

# DEVELOPMENT CONTROL COMMITTEE

Thursday, 22nd March, 2018  
6.30 pm





# DEVELOPMENT CONTROL COMMITTEE

## BURNLEY TOWN HALL

Thursday, 22nd March, 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 <http://bit.ly/planningrts>

### A G E N D A

**1. Apologies**

To receive any apologies for absence.

**2. Minutes**

5 - 16

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

**3. Additional Items of Business**

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

**4. Declaration of Interest**

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

**5. Exclusion of the Public**

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

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

17 - 18

To consider reports on planning applications for development permission:

**a) APP/2018/0037 9 Manchester Road, Burnley**

19 - 24

Display of fascia sign (LED) (Resubmission of APP/2017/0483)

**b) APP/2017/0559 462 Colne Road, Burnley**

25 - 30

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

c)	<b>APP/2018/0025 1 The Paddock, Highfield Avenue, Burnley</b> Use of site as residential care home/nursing home (Class C2).	31 - 38
d)	<b>APP/2018/0064 Land Adjacent 9 &amp; 15 Southern Avenue, Burnley</b> Erection of detached dwelling with detached garage (re-submission APP/2015/0003).	39 - 46
e)	<b>APP/2017/0573 10 Ennerdale Road, Burnley</b> Demolition of garage and erection of single storey side and rear extension.	47 - 52
f)	<b>APP/2018/0048/00490050/0051/0053/0054/0055 Installation of Alleygates, various sites</b>  APP/2018/0048 Rear 2-26 Lebanon Street/1-27 Haven Street/76-88 Lyndhurst Road/167-179 Brunshaw Road, Burnley  APP/2018/0049 1-19 Every Street/32-50 Piccadilly Road/1-11 Willis Street, Burnley  APP/2018/0050 Rear 2-36 Herbert Street/5-37 Shakespeare Street/80-90 Victoria Road, Padiham  APP/2018/0051 Rear 39A-61 Oxford Road, Burnley  APP/2018/0053 Rear 26-34 Kirkgate/83-103 Hollingreave Road, Burnley  APP/2018/0054 Rear 290-320 Coal Clough Lane, Burnley  APP/2018/0055 Rear 40-60 Athol Street North/39-59 Nairne Street, Burnley	53 - 70
<b>7.</b>	<b>Decisions taken under the Scheme of Delegation</b> To receive for information a list of delegated decisions taken since the last meeting.	71 - 76
<b>8.</b>	<b>Appeals and Other Decisions</b>	77 - 82

## **MEMBERSHIP OF COMMITTEE**

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

Councillor John Harbour  
Councillor Marcus Johnstone  
Councillor Lubna Khan  
Councillor Andrew Newhouse  
Councillor Tom Porter  
Councillor Asif Raja  
Councillor Andrew Tatchell  
Councillor Cosima Towneley

**PUBLISHED**

Wednesday, 14 March 2018



## DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 15th February, 2018 at 6.30 pm

### PRESENT

### MEMBERS

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

### OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer

### 82. Apologies

Apologies for absence were received from Councillors John Harbour and Andy Tatchell.

### 83. Minutes

The Minutes of the last meeting held on 25<sup>th</sup> January 2018 were approved as a correct record and signed by the Chair.

### 84. 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:

Guiseppe Musso (for) APP/2017/0386 and 0387- 118 St James's Street, Burnley.

**RESOLVED**

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

**85. a. APP/2017/0386 & APP/2017/0387 - 118 St James Street Burnley**

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

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

**Decision: That planning permission be granted subject to the following 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 proposed works to the premises as shown on drawing numbers: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018, shall be carried out and completed within 12 months of the date of this permission to the satisfaction of the Local Planning Authority.
3. The use of the premises as a bar/cafe (Classes A3/A4) shall cease on or before ten years from the date of the completed external and internal works proposed as part of this permission (Condition 2). The developer shall notify the Local Planning Authority of the completed dates for monitoring purposes.
4. 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.
5. No later than the expiry of ten years from the date of the completed internal and external works noted under Condition 2, 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.
6. The bar/cafe 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/cafe.
7. 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. In order to visually improve the street scene and safeguard the main public entrance to the former Empire Theatre in a timely manner, 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. A temporary permission of ten years (and no longer) is appropriate and necessary in this instance in order to provide the applicant an appropriate and financially viable 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).
4. 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).
5. 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).
6. 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).
7. 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).

**Listed building consent – APP/2017/0387**

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

**Decision: That Listed Building Consent be granted subject to the following 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 proposed works to the premises as shown on drawing numbers: (STJ) (20)-L-03RevA and STJ 22 P 02RevC, received on 8 January 2018, shall be carried out

and completed within 12 months of the date of this permission to the satisfaction of the Local Planning Authority.

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 ten years from the date of the completed internal and external works noted under Condition 2, 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. In order to visually improve the street scene and safeguard the main public entrance to the former Empire Theatre in a timely manner, 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).

<b>86. b. APP/2017/0472 - Land South of Old Hall Farm, Oswald Street, Burnley</b>
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**Full Planning Application**

**Proposed erection of 8no. five bedroomed detached dwellings**

**LAND SOUTH OF OLD HALL FARM, OSWALD STREET, BURNLEY**

**Decision; That delegated authority be given to the Head of Housing and Development Control to approve the application planning permission subject to an additional condition in respect of noise mitigation measures and 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: 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; and 17/2249/10 Rev A, received on 14 February 2018.
3. No construction work on any dwelling shall take place until the new estate road/access between the site and Oswald Street 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 17/2249/10RevA, received on 14 February 2018, 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. 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).

<b>87. c. APP/2017/0536 - 16 Prairie Crescent, Burnley</b>
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**Full Planning Application – APP/2017/0536  
Proposed double storey extension to side and rear  
16 PRAIRIE CRESCENT, BURNLEY**

**Decision: That full 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: (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.

<b>88. Decisions taken under the Scheme of Delegation</b>
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Members received for information a list of decision taken under delegation for the period 1<sup>st</sup> January to 6<sup>th</sup> February 2018.

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part I: Applications brought for  
Committee consideration

22<sup>nd</sup> March 2018

Housing and Development

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Housing & Development  
9 Parker Lane

Ref.

