

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 15th February, 2018  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 15th February, 2018 at 6.30  
pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of the Chief Executive's Office by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website [www.burnley.gov.uk/meetings](http://www.burnley.gov.uk/meetings).

### A G E N D A

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 20

To approve as a correct record the Minutes of the previous meeting.

**3. Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

**4. Declaration of Interest**

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

**5. Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

**6. List of Deposited Plans and Applications**

21 - 22

To consider reports on planning applications for development permission:

- a) **APP/2017/0386 & APP/2017/0387 - 118 St James Street Burnley** 23 - 36
- Change of use of theatre entrance to café and bar, rebuild front elevation to form new shop front with iron gates, install extractor flue and partial mezzanine floor to use as office.
  - Listed Building Consent - partial demolition of front elevation and from

new shop front with iron gates, install extractor flue, partial mezzanine floor and internal alterations

- b) **APP/2017/0472 - Land South of Old Hall Farm, Oswald Street, Burnley** 37 - 52
- Proposed erection of 8no. five bedroomed detached dwellings.
- c) **APP/2017/0536 - 16 Prairie Crescent, Burnley** 53 - 62
- Proposed double storey extension to side and rear.
7. **Decisions taken under the Scheme of Delegation** 63 - 70
- To receive for information a list of delegated decisions taken since the last meeting.

#### **MEMBERSHIP OF COMMITTEE**

Councillor Frank Cant (Chair)  
Councillor Arif Khan (Vice-Chair)  
Councillor Gordon Birtwistle  
Councillor Margaret Brindle  
Councillor Trish Ellis  
Councillor Danny Fleming  
Councillor Sue Graham  
Councillor John Harbour

Councillor Marcus Johnstone  
Councillor Lubna Khan  
Councillor Neil Mottershead  
Councillor Andrew Newhouse  
Councillor Tom Porter  
Councillor Asif Raja  
Councillor Andrew Tatchell  
Councillor Cosima Towneley

**PUBLISHED**

Wednesday, 7 February 2018

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## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 25th January, 2018 at 6.30 pm

### PRESENT

### MEMBERS

Councillors F Cant (Chair), A Khan (Vice-Chair), G Birtwistle, M Brindle, T Ellis, D Fleming, S Graham, J Harbour, M Johnstone, L Khan, N Mottershead, A Newhouse, T Porter, A Raja, A Tatchell and C Towneley

### OFFICERS

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

### 69. Apologies

None were received.

### 70. Minutes

The Minutes of the last meeting held on 14<sup>th</sup> December 2017 were approved as a correct record and signed by the Chair.

### 71. Declaration of Interest

Cllr Andy Tatchell declared an Other Predjudicial interest in item 6b. He left the room and took no part in the item.

### 72. 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:

ORDER	NAME	SUBJECT
1.	Carole Robinson (AGAINST)	APP/2017/0454&0455 Rowley Farm, Rowley Lane, Burnley
2.	Claire Bradley (AGAINST)	APP/2017/0454, 0455, 0458 & 0459 Rowley Farm, Rowley Lane, Burnley
3.	Cllr David Heginbotham (AGAINST)	<b>APP/2017/0572 Thanet Lee Close, Cliviger, Burnley</b>
4.	Daniel Gaughan (FOR)	APP/2017/0572 Thanet Lee Close, Cliviger, Burnley

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

**73. APP/2017/0461 63 Elm Street, Burnley**

**Full Planning Application  
Proposed single storey rear kitchen extension  
63 ELM STREET, BURNLEY**

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

**Conditions:**

1. The development must be begun 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: KH/01 Dwg 02 and 04, received 20 September 2017.
3. The extension shall be painted in a colour to match the stonework of the existing dwelling within 3 months of this permission.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the extension is in keeping with the appearance of the dwelling, in accordance with Policy H13 of the Burnley Local Plan (2006).

**74. APP/2017/0518 2 Westwood Road, Burnley**

**Full Planning Application**

**Proposed two storey extension, single storey extension and new roof to garage  
2 WESTWOOD ROAD, BURNLEY**

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

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No WR2/5, W.R2/2A & W.R2/1A, received 20 October 2017

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

**75. APP/2017/0454 & APP/2017/0455 Rowley Farm, Rowley Lane, Burnley**

**Full Planning Application and Listed Building Consent**

**Convert barn to two dwellings and shippin to one dwelling (APP/2017/0454)**

**Carry out external and internal alterations for the conversion of barn to two dwellings  
and shippin to one dwelling (APP/2017/0455)**

**ROWLEY FARM, ROWLEY LANE, CLIVIGER**

**Decision:**

**That authority be delegated to the Head of Housing and Development Control to approve applications APP/2017/0454 and APP/2017/0455 subject to a Section 106 Agreement or Unilateral Undertaking to dedicate the part of FP2 Worsthorne with Hurstwood at Rowley Farm to a Public Bridleway and to the agenda conditions and further/modified conditions as set out below:-**

**APP/2017/0454**

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), received 19 September 2017; access road plan - GFP/2016-LP-20.12.2017, received on 20 December 2017; 2016-

02-07A (Curtilage proposals), received on 6 November 2016; and, 2016-02-08A (Barn - Proposed plans and elevations), 2016-02-04B (Shippon - Proposed plans and elevations) and 2016-02-10 (Landscape plan), received on 18 December 2017.

3. The external materials of construction to be used on the walls of the conversion shall be of matching stone and slate to the existing barn in terms of its type, size, shape, thickness, texture and colour.
4. Prior to development being commenced for either building, representative samples and details of the corresponding external materials to be used on the roof of the development 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 materials.
5. The pointing to be used in the stonework of the development shall be a lime based mortar and brushed back into the stonework.
6. The re-building work to the walls of the barn and shippon shall be confined to the extent as indicated on the approved plans only.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no development shall be carried out on any part of the site within the terms of Classes A, B, C, D, E, F, G and H of Part 1 and Class A of Part 2 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority.
8. All windows and doors to be used in the barn conversions shall be of timber construction only and painted, not stained.
9. All new and replacement rainwater goods or soil pipes to be used in the conversion of the barn shall be in cast iron, aluminium or wood and painted black, unless otherwise approved in writing by the Local Planning Authority.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the associated dwelling or the completion of that dwelling, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the associated dwelling 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 consent to any variation.
11. No dwelling shall be first occupied until the improvements to the access to the site as indicated on drawing number GFP/2016-LP-20.12.2017 have been carried out and completed in accordance with the associated Supplementary Comments Reference GFP:2016-02 and 13, received on 20 December 2017.
12. No dwelling shall be first occupied until its associated parking has been constructed and is available for use in accordance with the details as indicated on the approved plans. The approved car parking shall thereafter be retained at all times.



13. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding including decorative displays
  - v) measures to control the emission of dust and dirt during construction
  - vi) wheel washing facilities
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) details of working hours.

14. No development approved by this planning permission shall be commenced on each building until:
- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.
  - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
  - d) A Method Statement and remediation strategy, based on the Information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

15. No dwelling shall be first occupied until provision has been made for the storage of refuse and recycling bins as indicated on drawing number 2016-02-10. The approved refuse and recycling storage provision shall be retained at all times.
16. No external lighting shall be installed at any part of the application site other than low level lighting which is in accordance with a scheme of external lighting which shall be previously submitted to and approved in writing by the Local Planning Authority. No additional or more intense lighting shall at any time be installed without the prior written permission of the Local Planning Authority.
17. No works shall take place on the site until the applicant, or their successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority. A copy of the recording and analysis shall be placed in an appropriate archive following its completion.

18. Prior to any dwelling being first occupied, the cobbles and stone flagging in the existing farmyard shall be retained and repaired and supplemented with cobbles and stone flagging as necessary as indicated on the approved plans. The surfacing of the farmyard shall thereafter be retained as approved at all times.
19. The perimeter stone walls shall be retained as indicated on the approved plans and there shall be no other boundary treatment either on the boundaries or within the application site area unless details of any other form of boundary treatment are first submitted to and approved in writing by the Local Planning Authority.
20. The Reasonable Avoidance Measures in respect of bats and birds shall be carried out prior to and throughout the development process in accordance with the recommendations set out at section 5 of Ecological Appraisal prepared by Bowland Ecology (reference, BOW17/838, dated September 2017) submitted with the application.
21. Prior to the development being commenced, details of how bat and bird nesting features can be incorporated into the barn and shippon shall be submitted to and approved in writing by the Local Planning Authority. The approved bat and bird nesting features shall thereafter be incorporated into the conversion of the buildings and be completed prior to any respective dwelling being first occupied.
22. The rooflights to be used in the development shall have a matt black surround and be fitted flush with the roof slates, in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.
23. No window frames shall be installed in any part of the development until details to determine the amount of recessing of the frames, their profile and design specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
24. Prior to any dwelling hereby approved being first occupied, the apron area at the entrance to Rowley Farm shall be improved with hard and soft landscaping which shall be designed to deter the use of this area for parking, in accordance with a scheme which shall be first submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall thereafter be retained at all times.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the use of appropriate materials to protect the rural character and appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley

Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).

4. To ensure the use of appropriate materials to protect the rural character and appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
5. To prevent the deterioration of stonework from the use of an inappropriate mortar mix, in order to protect the rural character and appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure the integrity of the conversion scheme and its historic interest, in accordance with Policies GP2 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July, 2017).
7. In order that the Local Planning Authority can assess any future changes on the rural character of the converted barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
8. To ensure an appropriate appearance to protect the rural character of the former farm buildings, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
9. To ensure that these features have a minimal impact on the visual appearance and character of the converted farm buildings, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
10. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies GP3 and E27 of the Burnley Local Plan, Second Review (2006) and Policy EMP6 of Burnley's Local Plan, Submission Document (July 2017).
11. To ensure a satisfactory means of access to cater for the proposed development, in the interests of highway safety, in accordance with Policy EMP6 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework.
12. To ensure adequate access and parking to cater for the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006) and Policy EMP6 of Burnley's Local Plan, Submission Document (July 2017) and the National Planning Policy Framework.

13. To safeguard safety and amenity in the vicinity of the construction works, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
14. To ensure the site is suitable or can be made suitable for the construction of the development upon it, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006). It is necessary for the ground investigation report to be submitted and approved prior to the commencement of development in order that any remediation measures that may be necessary can be carried out at the appropriate stage in the development process.
15. To ensure appropriate and discreet external storage for bins away from public views, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006) and Policy EMP6 of Burnley's Local Plan, Submission Document (July 2017).
16. To avoid excessive lighting in the countryside, in accordance with Policy GP2 of the Burnley Local Plan, Second Review (2006) and Policy EMP6 of Burnley's Local Plan, Submission Document (July 2017).
17. To ensure and safeguard the recording and inspection of barns of archaeological/historical importance, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006). The recording and analysis is required prior to the commencement of development to ensure that a proper recording can take place.
18. To preserve the historic interest and setting of Rowley Farm, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2 and HE3 of Burnley's Local Plan, Submission Document (July 2017).
19. To safeguard the character and setting of Rowley Farm which is characterised by perimeter stone walls and an open farmyard, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2 and HE3 of Burnley's Local Plan, Submission Document (July 2017).
20. To ensure that bats and nesting birds which are protected by the Wildlife and Countryside Act 1981 are adequately protected and not harmed by the development, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July, 2017) and the National Planning Policy Framework.
21. To ensure that the proposal provides for an adequate enhancement of biodiversity, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006), Policy NE1 of Burnley's Local Plan, Submission Document (July, 2017) and the National Planning Policy Framework.
22. To ensure a satisfactory appearance that respects the appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).

23. To ensure the new window frames are sympathetic and respect the historic character of former agricultural buildings, in accordance with Policies GP2, GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
24. To encourage visitors to the area to park at designated car parks close to the site and to protect the residential amenities of neighbouring properties, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).

