at ground floor. This neighbouring property is set further east than the application site and therefore although the first-floor element of the proposed development projects 2.9m beyond the rear wall of the application site, the first floor extension will only project 0.8m beyond the rear wall of this neighbour property and including the single storey extension the rearward projection is 2.6m in total. Therefore, when assessed against the 45 degrees rule it is considered that neither the two storey or single storey element of the extension would have a significantly detrimental impact on the habitable rooms of the neighbouring property to warrant refusal of the application. Furthermore, although the extension will be visible from the dining room and the rear garden, due to the minimal rearward projection at first floor the development is not considered to have a detrimental impact in terms of an overbearing impact.

### **Recommendation:**

That planning consent be granted subject to conditions.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Existing Site and Location Plan: Dwg no 211- 001 Rev P01

Proposed Site Plan: Dwg no 411-001 Rev P03

Proposed Floor Plans: Dwg no 412-001- Rev P07

Proposed Elevations: Dwg no 413 – 001 Rev P08

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The materials to be used on the external surfaces of the development as indicated within the approved drawings and within the application form 2022/0124 shall be implemented as indicated.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality

4. The off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a



reduction in harmful vehicle emissions.

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Housing & Development  
Town Hall, Manchester Road

Ref.

## HOU/2022/0357

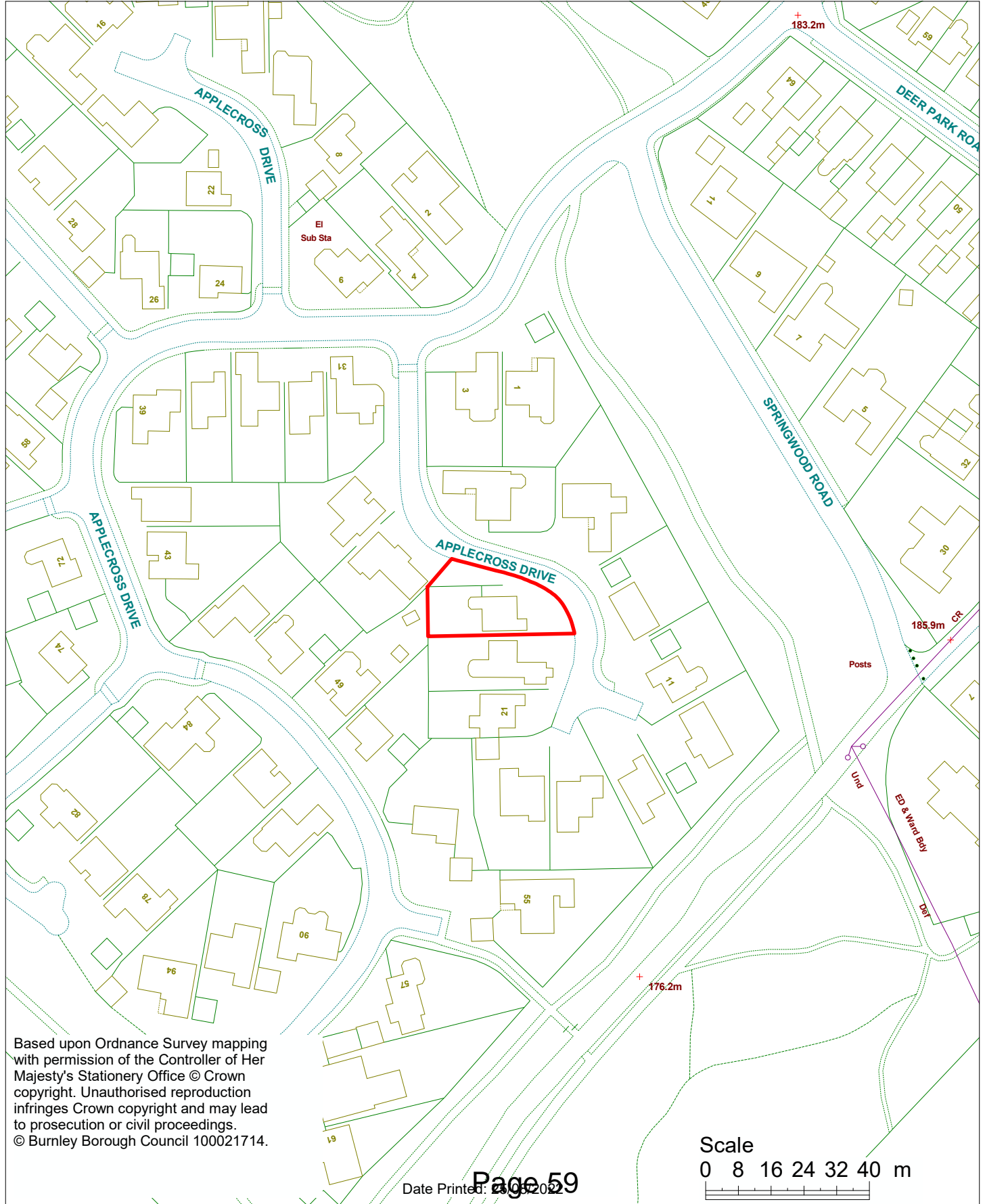
Paul Gatrell Head of Housing and Development Control