## APP/2018/0037

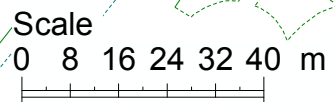
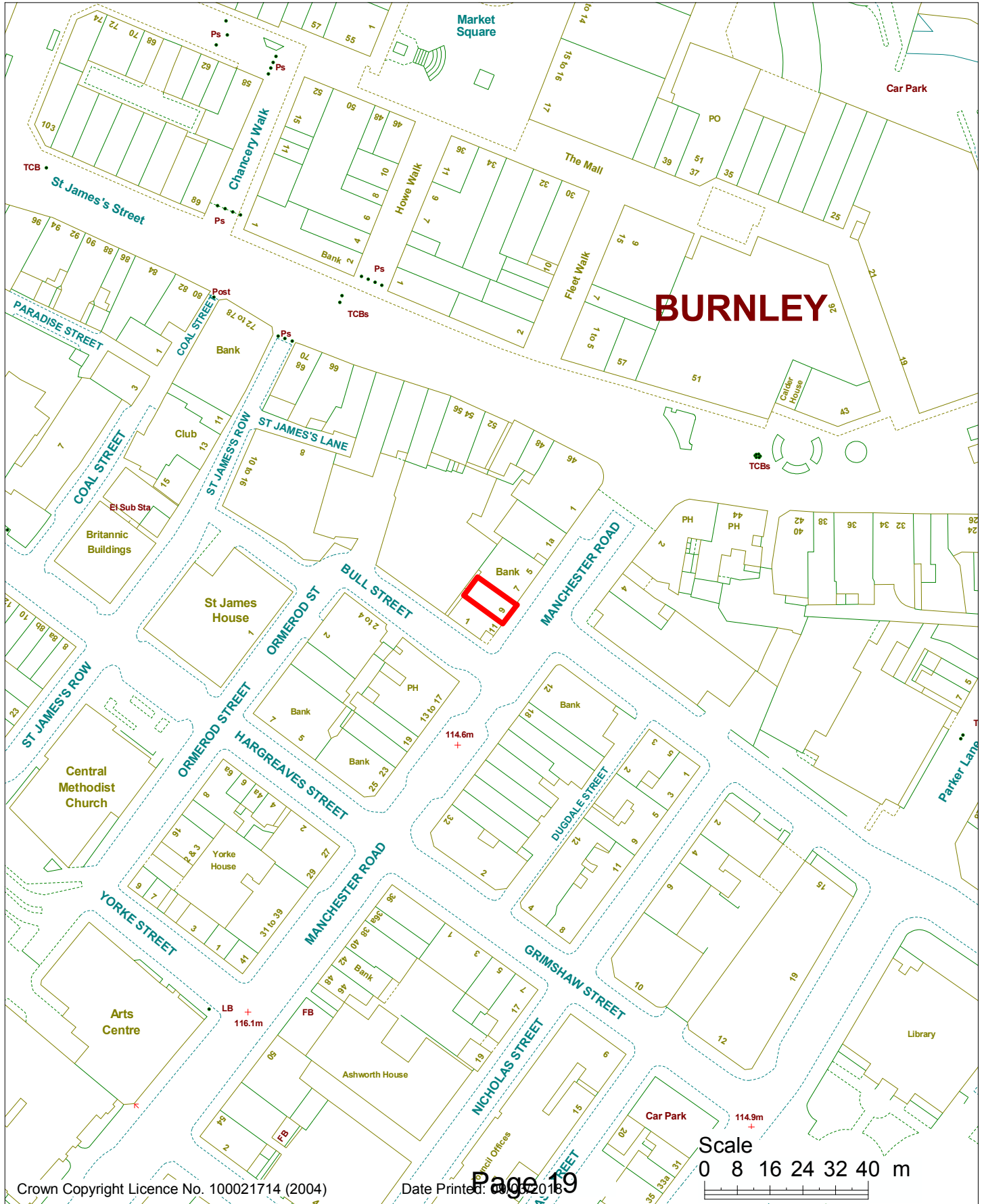
Paul Gattrell Head of Housing and Development

Location:



## 9 Manchester Road, Burnley

1:1250



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**Application Recommended for REFUSAL**

**APP/2018/0037**

Daneshouse with Stoneyholme Ward

Express Consent to Display an Advertisement

Display of fascia sign (LED) (Resubmission of APP/2017/0483)

FALCON & FOXGLOVE, 9 MANCHESTER ROAD, BURNLEY

**Background:**

Advertisement consent is sought for the display of an internally illuminated LED screen fascia sign of the company.

The same application was refused on 15<sup>th</sup> January 2018.

The applicant has re-submitted the application with the intention to reduce the illuminance levels which need to be agreed if Advert Consent is granted. These alterations do not overcome the reason for refusal from the previous application and the application remains contrary to policy as set out below.



The applicant is a Borough Councillor and the application has been called-in to the Development Control Committee to be decided.

No objections have been received.

**Relevant Policies:**

Burnley Local Plan Second Review

BTC4 – Office, Business, Civic and Cultural Quarter of Burnley Town Centre

E12 – Development in, or Adjacent to Conservation Areas

E24 – Advertisements

Burnley's Local Plan: Proposed Submission Document – March 2017

TC2 – Development in Burnley and Padiham Town Centres

TC4 – Development Opportunities in Burnley Town Centre

HE2 – Designated Heritage Assets

TC8 – Shopfront and Advertisement Design

## NPPF – National Planning Policy Framework

### **Site History:**

APP/2017/0483 – Display of one external, static, illuminated, LED fascia sign (refused)

### **Consultation Responses:**

No representations made.

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

The current proposal is also to be assessed against the Town and Country Planning (Control of Advertisements) Regulations 2007. Regulation 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 indicates that in relation to the control of advertisements a local planning authority will exercise its powers in the interests of amenity and public safety. This is reflected in Paragraph 67 of the NPPF. As such, the main issues in the consideration of this application are:

- **Impact on visual amenity,**
- **Impact on Conservation area, and;**
- **Impact on public safety.**

The NPPF advises the following with regards to advertisements:

*“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

### **Visual Amenity**

The proposed LED screen sign would introduce a different kind of signage to those fascia signs in the area. However the scale of this element is unduly large and would dominate the shop frontage. This would, in my view, result in an advertisement of considerable bulk and scale. Consequently, it would appear as a dominant and incongruous feature. Moreover it is considered this would be out of place in the immediate area and undermine the town centre conservation area objectives of improving the retail frontages.

As a result, the proposed advertisement would be a prominent feature both to traffic on Manchester Road and from various public vantage points within the area. Therefore, the proposed advertisement would have a harmful effect on the visual amenity of the area. The proposal would, consequently, conflict with Policy E24 of the Burnley Local Plan which states that outdoor advertisements will not be permitted where they detract from the character and amenity of the area.

### **Conservation Area**

Within Conservation Areas, adverts are generally relatively low key forms of advertising and will generally be of limited size and extent. Not all signs will be illuminated and signage's broadly appear to be physically incidental to, and characteristic of, the host building. Policy E12 expects the proposal to respect the character of the Conservation Area in terms of quality, siting, detailing, height, scale, materials and external appearance. It is the conservation area that provides the wider setting for the proposal.

The building makes a distinguished contribution to the historic character and appearance of the Conservation Area and the proposed signage would be inconsistent with the surrounding fascias. The LED screen would appear as intrusive and visually jarring and undermine its contribution to the wider Conservation Area.

In this location shop fronts have a much more individualistic appearance and signage, and in part, this reflects the nature of the businesses. Even corporate estate agents, such as Petty's, Reeds Rains and Entwistle Green, have less strident signage that is more in keeping with the varied quality of shopfronts in the conservation area.

Illuminated lettering, are not uncommon, but where it exists illumination tends to be applied externally, and in relatively subtle ways. The occasional internally illuminated LED displays (e.g. E-Cigs internal mini window sign @ E liquids R Us) appear garish and harsh in contrast to the prevailing types of shopfront displays.

### **Public Safety**

The proposed advertisement would be erected as a replacement for an existing fascia sign for the Estate Agency. The existing sign measures 5m in width and 1.5m in height. It is single sided, with the display facing Manchester Road/Red Lion Street. The proposed sign would be LED display with static illumination.

The Council has raised no objections to sign on public safety grounds subject to conditions to control the content, display, illumination and no moving images or animations. The applicant has suggested moving images and animations would occur on some occasions, and in my opinion this will have a harmful impact to the Conservation Area and not be in keeping with the uniform of adverts, especially along Manchester Road.

### **Conclusion**

The LED screen sign would have a significant impact upon the important building in a prominent location.

I conclude that, taken overall, the proposal would significantly harm the character and appearance of the conservation area and be detrimental to the general interests of amenity. Advert consent should therefore be refused.

### **Recommendation:**

That the advert application be refused

### **Reasons:**

The proposed led screen sign would be harmful to the visual amenity of the area and to the character and appearance of the Conservation Area. The scheme is contrary to policies E24 and E12 of the Burnley Local Plan Second Review. This seeks to ensure

that advertisements in conservation areas are of an individual format in a suitable material of an appropriate size and design in relation to the building or fascia.