**APP/2017/0455 – That Listed Building Consent be granted subject to the following conditions:**

**Conditions:**

1. The works shall start within three years of the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Loc1 (1:1250 location plan), received 19 September 2017; access road plan - GFP/2016-LP-20.12.2017, received on 20 December 2017; 2016-02-07A (Curtilage proposals), received on 6 November 2016; and, 2016-02-08A (Barn - Proposed plans and elevations), 2016-02-04B (Shippon - Proposed plans and elevations) and 2016-02-10 (Landscape plan), received on 18 December 2017.
3. The external materials of construction to be used on the walls of the conversion shall be of matching stone and slate to the existing barn in terms of its type, size, shape, thickness, texture and colour.
4. Prior to development being commenced for either building, representative samples and details of the corresponding external materials to be used on the roof of the development 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 materials.
5. The pointing to be used in the stonework of the development shall be a lime based mortar and brushed back into the stonework.
6. The re-building work to the walls of the barn and shippon shall be confined to the extent as indicated on the approved plans only.
7. All windows and doors to be used in the barn conversions shall be of timber construction only and painted, not stained.
8. All new and replacement rainwater goods or soil pipes to be used in the conversion of the barn shall be in cast iron, aluminium or wood and painted black, unless otherwise approved in writing by the Local Planning Authority.
9. No works shall take place on the site until the applicant, or their successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning

Authority. A copy of the recording and analysis shall be placed in an appropriate archive following its completion.

10. Prior to any dwelling being first occupied, the cobbles and stone flagging in the existing farmyard shall be retained and repaired and supplemented with cobbles and stone flagging as necessary as indicated on the approved plans. The surfacing of the farmyard shall thereafter be retained as approved at all times.
11. The perimeter stone walls and stone water trough shall be retained as indicated on the approved plans and there shall be no other boundary treatment either on the boundaries or within the application site area unless details of any other form of boundary treatment are first submitted to and approved in writing by the Local Planning Authority.
12. The rooflights to be used in the development shall have a matt black surround and be fitted flush with the roof slates, in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

**Reasons:**

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the use of appropriate materials to protect the rural character and appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
4. To ensure the use of appropriate materials to protect the rural character and appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
5. To ensure the use of appropriate materials to protect the rural character and appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
6. To ensure the integrity of the conversion scheme and its historic interest, in accordance with Policies GP2 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July, 2017).
7. To ensure an appropriate appearance to protect the rural character of the former farm buildings, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second

Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).

8. To ensure that these features have a minimal impact on the visual appearance and character of the converted farm buildings, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).
9. To ensure and safeguard the recording and inspection of barns of archaeological/historical importance, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006). The recording and analysis is required prior to the commencement of development to ensure that a proper recording can take place.
10. To preserve the historic interest and setting of Rowley Farm, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2 and HE3 of Burnley's Local Plan, Submission Document (July 2017).
11. To safeguard the character and setting of Rowley Farm which is characterised by perimeter stone walls and an open farmyard, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2 and HE3 of Burnley's Local Plan, Submission Document (July 2017).
12. To ensure a satisfactory appearance that respects the appearance of the barn, in accordance with Policies GP3 and E10 of the Burnley Local Plan, Second Review (2006) and Policies HE2, HE3 and EMP6 of Burnley's Local Plan, Submission Document (July 2017).

<b>76. APP/2017/0458 &amp; APP/2017/0459 Rowley Farm, Rowley Lane, Burnley</b>
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**Full Planning Application and Listed Building Consent  
Sub-division of farmhouse to form two dwellings (Retrospective) (APP/2017/0459)  
Listed building consent for internal alterations to Sub-divide farmhouse to form two dwellings (Retrospective) (APP/2017/0458)**

**ROWLEY FARM ROWLEY LANE, CLIVIGER**

**Decision:**

**APP/2017/0458: That Listed Building Consent be granted subject to the following conditions:**

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: LBC Loc1 (1:1250 location plan), 2016-13-03 and 2016-13-04, received on 19 September 2017; 2016-02-07A, received on 6 November 2017; 2016-02-10, received on 18 December 2017; and, access road plan - GFP/2016-LP-20.12.2017, received on 20 December 2017.

3. No later than six months from the date of this permission, the existing upvc windows shall be replaced by timber window frames in accordance with details of their design and appearance which shall be first submitted to and approved in writing by the Local Planning Authority. The timber window frames shall thereafter be retained.

### **Reasons**

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. The existing windows have previously been installed without the appropriate consent and are inappropriate and insensitive to the historic nature of this Grade II listed building. Replacement window frames are therefore necessary to preserve the special interest and character of this heritage asset, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).

**APP/2017/0459: That planning permission be granted subject to the following conditions:**

### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: LBC Loc1 (1:1250 location plan), 2016-13-03 and 2016-13-04, received on 19 September 2017; 2016-02-07A, received on 6 November 2017; 2016-02-10, received on 18 December 2017; and, access road plan - GFP/2016-LP-20.12.2017, received on 20 December 2017.
3. No dwelling shall be first occupied until its associated parking has been provided and is available for use in accordance with the details as indicated on the approved plans. The approved car parking for each dwelling shall thereafter be retained at all times.
4. No later than six months from the date of this permission, the existing upvc windows shall be replaced by timber window frames in accordance with details of their design and appearance which shall be first submitted to and approved in writing by the Local Planning Authority. The timber window frames shall thereafter be retained.

### **Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure adequate access and parking to cater for the development, in accordance with Policy GP3 and TM15 of the Burnley Local Plan, Second Review (2006).
4. The existing windows have previously been installed without the appropriate consent and are inappropriate and insensitive to the historic nature of this Grade II listed building. Replacement window frames are therefore necessary to preserve the special interest and character of this heritage asset, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).

**77. APP/2017/0511 72 Rosehill Road, Burnley**

**Full Planning Application**

**Proposed single storey extension and porch (re-submission of APP/2015/0367)  
72 ROSEHILL ROAD, BURNLEY**

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

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, existing and proposed site plans and drawing no. R.R 72/1 received 20 Oct 17

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

**78. APP/2017/0569 48 Lindale Crescent**

**Full Planning Application**

**Conversion of garage to reception and entrance hallway, construction of front porch and dormer to rear of property  
48 LINDALE CRESCENT, BURNLEY**

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

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: LIN(22) E/P 01, (Existing) LIN(22) E/P 01, (Proposed),
3. No development shall commence until the parking area associated with the site is fully accessible by means of a properly constructed dropped crossing.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To maintain the proper construction of the footway and reduce the likelihood of damage by vehicles crossing the footway and in accordance with policy TM15 of the Burnley Local Plan Second Review and policy IC3 of the emerging Burnley Local Plan.

**79. APP/2017/0572 3 Thanet Lee Close, Cliviger, Burnley**

**Full Planning Application**

**Proposed new porch extension, utility extension, new drive entrance & alterations to garage and elevations. New disabled ramp to allow access to garden area.  
3 THANET LEE CLOSE CLIVIGER**

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

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100/01A, 02, 100/04A, 100/05, 100/06, 100/07 received 29/11/2017. Dwg nos. 100/03B and 100/08 received 9/1/2018.`
3. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To limit the number of access points to, and to maintain the proper construction of the highway.

## 80. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation for the period 27<sup>th</sup> November to 31<sup>st</sup> December 2017.

## 81. Appeals and other decisions

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

**APP/2017/0231** Appeal against the refusal of planning permission for the change of use from a Nursing Home (Use class C2) to key worker accommodation (sui generis) at 1 The Paddock, Highfield Avenue, Burnley

The Inspector identified the following as the main issues:

1. The principal issue related to car parking provision. Whilst there would be a choice of transport available to residents in terms of access to nearby hospitals (Burnley and Blackburn), many of the professionals would no doubt want to have access to a car for both social and possibly “on call” purposes. Therefore, even if public transport/shuttle bus, walking or cycling was utilised, many residents’ cars would be parked at the appeal site.
2. The Highway Authority assessment of a required 15 car spaces (discounted on the basis of likely car ownership from a maximum of 22; ie one per resident) was reasonable. The proposal before the Inspector provided 9 parking spaces.
3. The Inspector considered that the proposal would result in additional vehicles being parked on Highfield Avenue, including pavement parking, to the detriment of pedestrian safety and the free flow of traffic along Highfield Avenue where there are already issues associated with street parking.

Appeal Decision – The Inspector **DISMISSED** the appeal.

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

15<sup>th</sup> February 2018

Housing and Development

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# Part One Plan

# Agenda Item 6a

Housing & Development  
9 Parker Lane

Ref.

APP/2017/0386

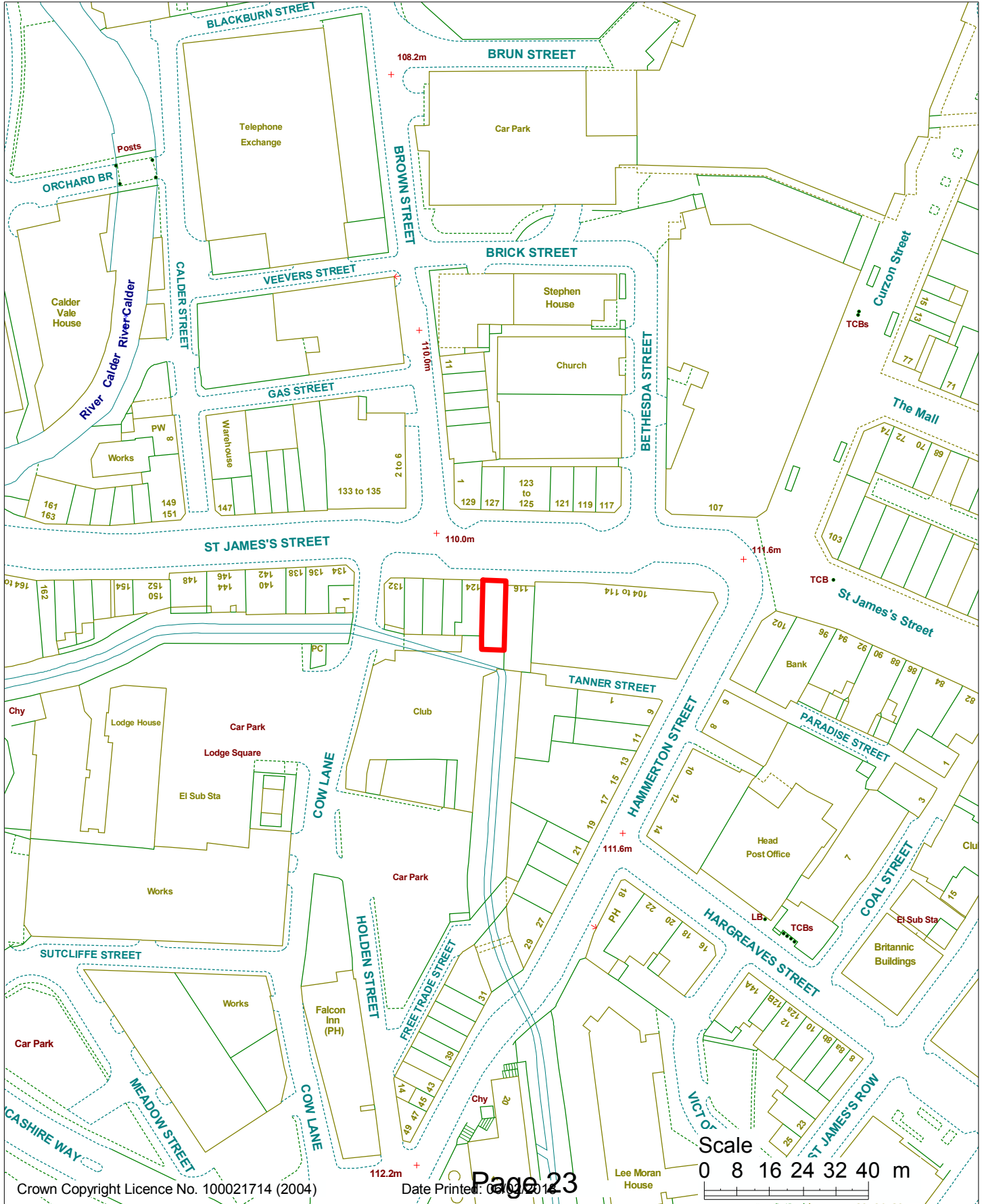
Paul Gattrell Head of Housing and Development

Location:



118 St James's Street, Burnley

1:1250



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## Application Recommended for Approval

Daneshouse with Stoneyholme Ward

Full Planning Application - **APP/2017/0386**

Change of use of theatre entrance to cafe and bar (class A3/A4), rebuild front elevation to form new shop front with iron gates, install extractor flue and partial mezzanine floor to use as office

Listed Building Consent - **APP/2017/0387**

Partial demolition of front elevation and from new shop front with iron gates, install extractor flue, partial mezzanine floor and internal alterations

118 ST JAMESS STREET BURNLEY

### Background:

The application is for a change of use of the premises from part of a former bingo hall (Class D2) to a use as a bar/café (Classes A3/A4) and to form a new shopfront and folding gates to the front and install a flue to the rear. The initial application also included works to the rear of the unit to form a balcony and external seating area but this part of the proposal has been removed by reducing the red edge of the application site to the part of the property of 118 St James Street which is wholly within the applicant's titled ownership. Some works to the roof of the unit, dismantling of its frontage and works to the rear of the unit have already taken place.