Location:

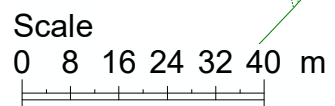


## 25 Applecross Drive, Burnley

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**Application Recommended for Approve with  
Conditions**  
Brunshaw

**HOU/2022/0357**

Town and Country Planning Act 1990

Proposed demolition of existing conservatory and the erection of a single storey extension to the side and rear, incorporating a log burner extract flue. erection of boundary wooden fence (generally not exceeding 2.00m but some instances of up to 2.40m due to the fall of the land) (Resubmission of HOU/2021/0578)  
25 Applecross Drive Burnley Lancashire BB10 4JP

**Background:**

The application relates to a detached two storey dwelling located in Burnley. The property benefits from a driveway and garden to the front. To the rear the property has a private garden area. The site occupies a corner plot. This application is a resubmission of a previously refused application ref (HOU/2021/0578).

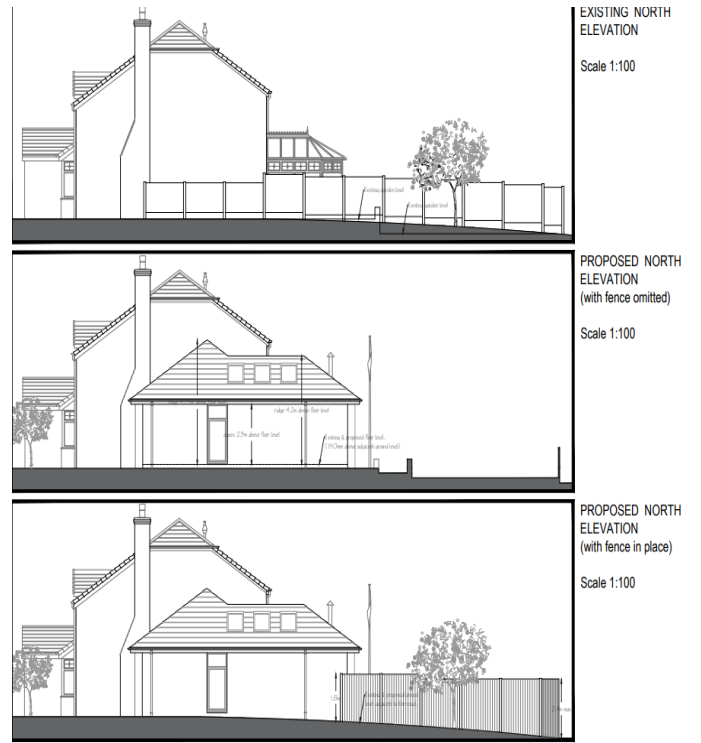
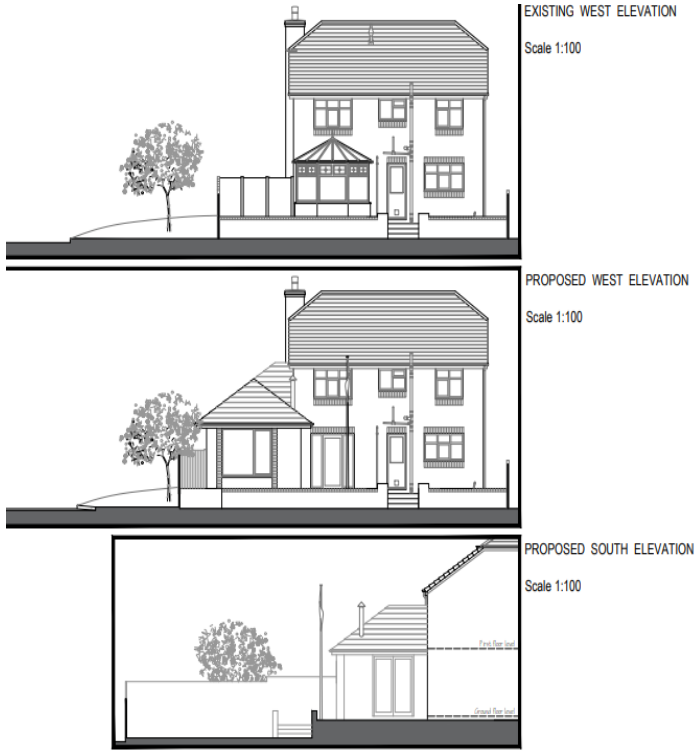
The application has been brought to Development Control Committee as an objection has been received.