# Part One Plan

# Agenda Item 6b

Housing & Development  
9 Parker Lane

Ref.

**APP/2017/0559**

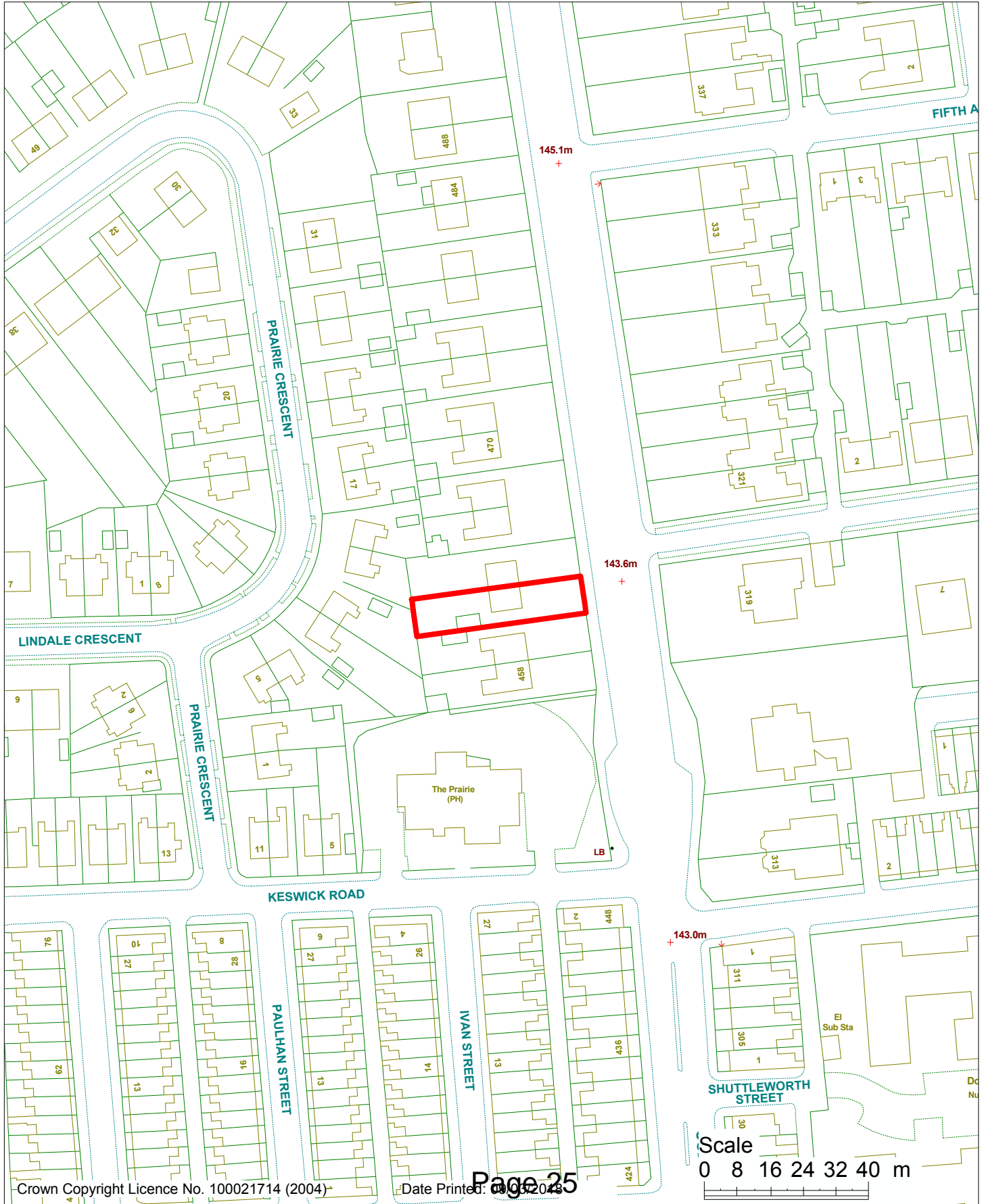
Paul Gattrell Head of Housing and Development

Location:



**462 Colne Road, Burnley**

**1:1250**



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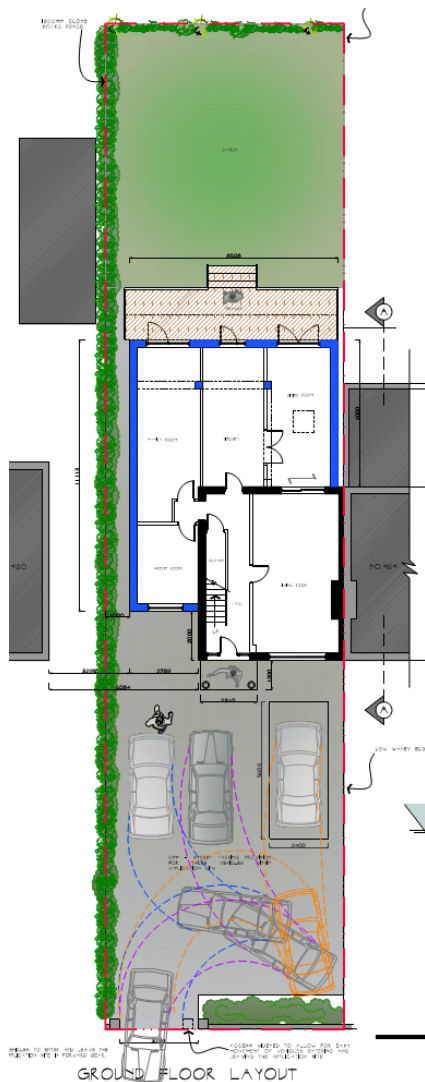
**Application Recommended for APPROVAL**  
Queensgate Ward

**APP/2017/0559**

Full Planning Application  
Proposed 2 storey extension to side and rear with a front porch  
462 COLNE ROAD, BURNLEY

**Background:**

The proposal seeks planning permission for a 2 storey side/rear extension with a front porch and alterations to the driveway area to this semi-detached property.



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 Conversions of Existing Single Dwellings

**Site History:**

No relevant history

**Consultation Responses:**

LCC Highways:

*The proposal is for an extension to form a 4 bed dwelling with 4 parking spaces shown on site. Unfortunately the orientation of the parking spaces is such that there is not enough width on the property to permit parking and reversing. The minimum dimension required would be 1m comprising 5m parking space and 6m reversing area. If the parking provision were to be reduced to 3 vehicles then this could be accommodated perpendicular to the building frontage whilst maintaining the ability to enter/leave the site in forward gear.*

*Subject to the submission of an acceptable parking layout I would raise no objection to the proposal on highway grounds.*

Objection received from 464 Colne Road:

- *Impact to neighbours conservatory*
- *Parking area will interfere privacy*
- *Change in character in comparison to other properties within this block.*

**Planning and Environmental Considerations:**

**Principle**

Extension to an existing property within its curtilage is acceptable in principle.

**Design and visual impact**

The design of the original submission was not considered to be acceptable as it was excessive in scale and bulk and represented an incongruous addition to the host property. Following the revised plans and assessing the proposal against the relevant criteria the two storey side extension is now seen to be subservient to the main dwelling house.

The proposed side extension would have the eaves height of the main dwelling and ridge height set lower. It would be set back from the front elevation by 2m and would be set in from the boundary 1m. Due to lower height of the roof and the set-back, the extension would appear subordinate to the host property. The design of the roof is therefore considered acceptable. As such the development does not significantly interrupt the regular built rhythm of the road and thereby does not appear incongruous, in regards to maintaining sufficient separation distance.