The image below is of the front of 118 St James Street prior to the dismantling of its frontage.

118 St James Street



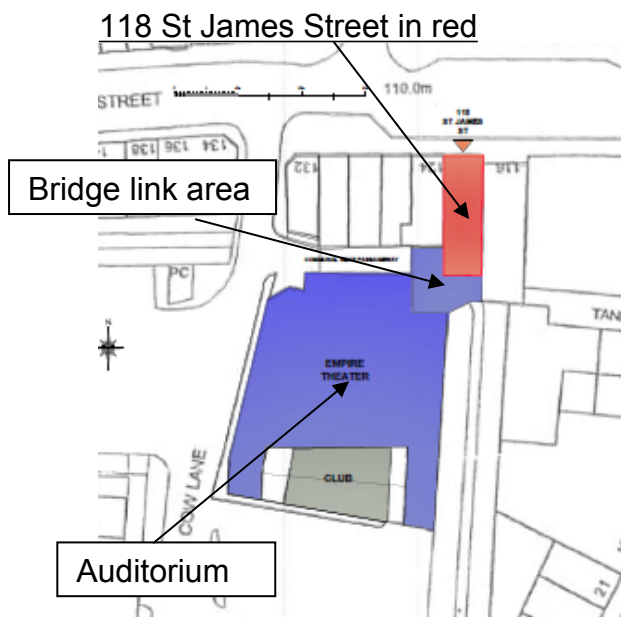
Rear of building

Side of theatre on Cow Lane

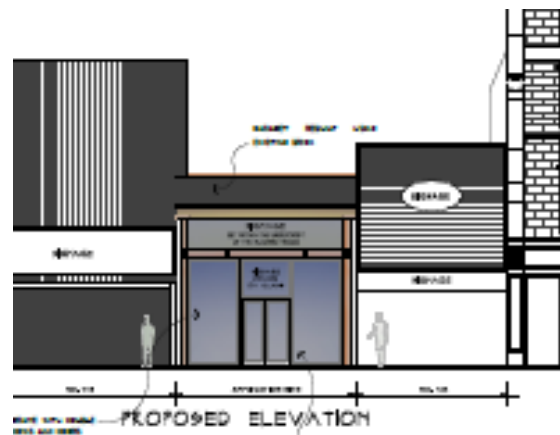


Rear of bridge link between 118 St James Street and auditorium





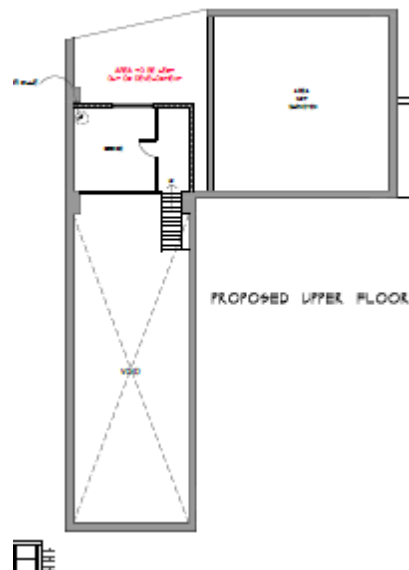
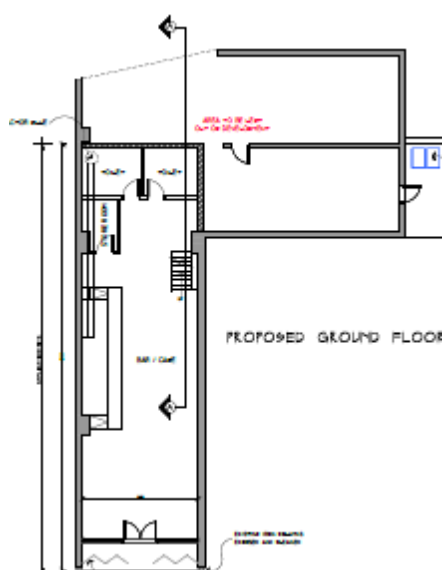
Proposed new shopfront



The proposal involves forming a new shopfront which would retain the cast iron columns at the front and form a simple but improved frontage.

Proposed Ground Floor

Proposed Partial Mezzanine Floor



The application no longer relates to the rear side of the building which passes over the River Calder. The proposed ground floor plan indicates that two new internal walls would be constructed which would separate the former passageway from the stairs that lead to the theatre's auditorium. A small mezzanine floor would also be created to form an office.

The foyer building is part of the Empire Theatre which was Grade II listed in 1996. The site also falls within the Town Centre Conservation Area. This report relates to both the application for planning permission and for listed building consent.

**Relevant Policies:**

### Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

BTC5 – Leisure and tourism development in Burnley town centre

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

E12 – Development in, or adjacent to, conservation areas

E25 – Shopfronts

### Burnley's Local Plan, Submission Document (July 2017)

SP1 – Achieving sustainable development

SP5 – Development quality and sustainability

TC3 – Burnley town centre – primary and secondary frontages

TC8 – Shopfront and advertisement design

HE1 – Identifying and protecting Burnley's historic environment

HE2 – Designated heritage assets

### **Site History:**

12/87/0027 – Erection of internally illuminated box sign with internally illuminated border and motif. Approved April 1987 at Coral Social Club, 118-122 St James Street

12/92/0157 – Erection of internally and externally illuminated fascia signs. Approved April 1992 at Gala Clubs, 118 St James Street

12/98/0041 – Change of use from use within Class D2 to use within Class A3 sale of food and drink. Approved July 1998 at Former Empire Theatre. Not implemented.

19/98/0354 – Change of use to theatre. Approved September 1998. Not implemented.

APP/2003/0378 – Proposed change of use of entrance walkway to shop unit at 118 St James Street. Refused December 2003; appeal dismissed April 2004.

APP/2003/0379 – Listed Building Consent application for proposed erection of blockwork separating wall to rear to form shop unit and shop front timber and glazing renewal at 118 St James Street. Refused December 2003; appeal dismissed April 2004.

### **Consultation Responses:**

#### Theatres Trust

Objects on the basis that the foyer is essential to the operation of the theatre and its loss will prohibit the restoration and re-use of this Grade II statutory listed heritage asset. The Empire was originally built in 1894 and the auditorium was reconstructed by renowned theatre architect Bertie Crewe in 1911. Converted into a cinema in 1938, and later into a bingo hall, it has been disused since 1995 and is listed on out Theatres at Risk Register which identifies important theatres with community support and the potential to be brought back into active use. The trust advise that the local authority must be absolutely assured that the building is surplus to the cultural requirements for the local community before granting any new use. Once lost, they are virtually impossible to replace.

Burnley Borough Council together with the Theatres Trust, Burnley and District Civic Trust, Burnley College, Burnley Empire Theatre Trust and the University of Central

Lancashire, formed a stakeholders group in 2016 to develop solutions for the Empire and oversaw a study into the future viability of the Empire for cultural and community use. The market appraisal found that while there was insufficient demand for the Empire to operate as a traditional theatre, there was good potential for use as a local music, artist and cultural venue, and as a youth training facility associated with its restoration. The Burnley Empire Theatre Trust (BETT) are now investigating how to move the project forward, including options for funding and grants.

The Theatres Trust therefore object on the basis that the proposal will result in the loss of the Empire's foyer and main entrance which will compromise the future operation of the Empire as a community and cultural facility. This is the only front of house and public space provided in the theatre building and the foyer is the only space available for a box office, bar and audience waiting area, all of which are essential for any of the new uses identified and for generating income. As the main theatre block is landlocked, there is no opportunity to build a new entry elsewhere around the building. The foyer building also provides the theatre with an essential street presence needed to advertise events at the venue. None of the alternative entrance options identified by the applicant are feasible as a main entrance as they either access fire escape stairs or enter directly into the auditorium stalls area with no space for necessary public facilities. The doors would also open directly onto Cow Lane and it would be both impractical and unsafe to expect audience members to assemble, wait and exist directly onto the roadway.

The Trust would expect a statement of significance to identify any original features of the foyer that remain. The Trust also state that if the applications are permitted then they strongly recommend that they are only given temporary approval which would allow the foyer to be used as a bar in the short term while the plans for the wider restoration of the Empire are developed to safeguard the building for beneficial cultural uses in the long term.

Following the submission of amended plans, the Theatres Trust state that they welcome the removal of the disputed 'bridge link building' between the main theatre and the foyer building; on the basis of a permanent change of use, their objection is maintained but affirm that a temporary permission is acceptable in principle so as to safeguard the building for beneficial cultural uses in the long term. This is particularly important in the light of the forthcoming Burnley Town Centre Masterplan where the theatre represents a unique and significant opportunity to contribute to the town's economy and leisure offer. Conditions are recommended to ensure that the access between the foyer and the main theatre is maintained to ensure that significant architectural features within 118 St James Street remain in place.

#### Burnley Empire Trust Committee

Object. No. 118 St James Street is the established entrance to the Burnley Empire Theatre which was opened in 1894, later known as Gala/Coral Bingo and which has lain vacant for 22 years. Independently redeveloping no. 118 could negate the current work of a Stakeholders group. The building is East Lancashire's only purpose-built Edwardian theatre. It was just one of very few examples left of its kind across the UK, with architecture designed by Bertie Crewe, akin to the Shaftesbury located in the West End of London, designed and built by Crewe in the same year. In 2015, a Stakeholders group was formed who commissioned a viability study in two parts. The first part was funded by Burnley Borough Council and the Theatres Trust and the second by BETT and the Architectural Lottery Fund. The proposed development fails to acknowledge the opportunities available for restoring and reopening Burnley Empire

through a long term venture with partnership and training at its core. Separating 118 St James Street from the Empire would impact significantly on any future project to restore the building to an appropriate, viable and continued use. The area is well served by cafes and bars and it would be inappropriate to forego the community benefits of restoration to put it to this use. There is considerable local community support for the restoration of the building. BETT has confirmed their continued objection to the application following the submission of an amended red edge application site.

#### Environmental Health

No objections. Recommend conditions relating to constructions hours, noise control and to prevent music etc outside the premises and to require details of refuse/recycling.

#### Publicity

No comments received.