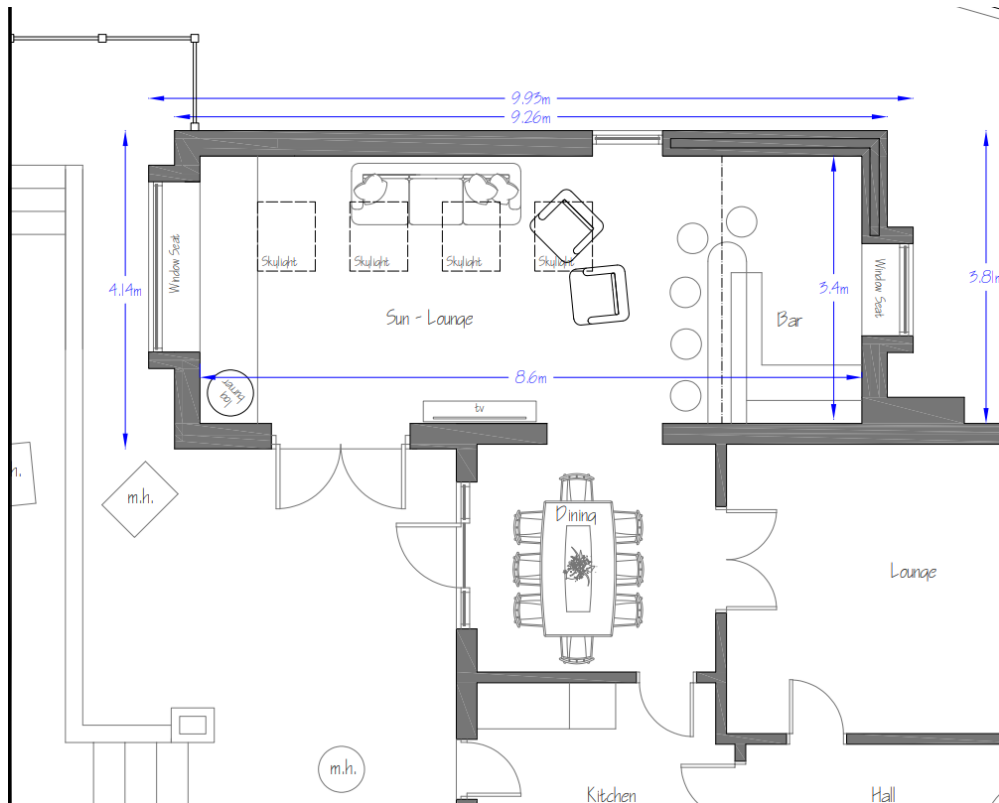


**Proposed Development**

Consent is sought for the demolition of the existing conservatory to the rear of the property and the erection of single storey extension that projects off the rear and side of the property. Consent is also sought for the erection of a boundary fence to the rear of the proposed extension.

The extension has a sideward projection of 3.8m and extends 9.9m in length the extension will form a hipped roof to the side and rear measuring approximately 2.5m in height to the eaves and 4.4m in height to the ridge.





**Relevant Policies:**

Burnley Local Plan

- Burnley Local Plan 2018 Policies:  
 SP1: Achieving Sustainable Development  
 SP4: Development Strategy  
 HS5: House Extensions and Alterations  
 SP5: Development Quality and Sustainability

**Site History:**

App Number	Proposal	Status	Received Date	Decision Date
HOU/2021/0578	Demolition of existing Upvc conservatory and construction a of new single story extension.	REF	14.09.2021	04.11.2021

**Consultation Responses:**

Highways - The Highways Depot (Burnley District)	No objections
--	---------------

Environmental Health	No Comment Received.
----------------------	----------------------

**Interested Party Comments:**

One letter of representation has been received with no objection to the extension but has concerns regarding the flue and its impact on the environment, potential smells/fumes and its appearance.

**Planning and Environmental Considerations:**

The key issues in relation to this application are:

- Principle of Development
- Visual Amenity / Design
- Residential Amenity

**Principle of development:**

The site is located within the development boundary of Burnley within the adopted Local Plan, as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. Given that the works will take place within the curtilage of an existing dwelling sited within the development boundary of Burnley the principle of the development is considered acceptable.

**Visual Amenity / Design:**

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out a requirement for the extension to remain subordinate to the existing building with appropriate building materials and that the extension should not have an adverse impact upon the character of the street scene.

Paragraph 126 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The application site occupies a corner plot and therefore the front, side and rear elevation of the proposed development are visible from Applecross Drive. As the extension is to the side of the property the impact of the extension on the character of the street scene is an important consideration in the determination of the application.

The extension will project beyond the side wall of the property by 3.8m and measures 9.5m in length and will form a dual hipped roof measuring 4.4m at its maximum height. The extension has been designed to reflect the style of the existing property and in terms of its size is considered to remain subservient to the main dwelling. The erection of the fence is not considered to result in an incongruous addition as there remains a sufficient area of open space between the fence and the highway to ensure that the open aspect of the area is retained.



The concerns with regard to the appearance of the flue are noted and it is necessary to have regard to the appearance of it as part of the proposed development. The flue is relatively modest in scale when taken as part of the overall proposal and is not considered to result in any detrimental impact to the visual amenity of the area.

### **Impact on Residential Amenity:**

The application property is a detached dwelling located on a corner plot with no immediate neighbours adjacent to the proposed side extension. The closest neighbour to the extension would be the neighbour to the north, no 5 Applecross Drive that is situated on the opposite side of the highway, Applecross Drive. There is a sufficient separation distance between the two properties to ensure there would be no significant impact on the residential amenity of this neighbouring property.

In terms of the concerns regarding the flue with regard to noise, smells and environmental impact; if used for domestic purposes as submitted it would not be considered that there would be a detrimental impact on residential amenity. If the flue was being operated in a way that was causing a nuisance of terms of air quality and odour this would be controlled by separate regulations.