The rear first floor extension projects 4.3m and is set back 3m from the boundary to protect the 45 degree rule of thumb.

The ground floor element projects 6m from the main rear wall and 8.5m wide. However the extension only project 1.8m beyond the neighbour's conservatory.

The proposed materials match those of the host dwelling and are acceptable.

The porch is under 3m<sup>2</sup> and no higher than 3m which meets the criteria for permitted development under Schedule 2 Part1 Class D of the GPDO 2015

**Amenity impact**

The impacts upon neighbouring residential amenity have been assessed In terms of overlooking, loss of privacy and overbearing impacts arising from the two storey side extension. The main property that has the potential to be affected is No.464 Colne Road which is the adjoining property. Concerns have been raised in regards to overshadowing of the conservatory, however the single storey extension only projects 1.8m beyond the conservatory which would not have any adverse impacts to overshadowing.

The ground floor situation will be no different to the existing circumstances.



The proposed single storey and two storey extensions do not project beyond the '45 degree line' into the neighbour's protected area which in this case would be the rear windows of 464 Colne Road. The separation distance combined with the hipped roof form and the set down of the two storey element from the ridge of the main building would ensure that any negative impact to the amenity of 464 Colne Road to the north would be minimal.

As such, the side extension is not anticipated to have any detrimental impacts on amenity through over-shadowing, over-looking or an over-bearing impact.

No other surrounding properties will be affected by this proposal.

**Parking and highway safety**

The development would not result in an increase in bedroom numbers therefore an increase in parking demand is not anticipated. The scheme provides provision for 3 off-road parking spaces and the highway authority is satisfied with the proposal.

Consequently no further access, parking or highway safety concerns are identified.

**Conclusion**

On the basis of the assessment set out above, it is considered that the works proposed are suitably designed and would not have an unacceptable impact on residential amenity and highway safety. As such it is in accordance with the provisions of the NPPF and Local Plan Policies and planning permission should be granted.

**Recommendation:**

That planning permission be granted subject to the following.

**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 drawings (462)(20)-E-02 Rev B, received 31 January 2018 & Location Plan, received 12 March 2018.

**Reasons:**

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



Housing & Development  
9 Parker Lane

Ref.

## APP/2018/0025

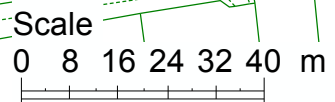
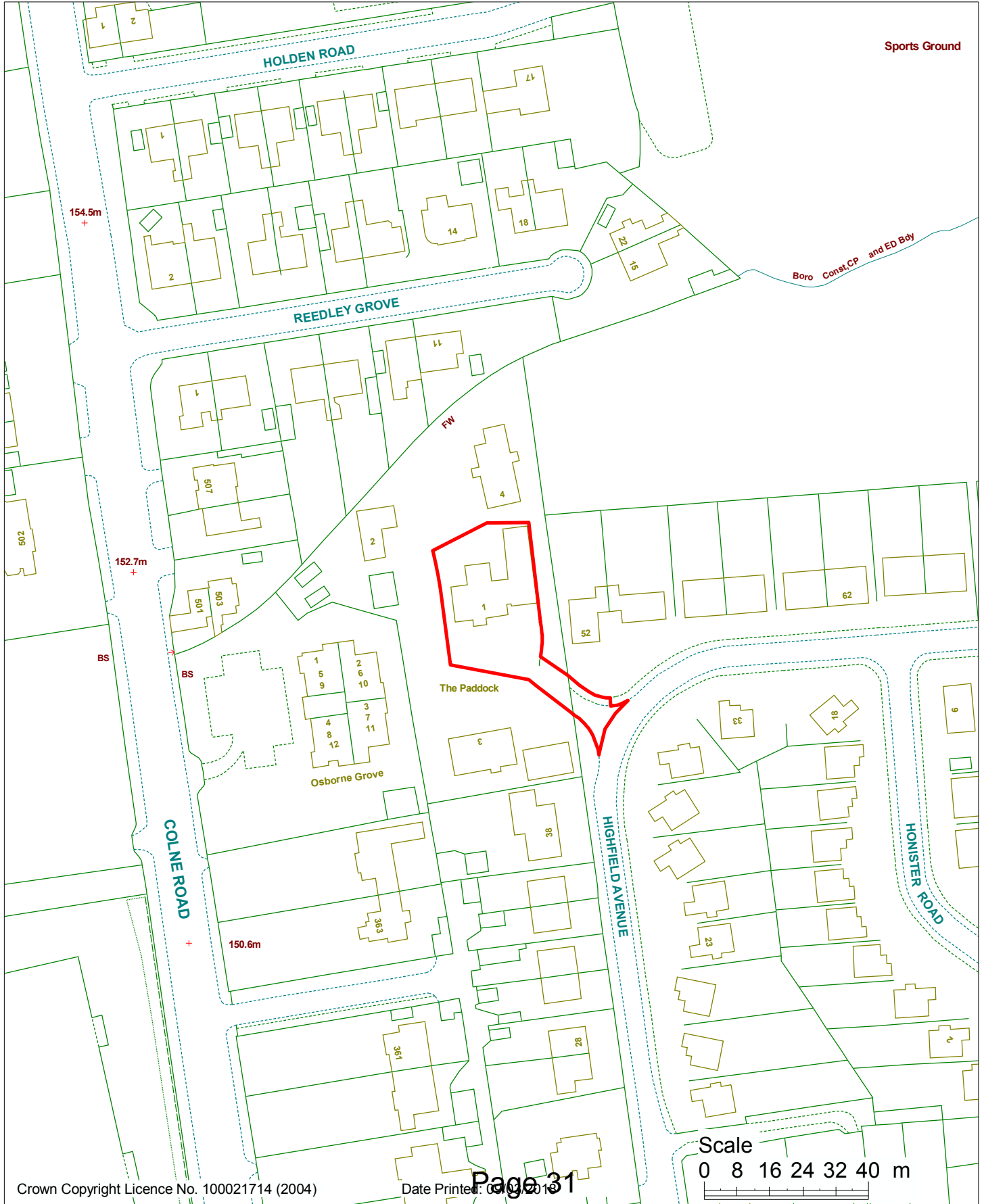
Paul Gatrell Head of Housing and Development

Location:



## 1 The Paddock, Highfield Avenue, Burnley

1:1250



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## Application Recommended for Approval

APP/2018/0025

Lanehead Ward

Full Planning Application

Use of site as residential care home/nursing home (Class C2)

1 THE PADDOCK HIGHFIELD AVENUE BURNLEY

### Background:

The application relates to a detached building in a predominantly residential area.

Objections have been received.

### Relevant Policies:

Burnley Local Plan Second Review (Adopted 2006; currently saved)

CF14 - Provision, retention and enhancement of community facilities

TM15 - Car parking standards

GP6 – Landscaping and incidental open spaces

Burnley's Local Plan – Proposed Submission Document, July 2017

IC3: Car Parking Standards

[The document has been submitted to the Secretary of State. Objections were received in respect of Policy IC3, therefore, it can be given little weight]

### Site History:

12/87/0535: Change of use from private dwelling (Class C3) to Home for the Elderly (Class C2) for a maximum of 10 residents – Granted

12/89/0115: Two extensions to Home for the Elderly to provide an additional 6 bed spaces and use of garage for residential purposes – Refused [Granted on Appeal]

APP/2017/0114: Change of Use from Home for the Elderly to Dwelling (Class C3) – Granted (27/4/2017)

APP/2017/2017/0231: Proposed change of use from nursing home (Use Class C2) to key worker accommodation (sui generis) – Refused. Appeal Dismissed.