### **Planning and Environmental Considerations:**

#### Principle of proposal

The site is located in Burnley town centre within a shopping street which is identified as part of the main shopping area in the adopted local plan (2006) and amongst a secondary shopping frontage within the emerging local plan (Submission Document, July 2017). The application site forms part of the larger Empire Theatre building where Policy BTC5 of the adopted local plan seeks to maintain and enhance leisure and tourism development in the town centre. Policy BTC5/5 states that the Empire theatre is considered to be suitable for re-use as a leisure use. The proposed use as a bar/café (Classes A3/A4) would not fall within the scope of a leisure use and would fragment the allocation of the site as a whole unit. The emerging local plan recognises the contribution of other services such as bars and cafes to the vitality of the town centre and a small bar/café within this location of St James Street where there are a variety of shops, cafes and vacant units would, in principle, represent an acceptable town centre use. However, in this instance, the proposed unit at 118 St James Street differs from its adjoining shop units as it forms an integral part of the Grade II listed Empire Theatre. Consideration should therefore be given to the impact that the proposal would have on the future leisure use of the larger theatre site and on the special interest of this Grade II listed building and the Town Centre Conservation Area.

#### Loss of grade II listed theatre

Policies E10 and E12 of the Local Plan and Policy HE2 of the emerging local plan seek to protect the character and historic interest of listed buildings and conservations areas. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting and the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework (the Framework) states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Where development would lead to substantial harm, the Framework indicates that it should be refused, whilst where the proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The authorised use of the Empire Theatre is for Class D2 (assembly and leisure) uses. A number of previous planning permissions have been granted for a change of use to restaurant (12/98/0041) and then to a theatre (12/98/0354) but these permissions were not implemented. The building was therefore last occupied as a bingo hall which ceased in 1995 and has not been in use since this time. Policy BTC5/5 seeks a leisure use for the building which would be consistent with its current authorised use (Class D2). A previous planning application (APP/2003/0378) and application for listed building consent (APP/2003/0379) to separate no. 118 St James Street from the larger theatre site were refused and upheld on appeal. At that time, the unit at 118 St James Street had become in separate ownership to the main part of the theatre and the applicant wished to block up the opening between the main theatre and the public entrance from St James Street in order to form a shop unit at no. 118. The Inspector stated that it has not been shown that the two parts of the building could operate separately or whether a proper entrance/access could be obtained onto Cow Lane. As such, the Inspector concluded that without a proper inspection of the premises, it was impossible to find out what effect the proposed shop would have on the listed building and it would therefore be wrong to assume that the future use of the listed building would not be adversely affected. Despite the time that has lapsed since this appeal, the Empire Theatre building has remained out of use and no further steps have been made to form any alternative public entrance to the building.

The current application which would utilise the main public entrance to the theatre as a separate unit for bar/café and permanently segregate the two parts repeats the same issues that were considered in 2003/2004. The Theatres Trust (TT) and the Burnley Empire Theatre Trust (BETT) object to the application on the basis that removing the main public entrance to the theatre from St James Street would compromise the future operation of the Empire as a community and cultural facility. The TT and the BETT explain in their objections the anticipation that the former theatre which is currently in a state of disrepair is capable of re-use for arts and community uses and that considerable work has been carried out to form a stakeholders group, to undertake feasibility studies (funded by some of the stakeholders and a lottery fund) to assess the viability of future uses and the building. The second part of the viability study that was issued in May 2017 found that there is potential for a long-term project which could save Burnley Empire through an innovative model with partnership and training at its core and an incremental and phased approach. It refers to a new entertainment/heritage zone in Burnley around the canal and linking to Weavers' Triangle. Whilst there are still uncertainties around the implementation of this, the report states that there would be economic, cultural and heritage benefits that would accrue, making Burnley a better place to live, work, study and visit. The Duchy of Lancaster is currently dealing with the title of the main auditorium and has been liaising with the Theatres Trust over this. The building and its future is therefore a changing situation which at the present time would be adversely compromised if the main public entrance to the building was permanently detached from the theatre.

It is acknowledged that there are no practical alternative means of forming a public entrance, taking into account safety and internal entrance space requirements. A frontage onto St James Street also provides a prominent town centre presence that may be necessary for advertising events and drawing visitors or customers into the venue. Whilst it is unfortunate therefore that the former public entrance foyer to the theatre has fallen into separate ownership to that of the main theatre, it would be premature at this stage to relinquish its use as part of the theatre. The recent Viability

Study, the formation of a Stakeholders group and the possibility of the Duchy of Lancaster transferring title of the main auditorium in the near future, reflect current circumstances which should be taken into account.

The realisation of any benefits and new use of the Empire Theatre building is however still likely to be at least a small number of years. As such, the TT state that they would not object to a temporary use of 118 St James Street subject to the thoroughfare between the unit and the theatre being re-opened at the end of that temporary use and any historic features within the unit being retained. A temporary use would have the benefit of enabling repairs to the structural condition of the unit to be completed and for works to be carried out to form a new shopfront. This is likely to provide an improved appearance to the unit and to the shopping street. On this basis, it is recommended that a temporary permission be granted for up to two years which would enable the applicant to utilise the unit and make improvements to its appearance whilst also ensuring that the function of the unit in providing a main public entrance to the rest of the building can be revisited once the future uses and viability of the theatre are better understood.

In terms of the physical works to the listed building, the proposed new shopfront has been sensitively designed to retain the existing cast iron columns and a glazed shopfront with appropriate proportions and simple folding cast iron gates to protect the forecourt and shopfront. The proposed flue to the rear of the premises would be unseen from St James Street and mainly out of view. These proposed works are necessary to re-establish a shop frontage and to allow the building to be improved. Other works are mainly concerned with repairing and renovating the interior. There is likely to be minimal architectural interest in the interior although any details of interest such as cornicing, should be retained. Conditions are recommended to ensure the retention of any historic features following a recording of the interior of the unit.

#### Other issues

The unit is bound on one side by a café and on the other side by a vacant shop unit. Given that the proposal represents a town centre use, it is unlikely that the use or the installation of a flue would have any significant effect on amenities. There is no need to limit opening hours in the case of a town centre café/bar which would be dealt with under separate licencing regulations. A condition is required in respect of refuse and recycling storage to ensure that this is dealt with efficiently without unsightly bins in public view.

#### Conclusion

The application site appears as a vacant and derelict shop unit from St James Street but is the former main public entrance to the Empire Theatre which was last used as a bingo hall in 1995 and has not been in use since this time. The theatre is in a poor state of repair but is a rare example of Edwardian theatre design in Lancashire and is therefore a scarce and unique heritage asset which was Grade II listed in 1996. Steps to bring the theatre back into use have been made, particularly in the last year. This however would be significantly hindered and jeopardised by the loss of the public entrance at 118 St James Street which provides the only public means of entering the theatre as well a street presence for attracting people to the building. Whilst there is uncertainty over the future of the building, it is recognised that the theatre has significant potential for heritage led regeneration that would be beneficial to the culture and heritage of the town centre. A permanent new use for 118 St James Street that separated it from the rest of the theatre building would at this stage therefore lead to



significant harm to the listed building and to the town centre and would not be acceptable. In order to facilitate some repairs and the creation of a new shopfront, a temporary permission for up to two years is justified, after which time the need for the unit to perform as a public entrance to the theatre will be clearer. Permission for a temporary use only would therefore safeguard the future of the Grade II listed theatre and the Town Centre Conservation Area.

### **Recommendation for APP/2017/0386: Approve with conditions**

#### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018.
2. The use of the premises as a bar/cafe (Classes A3/A4) shall cease on or before two years from the date of this permission.
3. Prior to further works being carried out to the interior of the unit, a building recording consisting of a photographic survey of the interior of the unit shall be carried out and a copy submitted to the Local Planning Authority.
4. No later than the expiry of two years from the date of this permission the following re-instatement works shall be carried and completed : the removal of the partition walls between the rear of the unit and the bridge link area of the adjoining building and the re-opening of the passageway between the unit and the remaining theatre building.
5. The bar/café shall not be first brought into use until refuse and recycling storage facilities have been provided in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling facilities shall thereafter be retained for the duration of the use of the premises as a bar/café.
6. No speakers, amplifiers or other sound/music equipment shall be fixed to any part of the exterior of the building.

#### **Reasons**

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. A temporary permission of no longer than two years is appropriate and necessary in this instance in order to provide the applicant the opportunity to utilise 118 St James Street whilst at the same time safeguarding the main public entrance to the former Empire Theatre which may be necessary for the future viability of this Grade II listed theatre, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).

3. To reveal any internal historic features which should be protected and retained in the development, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2005) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).
4. To safeguard the main public entrance to the former Empire theatre which may be necessary for the future viability of this Grade II listed theatre, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).
5. To ensure convenient storage for refuse and recycling, in the interests of public amenity and to safeguard the appearance of the Town Centre Conservation Area, in accordance with Policy E12 of the Burnley Local Plan, Second Review (2005) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).
6. To prevent excessive noise and disturbance in the town centre, in accordance with Policies GP1 and GP3 of the Burnley Local Plan, Second Review (2006).

**Recommendation for APP/2017/0387: Approve Listed Building Consent with conditions:**

**Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018.
2. Prior to further works being carried out to the interior of the unit, a building recording consisting of a photographic survey of the interior of the unit shall be carried out and a copy submitted to the Local Planning Authority.
3. No later than the expiry of two years from the date of this permission the following re-instatement works shall be carried and completed : the removal of the partition walls between the rear of the unit and the bridge link area of the adjoining building and the re-opening of the passageway between the unit and the remaining theatre building.

**Reasons**

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. To reveal any internal historic features which should be protected and retained in the development, in accordance with Policy E10 of the Burnley Local Plan, Second Review (2005) and Policy HE2 of Burnley's Local Plan, Submission Document (July 2017).
3. To safeguard the main public entrance to the former Empire theatre which may be necessary for the future viability of this Grade II listed theatre, in accordance

with Policy E10 of the Burnley Local Plan, Second Review (2006) and Policies HE1 and HE2 of Burnley's Local Plan, Submission Document (July 2017).

JF  
6/2/2018

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# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6b

Ref.