### **Recommendation:**

That planning consent be granted subject to conditions.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan: Dwg no 053/01/101 Rev D  
Proposed north elevation: 053 / 01 / 107 Rev F  
Proposed west & south elevations: Dwg no 053 / 01 / 105 Rev D  
Proposed East Elevation: Dwg no 053/01/106 Rev C  
Proposed Floor Plans: Dwg 053/ 01/104 Rev C

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.



Housing & Development  
Town Hall, Manchester Road

Ref.

## HOU/2022/0369

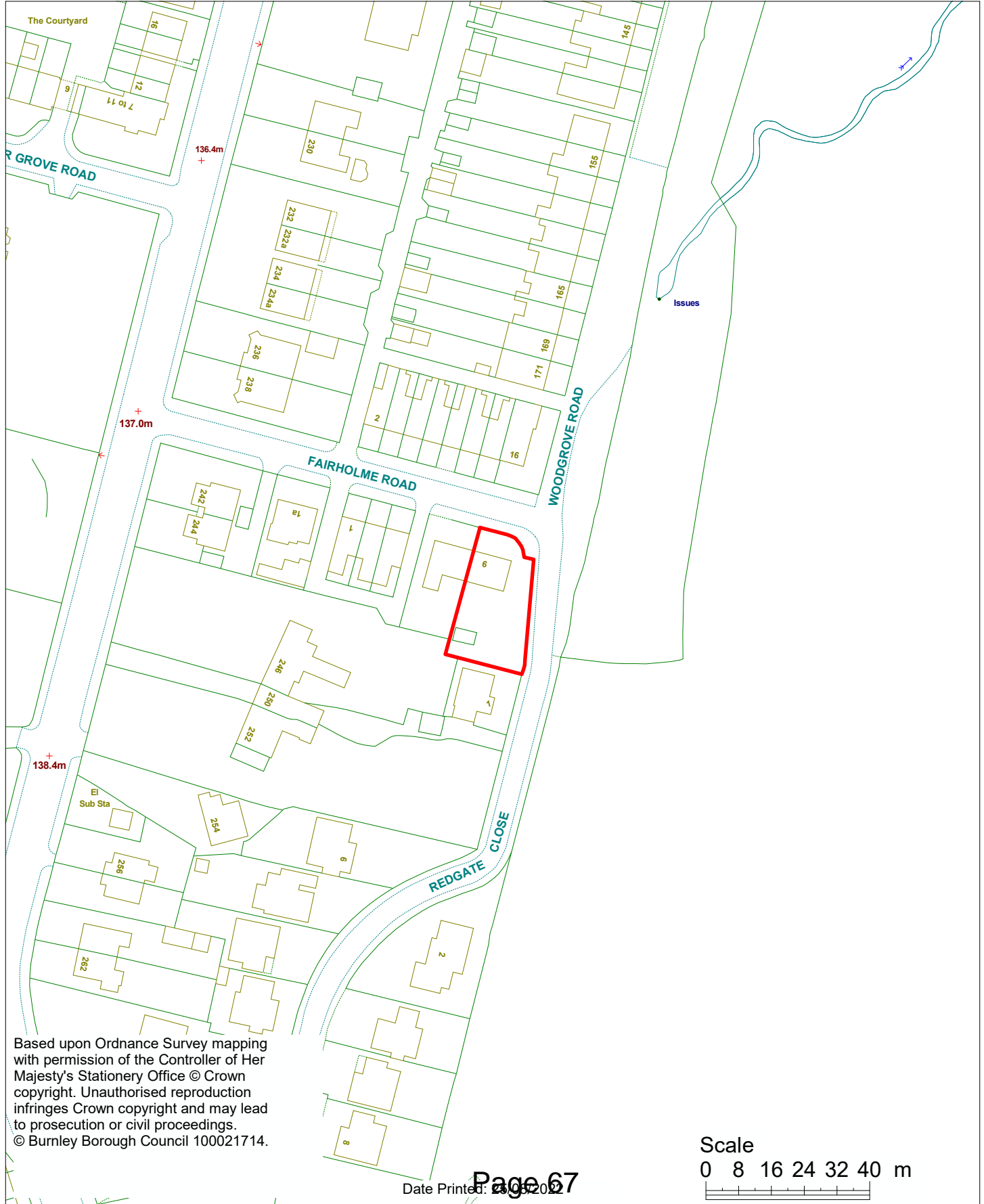
Paul Gatrell Head of Housing and Development Control

Location:

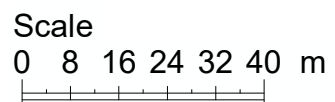


## 9 Fairholme Road, Burnley

1:1250



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**Application Recommended for Approval with  
Conditions**

**HOU/2022/0369**

Rosehill With Burnley Wood

Town and Country Planning Act 1990

Single storey pitched roof outbuilding to be used as a granny flat  
9 Fairholme Road Burnley Lancashire BB11 3EF

**Background:**

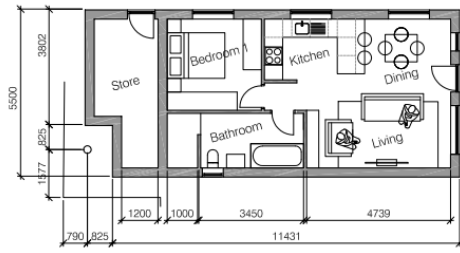
The application site relates to a semi-detached property located in Burnley. The property benefits from a garden to the rear with off street parking and a detached garage. The application site is located within Burnley Wood Conservation Area.