### Consultation Responses:

Highway Authority - The proposal is for a residential nursing / care home offering 22 beds. The likelihood is that the residents will not have their own cars but the proposed parking provision, originally increased the parking from 5 [*the previous care home had 5 spaces*] to 8 spaces which is an increase of 3 spaces. One of the main issues when considering the appeal for the previous application was the lack of parking available to the residents and the likely impact on Highfield Road, an issue raised both by the residents and the highway authority. The parking provision needed for a C2 use is 1 space per 5 residents equating to 4.4 spaces (LCC standards) Burnley's emerging Local; Plan requires an additional space per 10 residents for staff / visitors (2.2) bringing the total to 7. Given the local interest I would have no objection to the additional space. The neighbour's letter mentions access to ambulances and safety along the Paddock. With the proposed use I would not envisage this to be a problem. The enlargement of the parking area may increase the opportunity for ambulances to fully access the site.

Environmental Health - Comments about the need to address issues relating to construction working hours, burning of materials, internal soundproofing between rooms, cycle parking provision and avoidance of light pollution. [*Comment – Conditions relating to the construction period would not meet the necessity test as the main work is internal; requiring soundproofing between rooms in a residential care home would be unreasonable; conditions are recommended in relation to cycle parking provision and to avoid light pollution*].

Neighbouring Residents – Letters from 4 neighbouring residents making objections, summarised as follows:

1. The submitted floor layout drawing shows accommodation appropriate to independent living, as in a house in multiple occupation, rather than a residential care home [*Comment – A condition is recommended regarding the status of the drawing*].
2. The property is not suitable for people in rehabilitation, suffering severe mental conditions, or for young children. The use was previously restricted to care of the elderly and this should continue. [*See comment below*].
3. The use should be restricted to the accommodation of a maximum of 16 elderly persons. More would be overdevelopment and would adversely affect the residential amenity of neighbours. [*See comment below*].
4. Contradict the statement that the building has been a nursing home for more than 10 years and that, therefore, it does not have lawful right to that use.
5. The previous use had 5 car parking spaces and this was adequate. The 8 spaces now proposed would result in unacceptable additional disturbance, and hazard through vehicle movement.
6. Internal conversion work has taken place and action should be taken to reinstate the property to its former condition. The landscape previously removed by the applicant should be restored.

**Planning and Environmental Considerations:**

The application relates to a detached building, formerly a large dwellinghouse, extended and used as a Care Home for the Elderly in more recent years. It was built as part of a small group of dwelling houses, (known as 'The Paddock'), with which it shares access from Highfield Avenue. Highfield Avenue is a residential road, leading from Casterton Avenue and giving one of several road accesses to a large residential estate.



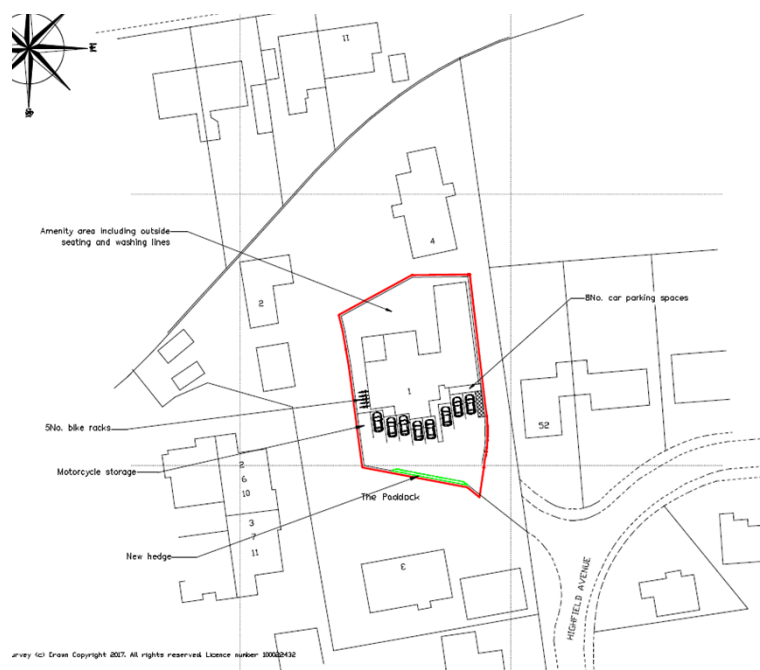
Location Plan  
Page 34

A planning application to adapt the building to provide high quality accommodation for key medical staff (comprising mainly young doctors/medical students) linked to the nearby Burnley Teaching Hospital, was refused in 2017 of grounds of inadequate off-street car parking provision. The subsequent appeal was dismissed.

The residential home use granted in 1987 was restricted by condition to accommodation of elderly persons only. The present application is to enable use of the building for care home purposes without restriction.



**Proposed Floor Plan**



**Proposed Site Layout Plan**

### *Policies and Assessment*

**Policy CF14** sets criteria for the acceptability of residential care homes, in particular the requirement to avoid adverse impact on road safety and residential amenity.

The Highway Authority is content with the proposal on the basis of the car parking and cycle spaces provided, which is in accordance with **Policy TM15**.

As regards residential amenity, a residential care home is generally acceptable in any residential area and present proposal is unlikely to have any significant impact. In any event, the property was a residential care home for the elderly for many years and the reinstatement of that use would be a fall-back position.

The proposal provides for screen planting along the southern boundary with No.3 The Paddock, and a condition is recommended to require it to be duly provided. This would go some way towards mitigating the loss of planting referred to by the neighbouring resident.

Granting the application, as submitted, would enable the building to be used for any purpose within Use Class C2. This includes hospital, residential school, college and training centre, which would be likely to have adverse impact on residential amenity by reason of noise and disturbance, including impacts relating to movement to and from the building, together with car parking generation that is not provided for in the proposal.

For that reason a condition is recommended to exclude those uses.

### *Representations*

Representation is made that the use was previously restricted to care of the elderly and this should continue. The 1987 permission was subject to a condition restricting the use to residential care home for elderly persons. The stated reason for the restriction was because as that was the use applied for, and therefore other uses had not been considered. The need for any restriction on use should be judged on planning matters, which in this context would be car parking provision and residential amenity, as referred to above.

As regards specified number of in-care residents to be accommodated, this, again, should be judged on planning considerations. No specific number is stated in the present application. The floor layout plan shows 22 bedrooms, together with kitchen, dining and lounge areas and the application goes on to state that the layout is intended to enable any future care home operator to adapt the space to their particular requirements. A condition is recommended regarding the status of the floor layout drawing.

The use as a nursing home is considered a suitable use of the property as it would not be likely to have significantly different impacts on residential amenity or car parking needs.

The 8 car parking spaces provided would exceed the required development plan car parking standards. However, the likely car parking generation of a development cannot be foretold precisely. A modest over-provision is arguably preferable than

under-provision in this context as there would likely be significant harm if on-street parking resulted on Highfield Avenue. The Highway Authority is content with the provision made.

The applicant has carried out conversion work to the building and removed a landscaped area to make way for 8 rather than 5 car spaces. Works to the interior of a building do not amount to development, do not require planning permission and are not, therefore, actionable under planning legislation. Removal of the landscaping is regrettable, but, again, not a matter against which planning action can be taken. A modest replacement of screen landscaping is provided in this proposal, and a condition is recommended to secure its implementation. This would be in accordance with **Policy GP6**.

In conclusion the present proposal is to use the building for a wider, but acceptable, range of uses, for which it was granted permission in the 1980s and for which it was used until 2017.