**APP/2017/0472**

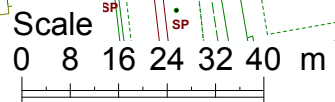
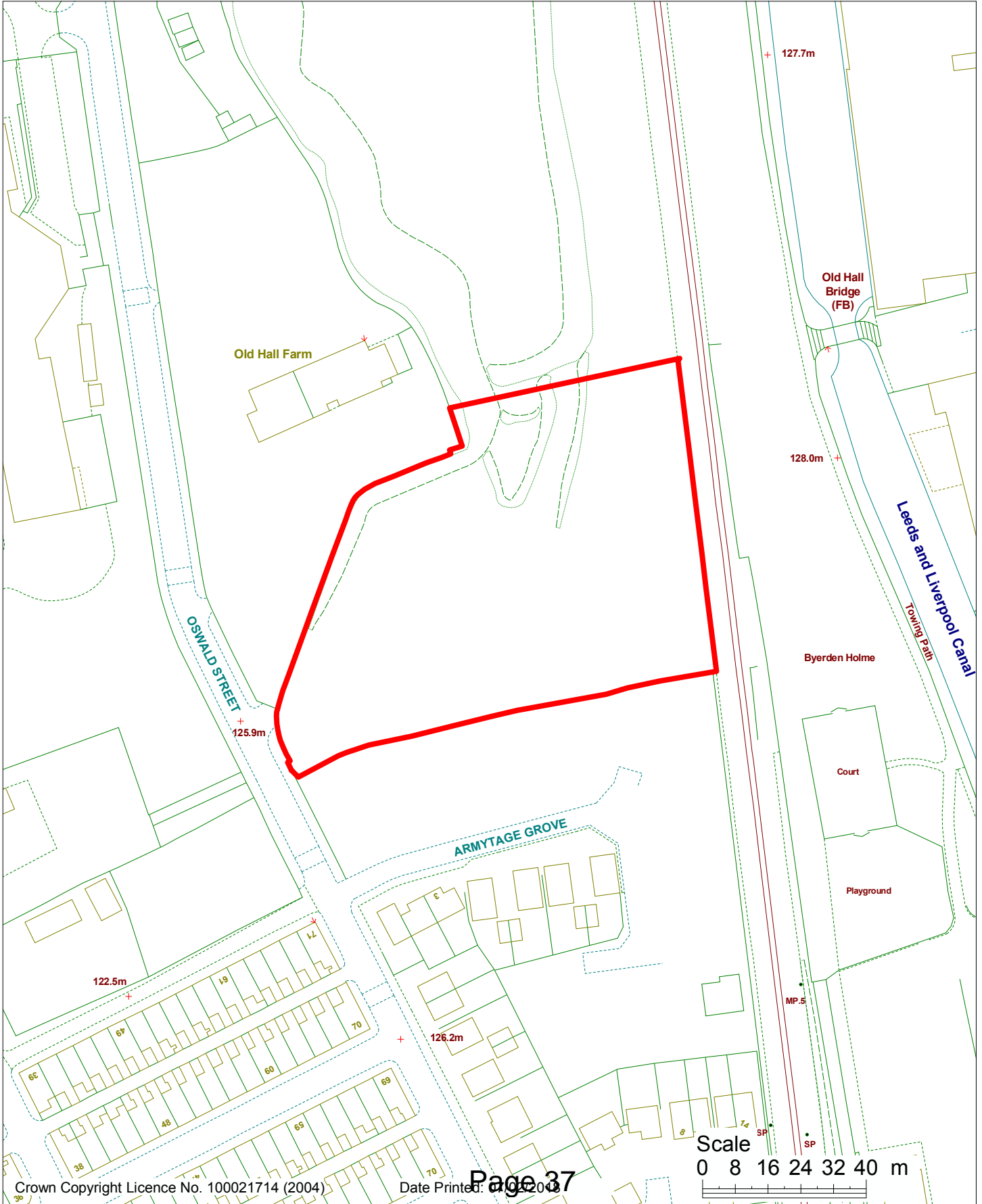
Paul Gatrell Head of Housing and Development

Location:



## Old Hall Farm, Oswald Street, Burnley

1:1250



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Full Planning Application

Proposed erection of 8no. five bedroom detached dwellings.

LAND SOUTH OF OLD HALL FARM OSWALD STREET BURNLEY

**Background:**

The proposal is to develop approximately 0.65ha of open land on the east side of Oswald Street with a cul-de-sac of eight detached houses. The site is located between Old Hall Farm on its north side, a housing construction site (Gleeson Homes) on its southern side and the railway line (between Burnley and Colne) on its eastern side.

Existing entrance to site off Oswald Street



Proposed layout



Railway line

Gleeson Homes development

Improved access

The application site area has been enlarged since the application was initially submitted by increasing the length of its frontage onto Oswald Street. The site forms part of a former coal yard.

## **Relevant Policies:**

### Burnley Local Plan Second Review

GP1 – Development within the urban boundary  
GP3 – Design and quality  
GP7 – New development and the control of pollution  
H3 – Quality and design in new housing development  
E3 – Wildlife links and corridors  
E5 – Species protection  
E6 – Trees, hedgerows and woodlands  
E8 – Development and flood risk  
E34 – Derelict and contaminated land and derelict buildings  
TM15 – Car parking standards

### Burnley's Local Plan, Submission Document (July 2017)

SP1 – Achieving sustainable development  
SP2 – Housing requirement 2012-2032  
SP4 – Development strategy  
SP5 – Development quality and sustainability  
HS1 – Housing allocations  
HS3 – Housing density and mix  
HS4 – Housing developments  
NE1 – Biodiversity and ecological networks  
NE5 – Environmental protection  
CC4 – Development and flood risk  
CC5 – Surface water management and sustainable drainage systems  
IC1 – Sustainable travel  
IC2 – Managing transport and travel impacts  
IC3 – Car parking standards

The National Planning Policy Framework

## **Site History:**

APP/1999/0529 – change of use of land to the winter storage of fairground equipment.  
Refused February 2000 and Allowed on appeal.

APP/2004/0603 - Renewal of planning permission 99/0529 for the use of land for winter storage of fairground equipment. Approved May 2005.

APP/2008/0369 - Renewal of planning permission APP/2004/0603 for the use of land for winter storage of fairground equipment. Approved June 2008

## **Consultation Responses:**

### LCC Highways

No objection; request conditions are imposed relating to the construction of the estate road and access junction. Also request an electric charging point and a cycle purchase voucher and three month pre-paid bus ticket for each dwelling.

### Burnley Wildlife Conservation Forum

Object to the application as submitted and as amended on the basis that the development would have a significant adverse impact on the Oswald Street Biological Heritage Site (BHS). The BHS and the application site comprise important



unimproved species-rich grassland, tall herb, scrub, hedgerow and tree habitats which support a very diverse flora, which includes the very rare plant species, Adderstongue fern and Southern Marsh Orchid, as well as other important flora species including Common Spotted Orchid, Great Burnet, Lady's Mantle, Meadow Vetchling, Black Knapweed, Bistort, Self Heal, Autumn Howkkit, Sneezewort, Common Cotton-grass, Hairy Tore, Mouse-ear Hawkweed and Zigzag Clover. This diverse flora supports a wide range of insect fauna including Ringlet and Meadow Brown butterflies and five spot Burnet Moth. The tall herb, scrub, hedgerow and tree habitat mosaic supports a wide range of breeding birds including Blackcap, Chiffchaff and Willow Warbler and are important foraging areas for Pipestrelle bat species. The erection of eight large detached dwellings would result in the total loss of some of the important wildlife habitats outlined above and would also result in a further on-going adverse impact on the BHS's habitats and species.

#### Greater Manchester Ecology Unit

Initial comments stated that the northern most plot was located within the adjoining Biological Heritage Site (BHS) and suggested that this should be removed and that a reptile survey should also be carried out. Following amended plans to re-locate the eighth dwelling away from the BHS and to provide a protected area within the BHS on the north side of the site (to compensate for the loss of grassland within the application site) and the submission on a reptile method Mitigation Statement, GMEU raise no objections to the proposal. Conditions are recommended relating to external lighting, the formation of a fence and thorn hedge along the site's northern boundary, the prevention of works to trees and shrubs between March and August inclusive, mitigation/compensation for the loss of grassland and the implementation of the submitted Reptile Method Mitigation Statement.

#### The Lancashire Wildlife Trust

Object on the basis that a full botanical survey and reptile survey have not been carried out and account has not been taken of the ecological networks or deliver a net gain in biodiversity or identify any adverse impacts on the adjacent Oswald Street BHS. Should planning permission be granted, recommend a condition that requires the adjacent BHS to be managed sympathetically in accordance with an approved nature conservation management plan for a period of at least 10 years.

#### United Utilities

No objection provided that conditions are imposed to ensure that foul and surface water is drained on separate systems and to require a surface water drainage scheme based on sustainable drainage systems and for the management of that system. Advise that a significant public sewer crosses the site and building over it or within its easement will not be permitted.

#### Network Rail

Network Rail is aware that residents of dwellings adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the LPA via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

#### Environmental Health

No objection in principle. Recommend conditions to require a land contamination report and a noise and vibration assessment to take account of the close proximity of the site to the railway line.

#### Burnley Civic Trust

Express concern over the application for the following reasons:-

- Would cause over development
- There would be poor traffic access
- There is an adjoining biological heritage site which contains rare forms of plants and would be adversely affected.

#### Coal Authority

The Coal Authority concurs with the recommendations of the Minor Development Risk Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

#### Publicity

A letter of objection has been received from the occupiers of Old Hall Farm; a summary of their objections is provided below:-

- Impact on traffic on Oswald Street which is already busy and dangerous
- The street is congested with parked cars, making it difficult to emerge from driveway
- The proposed access has inadequate sight lines and could pose a risk to children and road users
- The junction with Brougham Street is a danger area due to the amount of traffic using both streets
- Impact on emergency services, such as fire engines
- Concerned about past mining works on the land which could be a danger to residents and Old Hall Farm
- Impact of drainage; the land has been built up and now water run-off is affecting land at Old Hall Farm and making it boggy. The removal of bushes and scrub close to the site boundaries has facilitated water run-off.

### **Planning and Environmental Considerations:**

#### Principle of proposal

The proposed site is located within the main urban boundary and bounds existing built-up areas where Policy GP1 of the adopted local plan would seek, in principle, to locate new development. The majority of the site is identified as a proposed site allocation for residential development in the emerging local plan. Policy HS1/29 identifies that the site would be acceptable for a development of approximately 20 dwellings. The emerging local plan is at an advanced stage, following the Examination Hearing Sessions held in November/December last year, following which no changes to the proposed allocation have been included in the Inspector's list of

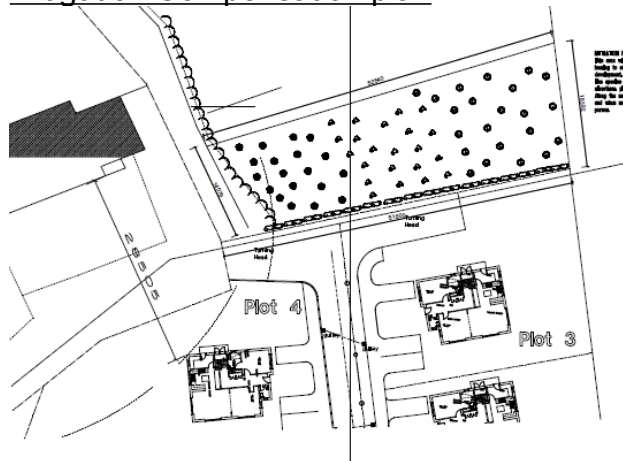
modifications. Significant weight can therefore be attached to the proposed allocation of the site for residential development. Notably, the red edge of the application site includes a small amount of additional land along the site's frontage which is required to improve visibility splays and form a satisfactory access to the land. On this basis, the additional land which still falls within the urban boundary and there would be no objection in principle to its inclusion within the proposed development. There have been some objections to the proposal on ecology, highways and drainage grounds and these are considered below.

#### Impact on ecology

Policy E2 seeks to ensure that development does not adversely affect Biological Heritage Sites (BHS). Policy E3 states that development will not be permitted where it would sever or significantly detract from the function of wildlife links and corridors. Policy E5 seeks to protect protected species, whilst Policy E6 protects trees, hedgerows and woodland. The emerging local plan identifies the land to the north side of the application site as a BHS and part of the application site (the part closest to the railway line) as part of an Ecological Network. Within this area Policy NE1 states that development opportunities should seek to maintain and actively enhance biodiversity in order to provide net gains where possible.

The initial red edge of the application site encroached into the adjoining Oswald Street Biological Heritage Site (BHS); this has now been modified and the site now bounds but does not encroach within the BHS. A preliminary ecological appraisal has been carried out on behalf of the applicant which identifies that the proposal would pose a low risk to bats, should be surveyed for reptiles and would lead to a loss of grassland for foraging. Following the recommendations of the assessment, a reptile method mitigation statement that includes reasonable avoidance measures has been submitted. GMEU advise that this is satisfactory to reduce any risks posed to reptiles and recommends a set of conditions relating to external lighting, timing of works outside the bird breeding season and mitigation measures. The Burnley Wildlife Conservation Forum and the Wildlife Trust object to the development, considering that the loss of the grassland would affect the adjoining BHS. The applicant has submitted a further plan to show that an area of land which falls within the BHS (and is in the control of the applicant) would be suitably protected and form a buffer between the development site and the BHS.

#### Mitigation/Compensation plan



GMEU advise that the protected land would benefit from the planting of native meadow flowers and the site maintained by being cut once a year. A condition is recommended to provide for this. The proposed mitigation measures would

satisfactorily protect and enhance the biodiversity of the site and the adjoining BHS. On this basis, the proposal would not significantly affect protected species or the ecology of the site and its surroundings.