The application has been brought to Development Control Committee as a letter of objection has been received.



**Proposed Development:**

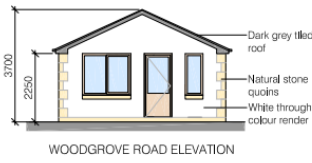
Consent is sought for the demolition of the existing detached garage and to erect an annexe in its place. The annexe will measure 5.5m at its maximum width and 12.2m in length. The annexe will have an eaves height of 2.25m and a ridge height of 3.7m. The building will be faced with render with stone quoins to the corners and a tiled roof.



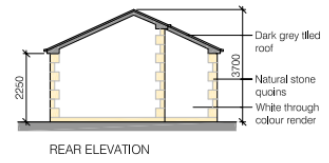
GROUND FLOOR PLAN



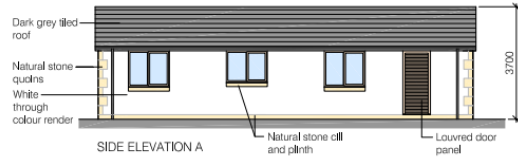
ROOF PLAN



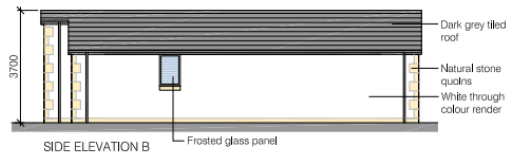
WOODGROVE ROAD ELEVATION



REAR ELEVATION



SIDE ELEVATION A



SIDE ELEVATION B

**Relevant Policies:**

Burnley Local Plan

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- HS5: House Extensions and Alterations
- SP5: Development Quality and Sustainability
- HE2- Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

NPPF

**Site History:**

None

**Consultation Responses:**

Highways - The Highways Depot (Burnley District)	No objection subject to condition
--	-----------------------------------

Coal Authority	No objections
----------------	---------------

Burnley Civic Trust	No Comment Received.
---------------------	----------------------

Burnley & District Historical Society	No Comment Received.
---------------------------------------	----------------------

**Interested Party Comments:**

Two letters of representation have been received from one address objecting to the development. The objections are as follows

- Loss of parking
- The building looks like an independent dwelling
- The use of timber cladding, render and grey upvc is inappropriate
- The proposal will have a detrimental impact on the neighbours garden area.

**Planning and Environmental Considerations:**

- Principle of Development
- Impact on the character and appearance of the Conservation area/ Visual Amenity
- Impact on Residential Amenity
- Highways

**Principle of Development**

The site is located within the development boundary of Burnley within the adopted Local Plan, as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. As detailed in the design and access statement the annexe accommodation is for a relative.

Whilst the principle of an annexe is acceptable within the development boundary, proposals need to comply with all relevant policies, in this instance policies SP5, HE2 and HS5.

**Impact on the character and appearance (significance) of the Conservation Area/ Visual Amenity.**

Local Plan Policies SP5 and HE2, amongst other considerations, requires development to be of a high standard of design and to respect the character and appearance of their setting including the protection of the special character of conservation areas.

As the site is located in the Burnley Wood Conservation Area, special regard is to be paid to sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confers upon the local planning authority a duty to “have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.” Preservation in this context means protecting the character and

appearance (significance) from harm as opposed to keeping it utterly unchanged.

The site is located within the eastern part of Burnley Wood Conservation Area. It is a compact area of C19 townscape, positioned between Todmorden Road and Towneley Park, comprising higher status and larger format mid to late 19th century stone-built terraces built on relatively small plots and positioned to take advantage of the long distance views across the Towneley Estate. While the individual houses are not remarkable in themselves, their simple but strong architectural features enrich the street scene. They have shallow garden forecourts with low stone boundary walls opening onto the street. To the rear, properties have all manner of low-rise extensions, some of which enclose the full depth of their rear yards. Car parking is predominately on street. It is the relatively high-density layout with a uniform style of architecture and unity of materials, scale and massing that impart string visual cohesiveness and a strong sense of place that is integral to the character of this part of the Conservation Area.

The original submission was considered to have a detrimental impact on the character and visual amenity of the conservation area due to the use of inappropriate building materials. The applicant's agent has submitted amended plans that propose materials that are considered acceptable and therefore it is considered that the development would not be of detriment to the character or visual amenities of the area or the character or visual amenities of the defined Conservation Area.

Paragraph 126 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The proposed development is sited in the rear garden and would remain subservient to the main dwelling in terms of its scale and size. The annexe is set back from the highway and will be single storey and constructed in acceptable building materials. Therefore, the development is not considered to result in a dominant addition when viewed from the highway. The building would provide a one-bedroom annexe with living room and kitchenette. The annexe would share its amenity space and driveway with the main dwelling and would access the main dwelling through the rear garden. It is considered that the development proposes a modest level of accommodation.