### **Recommendation:**

That planning permission be Granted subject to the following conditions:

#### **Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location Plan received 16 Jan 2018; Proposed Site Plan drawing number 17/017/4b, received 8 March 2018.
3. The building shall be laid out in a manner appropriate to its use for a purpose hereby granted and a drawing shall be deposited with the Local Planning Authority prior to first occupation of the building for that purpose. For the avoidance of doubt, the layout of 22 en-suite bedrooms shown on the submitted layout drawing number 17/017/2b, dated 19/4/17, shall not be construed to permit any form of accommodation other than the use described in this grant of permission.
4. The premises shall be used for the provision of residential accommodation and care to people in need of care (other than a use within class C3 dwelling houses)) or a nursing home and no other purpose, including any purpose within Class C2 Residential Institutions, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.
5. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before development is occupied and the lighting shall only be implemented wholly in accordance with the approved details.
6. Before the development comes into use the provision for car parking and cycle parking shall be implemented in accordance with the submitted details shown

on the submitted drawing 17/017/4ba, and thereafter kept available for use in connection with the development at all times.

7. Before the development is brought into use, the new hedge (identified on drawing 17/017/4b, received 8 March 2018) shall be provided in the position shown on that drawing, in accordance with details to be submitted beforehand to and approved in writing by the Local Planning Authority. The details shall include a planted area at least 14 metres by 1 metre in extent and plant species sufficient to provide a continuous hedge, with the expectation that it will grow to a height of 2.4 metres within 3 years of planting.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To ensure that there is no doubt about the meaning of this planning permission and the form of accommodation for which it is granted.
4. To enable the Local Planning Authority to consider any future change having regard to Policy CF14 of the Burnley Local Plan, Second Review, currently saved, and any other material considerations.
5. In the interests of the amenities of the neighbouring residents in accordance with Policy CF14 of the Burnley Local Plan, Second Review, currently saved.
6. To ensure that parking provision is made and in the interests of promoting cycling as a sustainable and non-polluting mode of transport.
7. In the interests of the amenities of future residents of the development, nearby residents and the visual amenities of the area generally, accordance with Policy GP6 of the Burnley Local Plan, Second Review, currently saved.

AR  
13.3.2018

# Part One Plan

Housing & Development  
9 Parker Lane

Paul Gatrell Head of Housing and Development

# Agenda Item 6d

Ref.

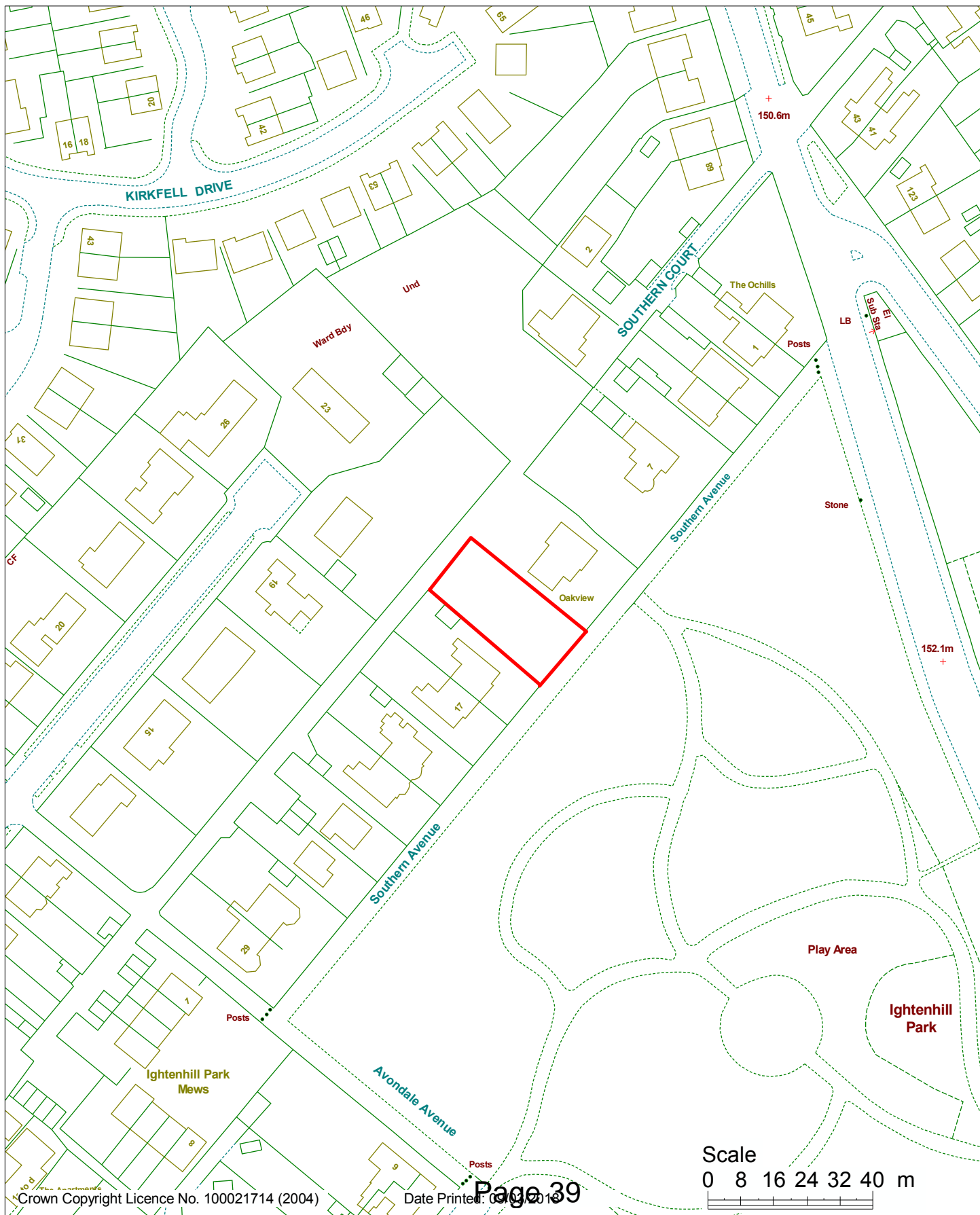
**APP/2018/0064**

Location:



## Land Adj. 9 & 15 Southern Avenue, Burnley

1:1250



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## Application Recommended for Approval

APP/2018/0064

Gannow Ward

Full Planning Application

Erection of detached dwelling with detached garage (re-submission APP/2015/0003)  
LAND ADJACENT 9 & 15 SOUTHERN AVENUE BURNLEY

### Background:

The proposal is for the erection of a dwelling on a vacant plot of land between 9 and 15 Southern Avenue.

Planning permission was granted for two dwellings on this and the adjacent plot in 1993 and one dwelling, on the adjacent plot, has been constructed. In 2002 permission was granted for an amended house type on the remaining plot and this was renewed in 2007, 2011 and 2015. The current application now seeks to renew the 2011 permission.

There has been no material change of circumstances relating to the site since the last approval by the Development Control committee in March 2015 and the report remains largely the same as set out below.

An objection has been received to the current application.



*Plot location off Southern Avenue*

### Relevant Policies:

National Planning Policy Framework

Burnley Local Plan Second Review

GP3 - Design and Quality

H1 - Land for new housing development

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

Burnley Local Plan submissions Document July 2017.