### Highway safety

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy GP1 requires development to be accessible by walking, cycling and public transport. The site is located close to the urban area and accessible to public transport, schools and services. It is therefore a reasonably sustainable location. The submitted plans have been amended to take account of LCC Highways requirements for sight lines and the provision of footways within the development. A neighbour objection refers to parking congestion on Oswald Street and the impact of increased traffic using the street and the junction with Brougham Street. The nearby school on Oswald Street does attract on-street parking in this area. However, LCC Highways is satisfied that the improved site access would achieve adequate levels of visibility and that the additional traffic can be accommodated within the existing highway network. Subject to conditions as recommended by LCC Highways to ensure the site access is suitably designed and implemented, the proposal would not significantly affect highway safety.

### Design and amenity

Policy H3 relating to quality and design in new housing development requires proposals to protect the amenities of neighbouring properties. The properties are all similarly designed, providing large detached houses and a low density of development. Notably, this would not achieve the number of houses anticipated in the emerging local plan (20) but would provide for a greater variety of housing within the larger area which may also help to raise standards locally.

### Typical house plan



The proposed layout would not provide a frontage of development onto Oswald Street, mainly due to its limited frontage length but a brick with infill fence panel fence would be erected up to a height of 1.6m to provide an adequate street appearance. Adequate spacing is provided between the proposed houses and the neighbouring development by Gleeson Homes and the property at Old Hall Farm. Plots 1, 2 and 3

of the development would have rear elevations and gardens facing the railway line which could potentially lead to noise and vibration from regular passing trains. The level of noise and disturbance is likely to be similar to that of the current development that is under construction on the south side of the application site. The Council's Environmental Health Officer recommends that a noise and vibration assessment should be undertaken and any remedial measures resulting from that be incorporated into the construction of the houses. A condition is therefore recommended which would adequately deal with this matter and provide a satisfactory level of amenity for new occupiers.

The site is bound by trees and shrubs along its northern boundary with Old Hall Farm. An arboricultural statement has been submitted with the application which states that these trees would be retained. A condition is recommended to require tree protection measures during construction.

The proposed layout in a cul-de-sac arrangement with outside in-curtilage parking would provide a low dense development with opportunities for further landscaping and planting. A condition is also recommended to achieve this. Materials would be brick and concrete tiles and should also be conditioned. With these provisions, the design and appearance of the development would be satisfactory and would comply with Policy H3.

#### Other issues

No details of drainage have been submitted with the application. The site is however within a low flood risk area and as such the site can be adequately drained by imposing conditions to require a detailed sustainable drainage assessment and its future management. The problems of run-off mentioned by the neighbour objection referred to above are likely to improve by an appropriate system of drainage on the site.

No land contamination assessment has been produced with this application and a condition is therefore recommended to require this to take place prior to the commencement of development. This is necessary to take into account any remedial measures that may be necessary to ensure that future gardens are appropriate for human health.

The Coal Authority acknowledge that past mine workings on this site may affect the development and recommend a condition to ensure that appropriate intrusive site investigations take place and are satisfactorily mitigated. With this provision, the proposal would not pose an unacceptable risk from mining legacies to future occupants.

#### Conclusion

The site is located within the main urban area and is mainly identified as a housing site in the emerging local plan which can at its current stage in respect of this site be given significant weight. The site is a sustainable location for development and would be beneficial in adding to the variety of housing stock in this area. Objections relating to the ecology, highway and drainage impacts of the development have been taken into account but can be dealt with by suitable conditions to require adequate mitigation. The proposal therefore complies with the development plan and there are no other material considerations which would outweigh this finding.

## **Recommendation: Approve with conditions**

### **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: A301Rev0, A102Rev0, A201Rev0 and 17/2249/06RevA, received on 23 October 2017; A101Rev0, received on 6 November 2017; Loc1 (1:2500 location plan), 17/2249/09RevB, 17/2249/10RevA, A100RevE, received on 19 December 2017; and, 17/2249/08RevE, received on 15 January 2018.
3. No construction work on any dwelling shall take place until the new estate road/access between the site and Manchester Road has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level. No walls, fences, vegetation or any other device shall at any time be erected or allowed to grow more than 1.0m in height above the level of the adjoining carriageway forwards of the visibility splays created by the development.
4. No construction work relating to any dwelling shall take place until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to any dwelling being first occupied.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
  - viii) details of construction working hours and delivery hours.
6. 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.
7. 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 details which shall be first submitted to and approved in writing by the Local

Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.

8. No development shall be commenced until a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for 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 or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development.
9. No dwelling shall be first occupied until it has been provided with an electric car charging point which uses a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle using a 3m length cable.
10. No development approved by this planning permission shall be commenced until:
  - a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.
  - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
  - d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

11. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
12. No removal of or works to any trees, shrubs or grassland shall take place between 1st March and 31st August inclusive, unless a competent ecologist has

undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority prior to any works taking place.

13. Prior to the commencement of development, a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall :-
  - i) identify areas/features on site that are potentially sensitive to lighting for bats;
  - ii) show how and where the external lighting will be installed (through appropriate lighting contour plans); and,
  - iii) demonstrate clearly that any impacts on bats is negligible.Only external lighting contained within the approved external lighting scheme shall thereafter be installed in accordance with the specifications and locations set out therein.
14. The mitigation zone for loss of grassland as indicated on drawing number 17/2249/10Rev0, received on 29 January 2017, shall be formed by planting a thorn hedge and post and rail timber fence on the northern boundary of the application site. Notwithstanding any details indicated on this plan, the mitigation area shall be planted with native wildflowers only and the area shall be cut once a year, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The identified mitigation area shall thereafter be protected and retained in accordance with the approved details at all times.
15. The development shall not be carried out otherwise than in accordance with the Reasonable Avoidance Measures contained within the Reptile Method Mitigation Statement prepared by ADK Environmental Management Ltd (reference 18-002\_v1.0), dated 24 January 2018.
16. Prior to the commencement of development, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and details of new native tree and shrub species planting within this area shall be submitted to and approved in writing by the Local Planning Authority.
17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.
18. Prior to the commencement of any development, details and representative samples of the external materials of construction to be used on the walls and roof of the development 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 materials.

19. No development shall be commenced until details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, and including details of water quality controls and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of any dwelling or the completion of the development, whichever is the sooner, and the approved drainage scheme shall thereafter be retained at all times.
20. No dwelling shall be occupied until details of a management and maintenance plan for the sustainable drainage system for that phase required by condition 19, which shall cover the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.
21. Surface water and foul water from the site shall be drained on separate systems.
22. No development shall take place until a scheme of intrusive site investigations to identify the risks to the development from past coal mining activity on the site has been carried out and completed in accordance with scheme details which shall be first submitted to and approved in writing by the Local Planning Authority. A report identifying any remedial measures that may be necessary shall thereafter be submitted to and approved by the Local Planning Authority prior to any construction work commencing on the approved dwellings and any such remedial works that are approved shall be carried out and completed prior to the occupation of any of the approved dwellings.
23. No construction work on any dwelling shall take place until details of the existing and proposed site levels and finished floor levels for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
24. The boundary treatment as approved by this permission shall be carried out and completed prior to any dwelling being first occupied.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. To ensure that satisfactory access and visibility for drivers is provided to the site before construction work on the housing is commenced, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
4. To ensure that these details are acceptable and make appropriate adjustments to accommodate the development, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
5. In order to avoid nuisance to the occupiers of adjacent properties, in accordance with Policies GP7 and H3 of the Burnley Local Plan, Second Review (2006).
6. To prevent stones and mud being carried onto the public highway to the detriment of road safety, in the interests of highway safety, in accordance with Policy GP1 of the Burnley Local Plan, Second Review (2006).
7. To ensure adequate parking facilities for each dwelling, in the interests of highway safety and amenity, in accordance with Policies H3 and TM15 of the Burnley Local Plan, Second Review (2006).
8. To ensure the protection of trees and hedges which contribute to the character of the local area and its surroundings, in accordance with Policies GP3 and E6 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
9. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
10. To ensure the site is suitable or can be made suitable for the approved development and protects groundwater's from potential pollution, in accordance with Policy GP7 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for the implementation of measures at the appropriate stage of the development process.
11. To protect the amenities of nearby residents, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
12. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).
13. To protect bats and other wildlife that may be harmed by external lighting, in accordance with Policy E5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
14. To provide adequate compensation for the loss of grassland as a result of the development, in the interests of the biodiversity of the site and the adjoining Biological Heritage Site, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006).

15. To provide sufficient avoidance of risk to reptiles, in accordance with Policies E2, E3 and E5 of the Burnley Local Plan, Second Review (2006).
16. In the interests of the visual amenities of the site and to ensure the use of species that will enhance the biodiversity of the site, in accordance with Policies H3, E2, E3 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
17. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policies H3, E2, E3 of the Burnley Local Plan, Second Review (2006).
18. To ensure a satisfactory appearance to the development, in accordance with Policies GP3 and H3 of the Burnley Local Plan, Second Review (2006). The details of materials are required prior to the commencement of development to ensure that only approved materials are used throughout the development process.
19. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006). The details are required prior to the commencement of development to ensure that provision can be made for their implementation at the appropriate stage of the development process.
20. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy E8 of the Burnley Local Plan, Second Review (2006).
21. To reduce the risk of flooding and pollution of groundwaters, in accordance with Policy E8 and GP7 of the Burnley Local Plan, Second Review (2006).
22. To ensure adequate precautions are carried out to take account of the ground conditions and past mining operations on the site, in accordance with the National Planning Policy Framework. The details are required prior to the commencement of development to ensure that the appropriate precautions, including any adjustments, can be made in the interests of public safety.
23. To ensure the satisfactory implementation of the proposal, in accordance with Policy H3 of the Burnley Local Plan, Second Review (2006).
24. To ensure the completion of the development and a satisfactory appearance, in accordance with Policies H3 and GP3 of the Burnley Local Plan, Second Review (2006).



# Part One Plan

# Agenda Item 6c

Housing & Development  
9 Parker Lane

Ref.