To ensure the annexe remains ancillary to the residential use of the main dwelling a condition will be attached to the permission ensuring that it shall only be occupied as an extended family unit in conjunction with the application property. The annexe cannot be used as a separate unit or divided by way of sale or subletting.

### **Impact on Residential Amenity:**

Policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reasoning of overlooking, lack of privacy or reduction of outlook or daylight.

As the development relates to the southern corner of the dwelling the neighbouring properties with the most potential to be affected by the development are 7 Fairholme Road and 1 Redgate Close.



The extension proposes to have a maximum height of 3.7 m and the extension will be approximately 0.6m from the shared boundary of both neighbouring properties. When compared with the existing garage the proposed development would not bring the built form any closer to either neighbour. The main difference is the increased ridge height as the development proposes a pitch roof. The side elevation of the annexe to the shared boundary with 1 Redgate Close would measure 2.25m to the eaves and the roof would increase away from this shared boundary to its maximum height of 3.7m. As such it is not considered that the development would have a significant detrimental impact in terms of loss of light or an overbearing impact.

The end gable of the annex that faces the shared boundary of 7 Fairholme Road would measure 2.25m at the eaves and 3.7m at the ridge. The neighbour's garden does not extend the full depth of the proposed annexe and therefore the gable of the annexe will extend 3.8m in width along this boundary at the very end of the garden. Although the annex will be visible from within the garden area of this neighbouring property it is not considered that the development would result in a detrimental impact in terms of loss of light due to the separation distance from the rear wall of the neighbouring property, nor would the development have any overbearing impact due to the minimal expanse of the gable wall that would extend along the shared boundary.

### **Highways:**

The highways officer has no objection to the development subject to the imposition of a condition restricting the use of the annexe. The highways officer does not raise any concerns in relation to loss of on street parking and the site plan indicates a sufficient number of parking spaces for the number of bedrooms within the property.

### **Recommendation:**

That planning consent be granted subject to conditions.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan and Block Plan: 2201- LP01C  
Outbuilding Plan and Elevations: 2201- PL01C

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

4. The annexe building hereby approved shall not be occupied or used for any other purposes than those ancillary to the residential use of the dwelling known as 9 Fairholme Road, Burnley and shall only be occupied as an extended family unit in conjunction with the property to which it is related.

The annexe shall not be used as a separate unit of living accommodation nor be divided by way of sale or sub-letting to form a unit or units of separate residential accommodation.

Reason: To define the scope of the permission hereby approved and prevent the use of the building for purpose(s) which may cause harm to the development strategy for the borough or neighbouring residential amenity.

## BURNLEY BOROUGH COUNCIL DEVELOPMENT CONTROL COMMITTEE

# REPORTS ON PLANNING APPLICATIONS



Photograph McCoy Wynne

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

8<sup>th</sup> September 2022

Housing and Development

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## List of Delegated Decisions