SP1 – Achieving Sustainable Development

SP2 – Housing Requirement  
SP4 – Development Strategy  
SP5 – Development Quality and Sustainability  
HS4 – Housing Developments

### **Site History:**

12/85/0235 – Outline application for residential development: Refused  
12/85/0778 – Outline application for residential development of 2 dwellings: Granted  
12/93/0523 – Erection of two dwelling houses: Granted  
12/98/0236 – Amended House type: Granted (adjacent plot now constructed)  
12/02/0624 – Proposed revised house design: Granted  
APP/2007/0937 - Proposed re-submission (app/2002/0624) of revised house design  
– granted  
APP/2011/0570 – Erection of detached dwelling with a detached garage  
(resubmission of APP/2007/0570)  
APP/2015/0003- Erection of detached dwelling with detached garage (renewal of  
APP/2011/0570)

### **Consultation Responses:**

- 1 Highway Authority – the proposal has no highway implications and therefore no objections are raised on highway grounds. This would be providing the same conditions were imposed on any permission as were applied in 2011, relating to the blocking up of the access through to Southern Court and the making up of the back street.
2. One letter from a nearby resident makes the following comments:
  - Since an original pond used by wildlife was filled in a number of years ago the area has suffered flooding issues.

*The area is not in a Flood Risk area and although it may have local flooding issues at times of heavy rain this would not be a reason to refuse permission for the renewal of the application.*

- The access down Southern Court, a single track road, is dangerous.

*The Highway Authority propose a condition to require the access to Southern Court to be closed with access to be taken to the rear of Stephenson Drive and the back street to the rear of Nos 15 to 29 Southern Avenue*

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

The principle of a dwelling on this site has already been established by the previous planning permissions. Circumstances have not changed since the development was approved in 2015 and the same considerations would apply.

The National Planning Policy Framework sets out that housing applications should be considered within the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The land is within the urban boundary, within a residential area and in a sustainable location. There is a local centre within walking distance and the site is served by public transport with the quality bus route on Padiham Road close by.

The Council can demonstrate a sufficient housing supply to meet a five year requirement and there is no over-riding need to provide further housing in the Borough. However, the development of this site is included in the 5 year assessment of housing sites with planning permission and it already contributes to the supply of housing in the Borough.

### *Design and Residential Amenity*

The scale of the dwelling is in keeping with the neighbouring surrounding large properties including the adjacent property constructed in 1998. The proposed materials are natural stone and blue slate. The proposed design of the dwelling is the same as that approved in 2011 and in keeping with the neighbouring dwelling and the surrounding area. It is acceptable and in line with Local Plan policies.

The property will not adversely affect any neighbouring dwellings by way of privacy, outlook or loss of light and would be in keeping with the character and appearance of the area. Southern Avenue is characterised by large dwellings with similar plot widths to the application plot.



Proposed design



Adjacent dwelling (No 9)

The layout of the development will have some effect on a large tree in the neighbouring garden at No. 15 Southern Avenue. However, the tree is not covered by a Tree Preservation Order and no objections have been received from the neighbouring residents. The principle of the layout of the plot has already been established by the previous planning permissions granted.

### *Highway Safety*

The access to the rear of 15 to 29 Southern Avenue (back Stephenson Drive) is an adopted back Street, and the access to the rear of 1 to 7 Southern Avenue is a private road.

The Highway Authority has indicated that access should be from Stephenson Drive and the back street to the rear of Nos 15 to 29 Southern Avenue which is an adopted Highway. The access through to Southern Court should be permanently closed. Providing conditions are included in this respect the Highway Authority raise no objections. The same conditions as imposed on the previous approval in 2015 are recommended.

The adjacent plot, No. 9 Southern Avenue currently uses the access off Southern Court, not in line with the planning conditions imposed when the house was built. Having regard to the breach of the condition for a period of more than 10 years, it is not possible to take enforcement action to require the access to be from the back street.

### *Summary*

The current proposal is a resubmission of the planning permission granted in 2015 and as circumstances have not changed since that decision, there would be no over-riding reason to refuse the application.

The proposal is in line with Local Plan policies and is acceptable.

**Recommendation:** That the application be granted subject to the following conditions,

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application plans: Drawing nos. A.S/1, A.S/2 and A.S/3 received 12 Feb 17
3. Before the house is first occupied, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in the first planting season following substantial completion of the dwelling.
4. Before the house is first occupied the access road to the rear of the proposed dwelling from the boundary with No 15 to the boundary with No 9 shall be made up to adoptable standards including the provision for street lighting.
5. Access shall be taken from the back street leading from Stephenson Drive. Before any development commences a scheme for the blocking up of the access road to the rear on the boundary with No 9 Southern Avenue to prevent vehicular access to Ightenhill Park Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the approved dwelling and maintained to the satisfaction of the Local Planning Authority at all times thereafter.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. To ensure a satisfactory landscaping scheme in the interests of residential amenity.
4. To ensure adequate vehicular access
5. In the interests of Highway Safety

**CMR**

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Housing & Development  
9 Parker Lane

Ref.

## APP/2017/0573

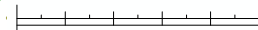
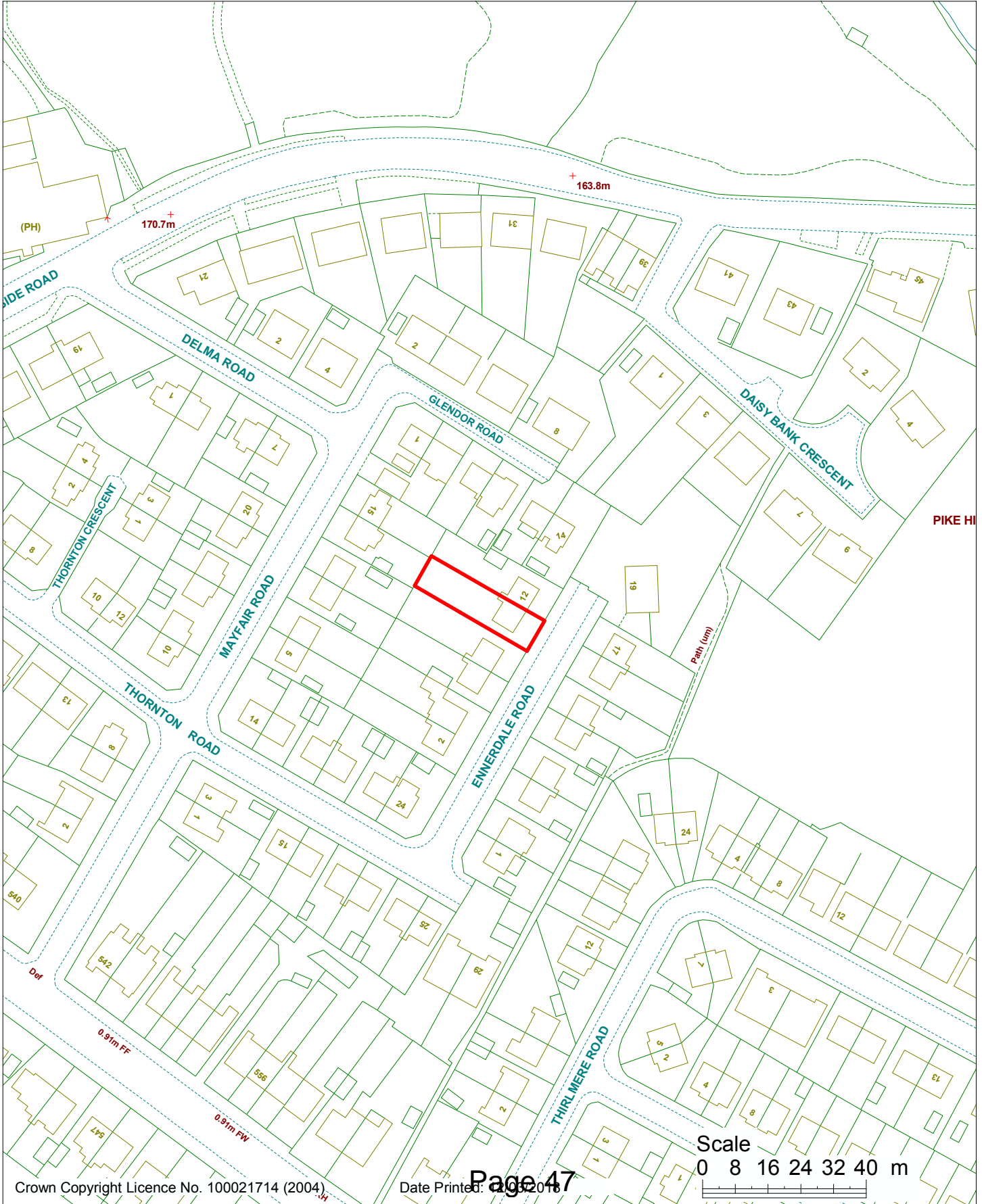
Paul Gatrell Head of Housing and Development