**APP/2017/0356**

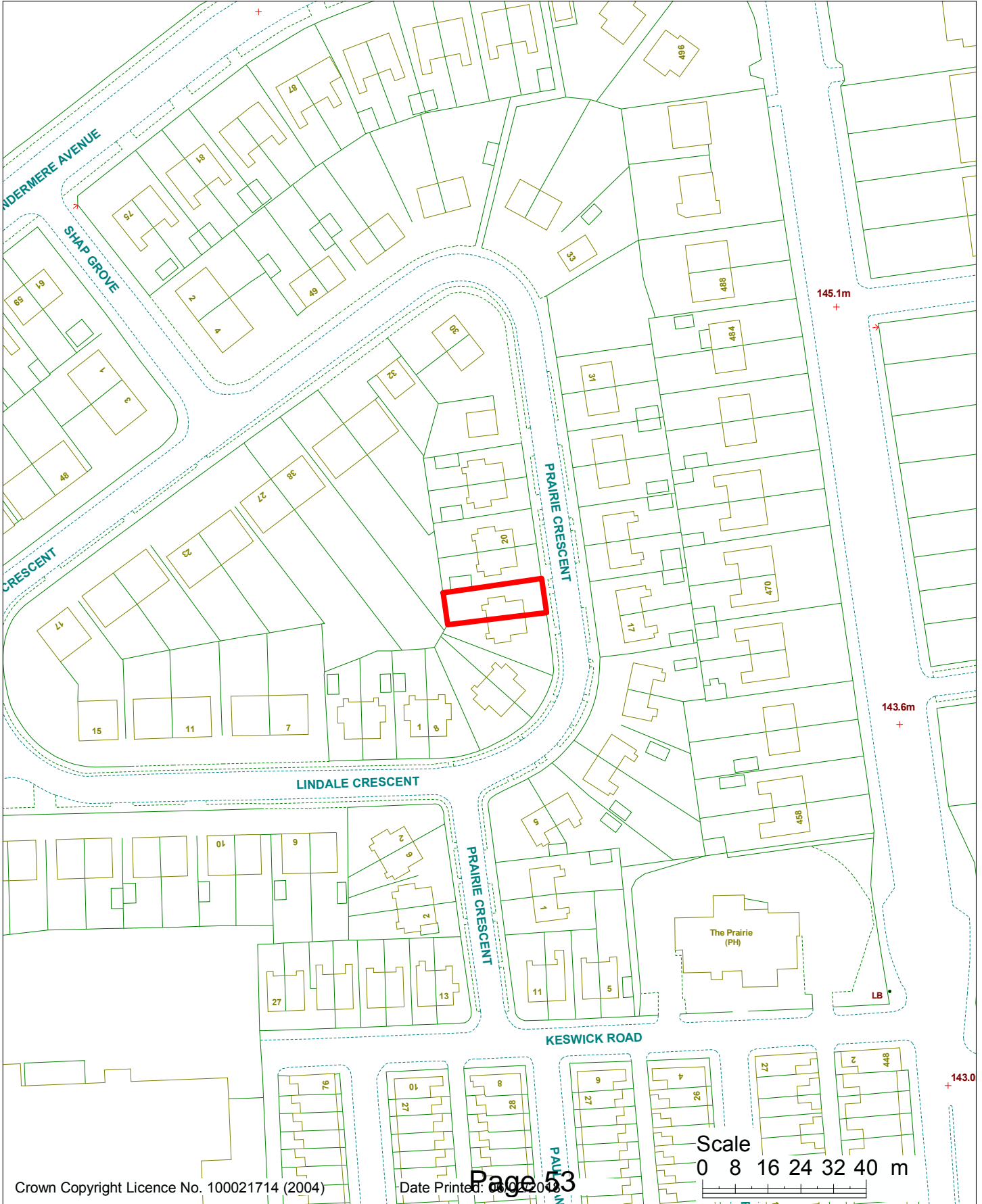
Paul Gatrell Head of Housing and Development

Location:



**16 Prairie Crescent, Burnley**

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Full Planning Application  
Proposed double storey extension to side and rear  
16 PRAIRIE CRESCENT BURNLEY

**Background:**

The proposal involves a large 2-storey/single-storey extension to the side and rear of the dwelling. A previous application for a similar extension was refused in 2017 (APP/2017/0236) for two reasons i.e. loss of outlook and daylight for the occupiers of no.14 and inadequate off-street parking provision.

An objection has been received.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

TM15 - Car parking standards

Proposed submission Local Plan (emerging Local Plan)

HS5 - House Extensions and Alterations

SP5 - Development Quality and Sustainability

IC3 – Car Parking Standards

**Site History:**

APP/2017/0236 – proposed double and single storey extension to side and rear - refused

**Consultation Responses:**

*Highway Authority* – The proposed development will not increase the number of bedrooms at the property, remaining at 3. But there will be an increase in the parking provision. Whilst 3 spaces are shown, the depth of the forecourt available is too short to accommodate the parking as shown on the plan resulting in vehicles overhanging the footway. It would be possible to accommodate 2 vehicles with angular parking which would be sufficient for the development and on this basis I would raise no objection to the proposal on highway grounds.

Following an amended parking layout showing off-street parking for 2 cars (see revised layout plan received 16<sup>th</sup> Jan 2018) the Highway Authority have confirmed that the proposal will now be acceptable in terms of off-street parking requirements.

*Neighbour objection (no.18 Prairie Crescent)* – Objects to the size of the extension, limiting daylight and blocking sunlight from my property.

## Planning and Environmental Considerations:

The property is a semi-detached dwelling within a residential area located off Colne Road. The proposal involves the erection of a large 2-storey extension to the side and rear together with a single-storey extension to the rear to provide additional accommodation and alterations to the existing internal layout.

A large hallway would be provided at the front of the property and a ground floor shower room and an extension to the kitchen at the rear to provide a large family room. On the 1<sup>st</sup> floor a dressing room and on-suite for the master bedroom would be provided together with a larger family bathroom and larger bedrooms (2 & 3); no additional bedrooms are proposed.

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



14, 16 and 18 Prairie Crescent

### *Design/materials*

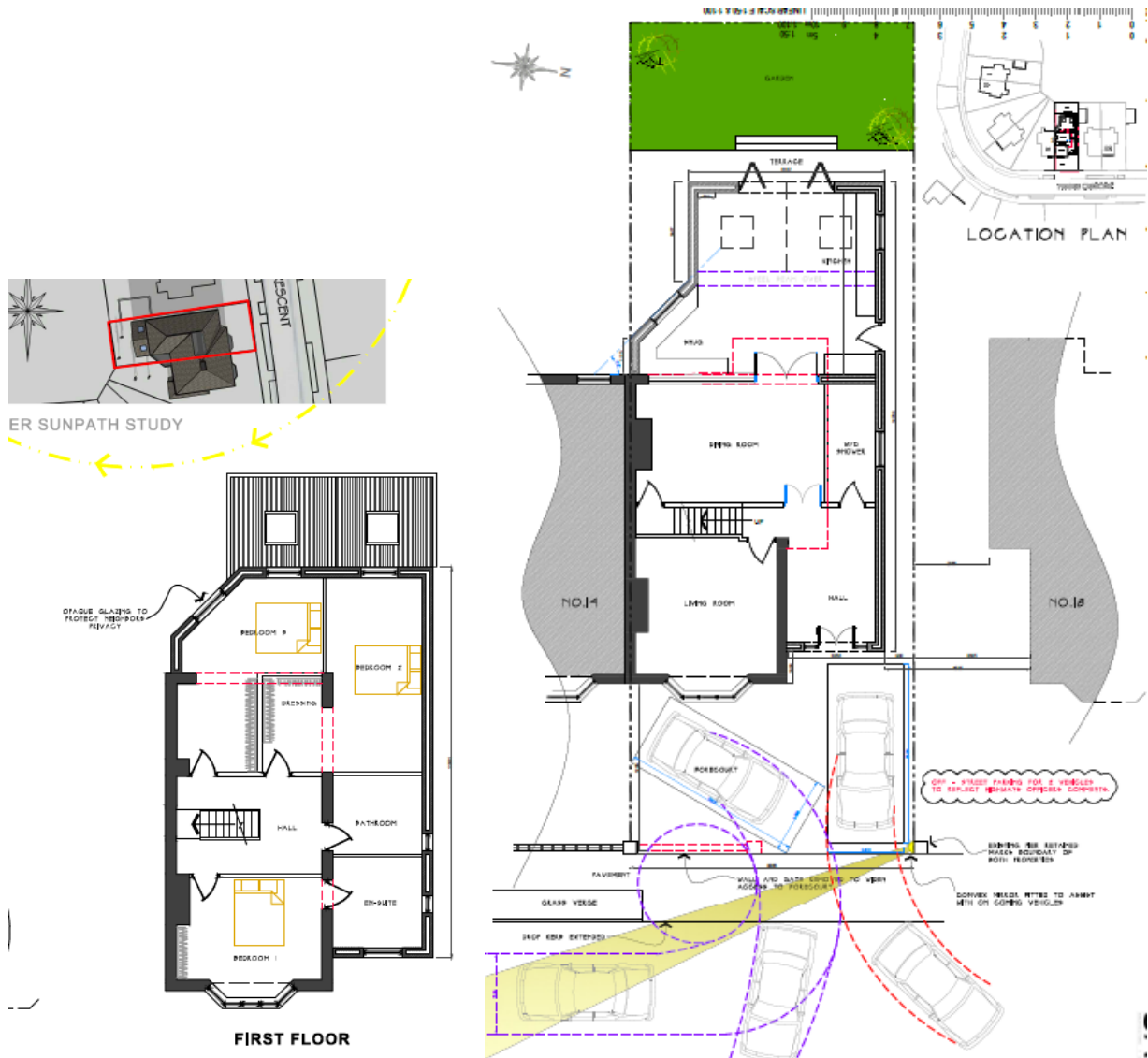
The proposed 2-storey extension extends out from the side elevation by 3.0m and is set back from the front elevation by 1.0m; the 2-storey part of the extension extends back by 11.9m and the single-storey extension by a further 2.8m.

At the rear the extension extends across the full width of the rear of the property for 1.125m then tapers in at an angle. The single-storey section is set in by 1.75m from the boundary.

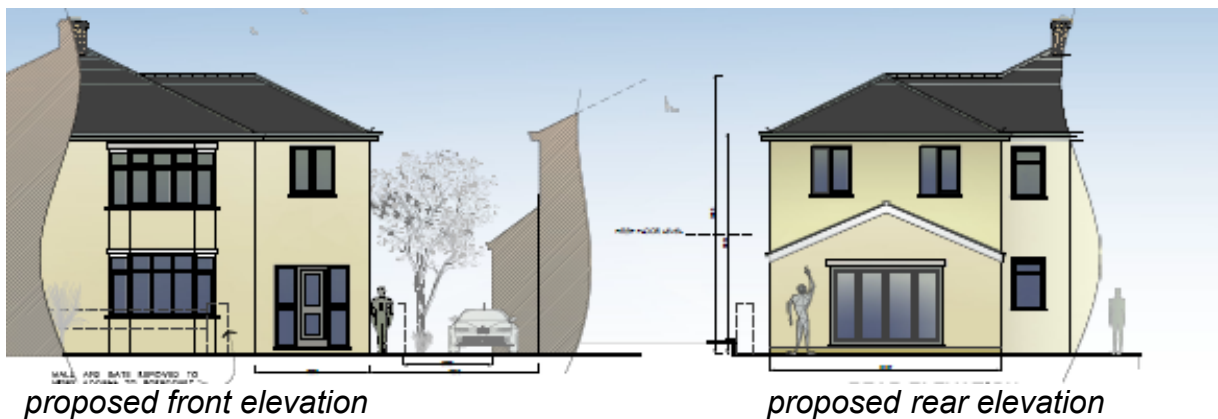
The proposed 2-storey roof would be hipped to match the existing roof and the single storey roof gabled. The proposed materials are natural blue slate for the roof with a render finish for the elevations; both to match the existing dwelling.

The form and proposed materials of the proposed extensions are considered to be acceptable.





*proposed first floor and ground floor extension (also showing off-street parking layout)*





*proposed side elevation*



*proposed side elevation from no.14*

*Privacy/outlook/daylight/sunlight*

The 2-storey side extension would be approx. 0.9m away from the boundary with no.18 Prairie Crescent; the rear 2-storey and single-storey extensions would be approx.1.75m away from the boundary with no.14 Prairie Crescent.

At ground floor level sliding patio doors are proposed on the rear elevation (family room/kitchen), one window is proposed in the side elevation (adjacent to no.18 Prairie Crescent) at ground floor level for the kitchen/family room and one for the downstairs bathroom. At 1<sup>st</sup> floor level three bedroom windows (one at an angle) and a bathroom and an en-suite window on the side elevation and another en-suite window on the front elevation.