Application Number	Applicant	Location	Proposal	Decision	Decision Date
HOU/2021/0722	Mr Shazidul Hoque	14 Armytage Grove Burnley Lancashire BB12 0AR	Replacement of boundary timber fencing to stone wall and increase in height from 2096mm to 2300mm.	Refuse	13th July 2022
VAR/2022/0046	Mr N Puttnam	Land At Curzon Street And Pioneer Place Car Park Burnley Lancashire BB11 1DF	Variation of Condition 2 (approved plans); 16 (highway works) and 24 (sustainable drainage strategy) of application VAR/2021/0487.	Approve with Conditions	11th July 2022
FUL/2022/0063	Cornerstone	Existing Base Station Moor Edge Farm Gorple Road Burnley Worthorne BB10 3NW	Upgrade of an existing base station, consisting of the replacement of a 17.5m monopole with a 20m monopole supporting 6 no antenna, 1 no dish to be relocated with internal works to the existing cabinet and ancillary development.	Approve with Conditions	12th July 2022
VAR/2022/0189	.	New Town Mill Queen's Lancashire Way Burnley BB11 1LY	Application to vary condition no. 2 of planning permission FUL/2020/0054 - substitution of approved plans to reflect revised details for the approved roof replacement.	Approve with Conditions	15th July 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2022/0190	MOHAMMED BASHIR	11 Hawk Street Burnley Lancashire BB11 2SE	Proposed single storey rear kitchen extension and front entrance porch with level access	Approve with Conditions	25th July 2022
TNOT/2022/0262	EE Ltd	Land At Huntroyde Estate Off A6068 Padiham Lancashire BB12 7HL	Proposed installation of telecommunications apparatus comprising the following: Removal and replacement of 6no. existing Telefonica antennas at 20m on the tower (like-for-like); installation of radio units, combiners and other ancillary items; upgrade of existing internal equipment cabinets, inside existing cabin.	Observations	18th July 2022
TPC/2022/0233	Mr Stuart Maullin	9 Rochester Drive Burnley Lancashire BB10 2BH	Application to remove 2 Ash trees covered by The Burnley (Marsden Hospital, Burnley) 1994 Tree Preservation Order	Split decision	21st July 2022
OUT/2022/0062	Taylor	Land At Liverpool Road BB12 6JE	Outline Application for development of 18 houses and 10 No. duplex apartments (All matters reserved)	Application Withdrawn	12th August 2022
HOU/2022/0271	Mr S Ormerod	18 Bentham Avenue Burnley Lancashire BB10 1XZ	Proposed Single Storey Side Extension	Approve with Conditions	11th July 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2022/0290	Mr Frank Hickey	2 Oakeneaves Avenue Burnley Habergham Eaves Lancashire BB11 5HH	Proposed single storey front and side extension	Refuse	13th July 2022
LBC/2022/0085	Ms Louise Hayden	Moorfell Farm Hurstwood Village Worsthorne-with-hurstwood Lancashire BB10 3LQ	Replacement of front door	Refuse	8th August 2022
TNC/2022/0313		Partridge Hill Padiham Burnley Lancashire BB12 8EJ	Proposed upgrade of an existing base station consisting of the removal and replacement of existing 6 no antennas for proposed 6 no antennas. Removal and replacement of 2 no cabinets for proposed 1 no cabinet.	Observations	13th July 2022
COU/2022/0168	Mr Leo Gentile	1 Bethesda Street Burnley Lancashire BB11 1PR	Change of use of ground floor restaurant to form 4no. one-bedroom flats.	Refuse	19th July 2022
FUL/2022/0300	Mr L Dobson	1-3 Grimshaw Street Burnley Lancashire BB11 2AS	Retrospective replacement of existing shopfronts and insertion of new doorway.	Refuse	19th July 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
FUL/2022/0310	Mrs Alessandro	294 Padiham Road Burnley Lancashire BB12 6ST	Change of use from retail shop to a café and take-away and provision of an extraction flue	Approve with Conditions	18th July 2022
ADV/2022/0311	Salvation Army	Wash King 31 Westgate Burnley Lancashire BB11 1RY	(i) Installation of 2No. illuminated fascia signs (ii) Installation of 2No. non-illuminated fascia signs (iii) Installation of 1No. freestanding totem sign	Approve with Conditions	19th July 2022
ADV/2022/0255	Ms Sarah Farrell	University Of Central Lancashire Sandygate Trafalgar Street Burnley Lancashire BB11 1RF	Fingerpost sign	Approve with Conditions	19th July 2022
HOU/2022/0315	Mrs Karen Lock	24 Dugdale Road Burnley Lancashire BB12 6DW	Proposed alterations to kitchen to create level access from rear.	Approve with Conditions	20th July 2022
HOU/2022/0306	Mr Warren Parrington	28 South Drive Padiham Lancashire BB12 8SH	Single storey rear extension	Approve with Conditions	20th July 2022
HOU/2022/0278	Mr Motin	96 Grey Street Burnley Lancashire BB10 1BZ	Single storey rear extension to rear with flat roof	Approve with Conditions	25th July 2022



<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
TNOT/2022/0331	Victoria Stoyanova	Hargrove, Barrowford Road, Padiham, Burnley, Lancashire, BB12 8NQ	Intention to make alterations to the electronic communications apparatus located at Hargrove, Barrowford Road, Padiham, Burnley, Lancashire, BB12 8NQ	Observations	13th July 2022
HOU/2022/0323	Mr Stephen Riley	Tycoch Towneleyside Todmorden Road Burnley Lancashire BB11 3QT	Proposed conversion of detached garage to form habitable room with link made to existing dwelling	Approve with Conditions	22nd July 2022
HOU/2022/0338	MR PHILIP GILPIN	10 Howard Street Burnley Lancashire BB11 4PQ	Proposed single storey rear extension	Approve with Conditions	25th July 2022
FUL/2022/0341	Mr Tyldsley	George Iv Hotel Padiham Road Burnley Lancashire BB12 6LG	Proposal to enclose the beer garden with 1.8m high fencing and installing a new timber pergola to create covered drinking area with seating. New festoon lighting on posts to beer garden.	Approve with Conditions	25th July 2022
HOU/2022/0318	Mr Scott Whittaker	Thorn Trees Halifax Road Briercliffe Lancashire BB10 3QY	Installation of bifold doors to rear elevation	Approve with Conditions	4th August 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2022/0328	Mrs Emma Cooper	19 Heckenhurst Avenue Worsthorne-with-hurstwood Lancashire BB10 3JN	Proposed bedroom extension over existing garage.	Refuse	25th July 2022
HOU/2022/0327	Mr David Kenyon	13 Hill Crest Avenue Cliviger Lancashire BB10 4JA	Proposed single storey extension to side elevation.	Approve with Conditions	26th July 2022
FUL/2022/0308	McDonalds	1 Burnham Gate Burnley Lancashire BB11 4SL	Alterations to elevations to include the erection of an under eaves extension to the east elevation, relocation of entrance door with new glazing, access door and high level window, together with associated works to the site.	Approve with Conditions	26th July 2022
HOU/2022/0339	Mr Ockert Erasmus	15 Bouldsworth Road Worsthorne-with-hurstwood Lancashire BB10 3JT	Demolition of existing conservatory and rear porch. New single storey garage and rear extension.	Approve with Conditions	9th August 2022
HOU/2022/0346	Mr Jordan Bull	19 Portsmouth Avenue Briercliffe Lancashire BB10 2DR	Proposed single storey extension	Approve with Conditions	9th August 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CND/2022/0363	Mr Phill Ashley	Plot 3 Lennox Street Worsthorne-with-hurstwood Lancashire BB10 3LY	Application to discharge Conditions 4 (Method Statement) and 9 (Access) relating to planning permission FUL/2019/0432.	Conditions discharged	8th August 2022
ADV/2022/0366	TH UK & Ireland Ltd	Unit 6 Anchor Retail Park Active Way Burnley Lancashire BB11 1BS	Display of 3 no. internally illuminated fascia signs	Approve with Conditions	11th August 2022
FUL/2022/0365	TH UK & Ireland Ltd	Unit 6 Anchor Retail Park Active Way Burnley Lancashire BB11 1BS	Alterations to external elevations to provide new shop fronts	Approve with Conditions	11th August 2022
CEA/2022/0371	Lisa Emam	268 Todmorden Road Burnley Lancashire BB11 3EB	Application for Lawful Development Certificate re: use of a dwelling (C3a) as a children's home for a maximum of four children, with two carers sleeping overnight, working on a rota basis (C2).	Lawful Dev Cert not issued	11th August 2022
HOU/2022/0373	Mr Adam Liversidge	39 Caernarvon Avenue Burnley Lancashire BB12 6BE	Proposed single storey wrap around extension to rear elevation and side elevation to create additional kitchen space and additional bedroom	Approve with Conditions	10th August 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
FUL/2022/0185	Mr Philip Stripe	Pennine View Trafalgar Street Burnley Lancashire BB11 1TQ	Single storey extension to Pennine View (C2 Residential Care Home) and the construction of 2no. 5 bedroom residential care home dwellings to be used in conjunction with the existing care home on the site.	Approve with Conditions	16th August 2022
CND/2022/0375	Mr C Durkin	Land To The West Of Briercliffe Road Burnley General Hospital Burnley BB10 2PQ	Discharge of Condition 11 (Construction Environment Management Plan); Condition 17 (Construction Method Statement); and Condition 21 (Surface Water and Pollution Prevention during construction) of planning permission FUL/2021/0659.	Conditions part discharged	15th August 2022
HOU/2022/0361	Dr & Mrs Livingstone	11 Healey Mount Burnley Lancashire BB11 2QG	Proposed single storey extensions to side and rear of dwelling.	Approve with Conditions	10th August 2022
HOU/2022/0330	Mr Darren Killian	161 Sycamore Avenue Burnley Lancashire BB12 6AS	Erection of garage to rear garden.	Approve with Conditions	23rd August 2022
PAH/2022/0389	Mrs Lorraine Walsh	12 Kimberley Street Briercliffe Lancashire BB10 2JN	Single storey extension with mono pitch roof to extend by 4 metres externally beyond rear wall, 4 metres maximum height and 2.20 metres height to the eaves.	Prior Approval not required accept	26th July 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
HOU/2022/0394	Mr James Thompson	Higher Gibfield Farm Manchester Road Burnley Habergham Eaves Lancashire BB11 5NS	Alterations and extensions to the existing house (Resubmission of HOU/2021/0207)	Approve with Conditions	19th August 2022
HOU/2022/0398	Mr Nerney	409 Padiham Road Burnley Lancashire BB12 6TB	Proposed Single Storey Rear and Side Extension - Retrospective	Approve with Conditions	10th August 2022
HOU/2022/0402	Mr Chris Agate	89 Halifax Road Briercliffe Lancashire BB10 3QS	Demolition of an existing rear conservatory and erection of single storey rear extension.	Approve with Conditions	10th August 2022
FUL/2022/0376	Mrs Paula Markham/Mr Peter Billington	22-24 Northwood Close Burnley Lancashire BB12 0JR	Full Planning Application for a First floor extension above existing Garage at No.22 and a change of roof style at No.24 at Northwood Close, Burnley, BB12 0JR	Approve with Conditions	11th August 2022
ADV/2022/0416	Mrs Adele Grogan	Bus Shelter 3303-0002 Westway Fronting Adj 2A Clare Street Burnley Town Centre BB11 4AT	Replacing paper advertisement panel on bus shelter with single digital internally illuminated display.	Approve with Conditions	11th August 2022

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
FUL/2022/0239	Mr Taseen Amin	Holmby Street Garage Holmby Street Burnley Lancashire BB10 1SF	Change of use and extension of commercial vehicle garage to form a storage use (Use Class B8), together with the construction of a first floor to provide 3 apartments.	Refuse	11th August 2022
CND/2022/0427	Mr C Durkin	Land To The West Of Briercliffe Road ' Burnley General Hospital Burnley BB10 2PQ	Discharge of Condition 7 (Off-site highway works) and Condition 10 (Invasive species) of planning permission FUL/2021/0659	Conditions part discharged	15th August 2022
HOU/2022/0428	Mr David Cunningham	53 Richmond Avenue Cliviger Lancashire BB10 4JL	Single storey front extension to existing dwelling	Approve with Conditions	19th August 2022
NMA/2022/0445	Ian Marsden	64 Deer Park Road Burnley Lancashire BB10 4SD	Non material amendment to HOU/2021/0717 - Alteration to the window/door arrangement to the rear elevation	Non-Material Minor Amendment Granted	15th August 2022