14 and 16 Prairie Crescent

18 Prairie Crescent



side of 18 and rear of 16 Prairie Crescent



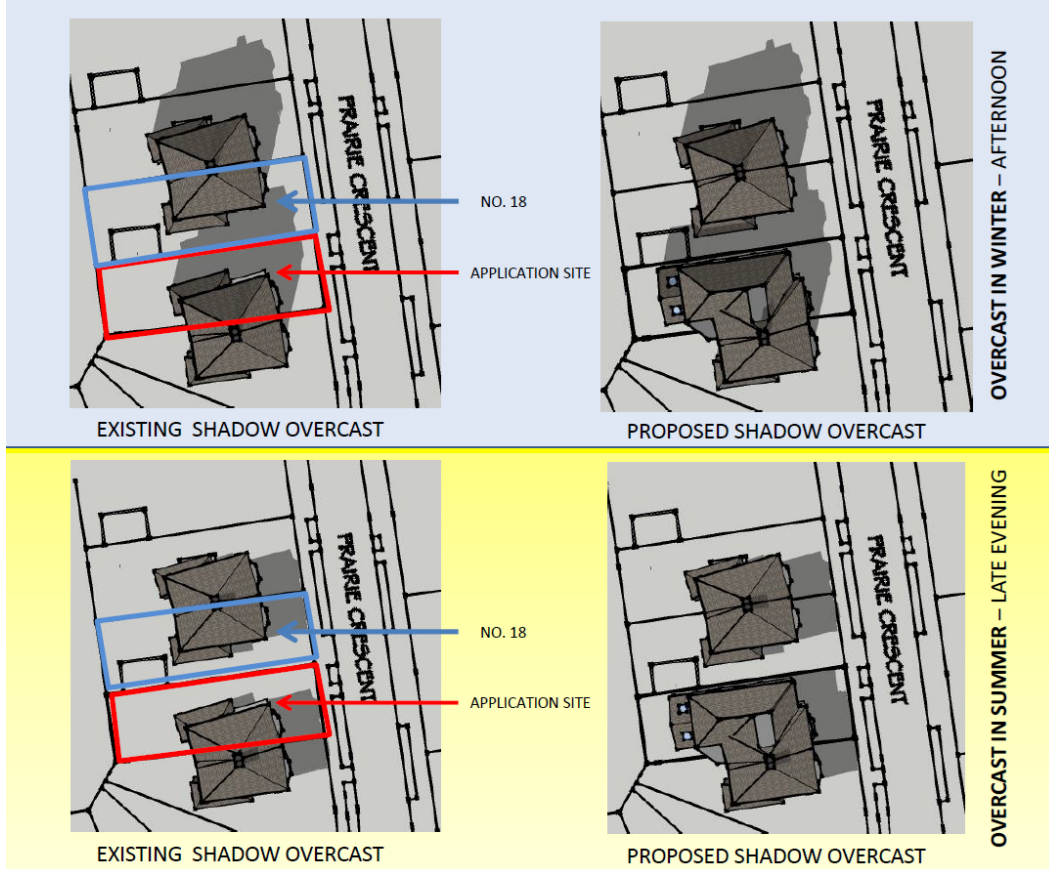
rear of nos.16 and 14 Prairie Crescent

There are no habitable windows on the side elevation of no.18 Prairie Crescent and privacy is not therefore considered to be an issue for no. 18.

The extension would be 1.75m away from the boundary between nos. 14 and 16 Prairie Crescent. There are habitable room windows at the rear of no.14 Prairie Crescent which need to be considered in terms of the effect the extension would have on outlook and daylight.

The single-storey extension (has been amended since the previous application) is 1.75m away from the boundary with no 14 and is considered to be acceptable in terms of privacy/outlook.

The 2-storey extension has been amended so that it extends out by 1.125m and then goes in at a 45 degree angle (see plan); it meets the Council's 45 degree rule.



Further information has been submitted in respect of sunlight and shadowing (see previous page).

The shadow study shows a small amount of additional shadow (towards no.18) at the side in winter (afternoon) but none in summer (evening).

The proposals are now considered to be acceptable in terms of privacy/outlook/daylight/sunlight.

#### *Highway issues*

The proposed extension to the side and rear means that any potential existing off-street parking space to the side of the property would be built on (although at present there is a porch and shrubs to the side of the property – see photos above). There are no additional bedrooms to be provided, however, as there are three bedrooms, two off-street parking spaces need to be provided. The Highway Authority object to the application if 2 x off-street parking spaces are not provided at a size of 5.6m x 2.4m wide.

Following the submission of an amended parking layout (plan received 16<sup>th</sup> Jan 2018) with two off-street parking spaces the Highway Authority have confirmed that they have no objections to the proposals on highway grounds.

#### *Conclusion*

Following the submission of acceptable revised off-street parking details the proposals are now considered to be acceptable and in accordance with the Local plan policies listed above.

#### **Recommendation:**

Grant subject to the following conditions:

#### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: (PC) (20) BUR 01 (includes location plan) received 2/11/17, (PC) (20) BUR 03 received 15/12/2017 (parking layout superseded) and (PC) (22) BUR 04 received 16.01.2018 (revised parking layout).
3. The two windows (bathroom and en-suite) at first floor level in the side elevation of the extension facing no.18 Prairie Crescent shall be glazed in obscure glass prior to the first occupation of the extension and be thereafter retained.

#### **Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To prevent overlooking or loss of privacy to adjacent occupiers and in accordance with policy H13 of the Burnley Local Plan Second Review and policy HS5 of the emerging Local Plan.

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

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

15<sup>th</sup> February 2018

Housing and Development

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## **Delegated Decisions from 01/01/18 to 06/02/18**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Lawful Development Certificate (S191)</b>		
<b>Withdrawn</b>		
APP/2017/0168	MUSTY HAULGH BARN GRANVILLE STREET BRIERCLIFFE BB10 2RA	Application for a Certificate of Lawful Development to show that the development of a commercial riding arena and stables was carried out in accordance to planning permission APP/2008/0687.
<b>Lawful Development Certificate (S192)</b>		
<b>Lawful Development Certificate Granted</b>		
APP/2017/0612	SPA WOOD FARM BILLINGTON ROAD BURNLEY BB11 5PE	Lawful Development Certificate (S192), Use of the site as permanent pitches for up to 6 mobile homes occupied by members of a single family group
<b>Express Consent to Display an Advertisement</b>		
<b>Advert Consent Granted</b>		
APP/2017/0498	115 BURNLEY ROAD PADIHAM BB12 8BA	Application for consent to display advertisements 6 non-illuminated fascia signs
<b>Full Planning Permission Refused</b>		
APP/2017/0483	9 MANCHESTER ROAD BURNLEY BB11 1HQ	Display of one external, static, illuminated, LED fascia sign
<b>Compliance with conditions</b>		
<b>Conditions discharged</b>		
APP/2017/0501	7 QUEENS ROAD BURNLEY BB10 1XX	Approval of details reserved by condition on planning permission APP/2013/0302: Condition 5 (enclosure / boundary details)
APP/2017/0551	CAUSEWAY FARM THE LONG CAUSEWAY CLIVIGER BB10 4RP	Application for approval of details reserved by condition 3 of planning permission APP/2017/0391
APP/2017/0586	2 WATT STREET BURNLEY BB12 8AA	Approval of details reserved by condition 6 of planning permission APP/2017/0261 (external materials)

## **Delegated Decisions from 01/01/18 to 06/02/18**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0587	SWEETMORE, ANOCROME BUILDING, WITCAR WORK WIDOW HILL ROAD BURNLEY	Discharge of conditions 3 & 5 of planning application APP/2017/0282 relating to the proposed change of use to installation and operation of gas powered electricity generators in the building, electricity substation, vents, stacks, gas kiosk, heat pump radiators and enlargement of roller shutter door.

### **Conditions partially discharged**

APP/2017/0445	UNIT 1 ENTERPRISE HOUSE BILLINGTON ROAD BURNLEY BB11 5UB	Approval of details reserved by condition on planning permission APP/2017/0223: Condition 4 (landscaping scheme), Condition 6 (construction method statement) and Condition 8 (external lighting)
APP/2017/0556	LAND ADJACENT PRINCESS WAY BURNLEY BB12 0EQ	Application for approval of details reserved by condition 7 (retaining wall) of planning permission APP/2017/0226

### **Full Planning Application**

#### **Full Planning Permission Granted**

APP/2017/0064	IGHTENHILL MEDICAL CENTRE TABOR STREET BURNLEY BB12 0HL	Minor material amendment to APP/2015/0227 for proposed extension to medical centre
APP/2017/0528	2 DAISY BANK CRESCENT WORSTHORNE-WITH-HURSTWOOD BB10 4RA	Raising of bungalow roof to facilitate dormer to rear
APP/2017/0533	THE VILLAGE HALL BURNLEY ROAD CLIVIGER BB10 4SU	New windows to rear
APP/2017/0546	11 THE KILNS BURNLEY BB11 2RW	Proposed single storey rear/side extension
APP/2017/0547	42 HILL CREST AVENUE CLIVIGER BB10 4JA	Proposed single storey extension to side elevation.
APP/2017/0553	2 KINGSWAY HAPTON BB11 5RB	Single storey rear and side extension and window/door alterations to front and side elevations
APP/2017/0562	EAVES BARN FARM ST JOHNS ROAD PADIHAM BB12 7LP	Erection of a toilet block including siting of a waste water treatment plant
APP/2017/0567	83 MANCHESTER ROAD BURNLEY BB11 1JY	Proposed change of use of ground floor and first floor front room from Retail (Use Class A1) to Cafe (Use Class A3)

## **Delegated Decisions from 01/01/18 to 06/02/18**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0571	28 STANDEN HALL DRIVE BURNLEY BB10 2EF	Proposed single storey extension and alteration to garage
APP/2017/0579	165 BRUNSHAW AVENUE BURNLEY BB10 4NJ	Proposed Single Storey Extension to Side/Front of House.
APP/2017/0580	46 OAKENEAVES AVENUE BURNLEY BB11 5HH	Proposed single storey rear extension (re-submission of APP/2017/0419)
APP/2017/0589	1 STEPHENSON DRIVE BURNLEY BB12 8AJ	Proposed single storey extension to side and 1st floor extension

### **Withdrawn**

APP/2017/0554	HABERGHAM LODGE PADIHAM ROAD BURNLEY BB12 6TG	Proposed double garage with studio/workshop at 1st floor
APP/2017/0560	UNIT L BRIERCLIFFE SHOPPING CENTRE BRIERCLIFFE ROAD BURNLEY BB10 1WB	Proposed change of use from Use Class A1 (retail) to Use Class A5 (hot food takeaway)
APP/2017/0607	8 BROAD ING CLOSE CLIVIGER BB10 4TY	Proposed single storey extension to rear.

### **Full Planning application**

#### **Full Planning Permission Granted**

APP/2017/0470	PROCTORS MILL (FORMER LAVA IGNITE NIGHTCLUB) HAMMERTON STREET BURNLEY	Proposed change of use from nightclub and offices to 26 self-contained apartments with commercial unit on ground floor and erection of external refuse storage area
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### **Listed Building Application**

#### **Listed Building Consent Granted**

APP/2017/0471	PROCTORS MILL (FORMER LAVA IGNITE NIGHTCLUB) HAMMERTON STREET BURNLEY	Proposed change of use from nightclub and offices to 26 self-contained apartments with commercial unit on ground floor (including internal works to form apartments and removal of existing signage)
APP/2017/0574	SHUTTLEWORTH HALL FARM OFF SHUTTLEWORTH LINK ROAD HAPTON BURNLEY BB12 7EL	Essential repair work consisting of reroofing of the house, replacement lead flashings and soakers and rebuild of approx 8m2 of facing stone to North facing elevation.

### **Outline Planning Application**

## **Delegated Decisions from 01/01/18 to 06/02/18**

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Outline Planning Permission Granted</b>		
APP/2017/0591	LAND AT CLEAVER STREET BURNLEY	Proposed erection of 12no. 2 bedroom apartments including details of access, appearance, layout and scale (landscaping reserved for future approval) Resubmission of APP/2014/0086

### **Work to trees covered by Tree Preservation Order**

#### **Work to TPO trees granted**

APP/2017/0598	93 FORGE GARAGE CHURCH STREET BURNLEY BB11 2RS	Application to cut back branches, removal of dead wood and crown reduce one no. Sycamore Tree within Top O th' Town Conservation Area and covered by the Burnley (93A Church Street, Burnley) Tree Preservation Order 2017
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