Location:



### 10 Ennerdale Road, Burnley

1:1250



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**Application Recommended for APPROVAL**

**APP/2017/0573**

Cliviger with Worsthorne Ward

Full Planning Application

Demolition of garage and erection of single storey side and rear extension

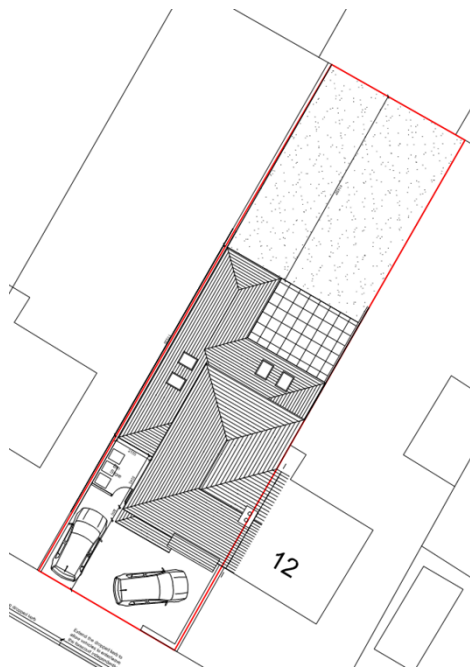
10 ENNERDALE ROAD, BURNLEY

**Background:**

The proposal involves the erection of a single storey side and rear extensions.

The proposed scheme is to provide a ground floor bedroom, larger kitchen/dining area and a utility/store room. The materials used in the proposed extension would be in keeping with those used on the existing building.

The existing garage in the rear garden area will be demolished.



An objection has been received.

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design & Quality

H13 – Extensions and Conversions of Existing single Dwellings

Burnley's Local Plan: Proposed Submission Document – March 2017

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS5 – House Extensions and Alterations

## National Planning Policy Framework (NPPF)

### **Site History:**

No relevant history

### **Consultation Responses:**

#### LCC Highways Burnley

Reduced parking provision for 2 vehicles is acceptable and providing this is demonstrated on the drawing then this would be acceptable.

#### 8 Ennerdale Road objects on the following grounds:

- Side extension not acceptable to be built on boundary wall
- Roof will overhang the boundary
- Visual appearance not in keeping
- Garage will be lost and parking will be an issue.

*The above issues have been addressed and the objector has withdrawn the objection verbally.*

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

The NPPF sets out a presumption in favour of sustainable development and identifies twelve key planning principles, one of which is the need to secure high quality design and a good standard of amenity.

### **Principle of Development**

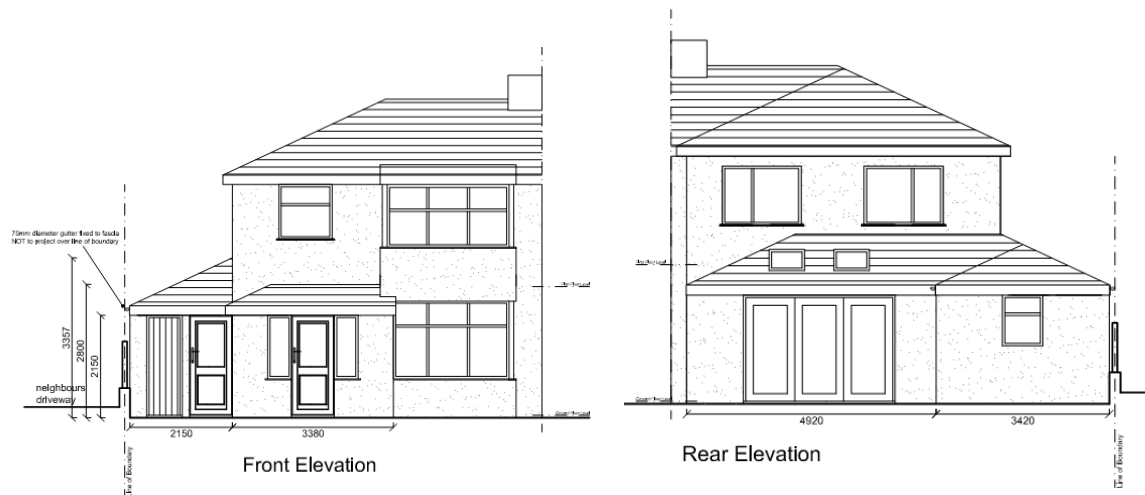
Extensions to an existing property within its curtilage are acceptable in principle.

### **Design & Visual Impact**

The proposed extensions are set to the side/ rear of the existing dwelling and an 8m distance from the pavement and therefore not in a prominent position. The extension is in size and proportion to the main dwelling and of an acceptable design that is in keeping with the dwelling.

The part of the extension directly to the rear extension would have a hipped roof which is in keeping with the main dwelling and is acceptable. The section to the side would have a traditional dual-pitched roof to match the existing house. The structure is only single storey therefore not visually detrimental to the character of the existing dwelling or area.

The existing foot print of the garage has been incorporated as part of this proposal to achieve a good sized extension.



## Amenity impact

### Size and mass

The proposed side extension would be positioned along the western boundary and due to the separation distance involved and the extension being single storey along with screening to the boundary the proposals size and mass does not have a detrimental impact on residential amenity for occupiers of dwellings to the west.

### Loss of light

The proposal is modest in terms of its depth at 2.3m and would amount to a total 3.5m projection from the rear of the neighbouring property; it is considered acceptable. Taking account of this situation, there will be sufficient light penetration to these the neighbouring properties rear windows. It is accepted that the proposal fails the 45 degree test due to the depth of the extension. However the extension is modest in depth and is only a single storey structure. The combination of the above leads officers to believe that although there will be a minor loss of daylight, it would not be sufficient to warrant a refusal.

It is considered the modest depth and height of the proposal would not cause a significant loss of outlook to warrant a refusal as it is located to the side of the neighbour's windows. It is also normal practice to allow rear extensions on residential dwellings. The modest depth of the extension would not create a sense of enclosure sufficient to warrant a refusal.

### Overlooking

No windows are proposed to the eastern/western elevation of the extensions. Windows in the northern elevation of the extension are at such distance from opposite neighbours and due to adequate screening along the boundaries, it does not to have a detrimental impact from overlook into adjacent dwellings or private garden areas.

### Parking and highway safety

There is adequate off-street parking provision on the drive to serve the dwelling. Additional bedroom space is being created and the highway officer has accepted 2 off-road parking spaces and no further objections are raised in regards to highway safety.

## **Conclusion**

Having had regard to the above it is considered that development in the manner proposed would not adversely affect the appearance of the host dwelling nor would it have a major detrimental impact on the amenities of neighbouring properties. The proposal is therefore acceptable and in accordance with the relevant local plan policies.

## **Recommendation:**

That planning permission be granted.

## **Conditions**

1. The development must be begun within three years of the date of this decision.
2. The development hereby approved shall be carried out in accordance with the following approved drawings: *OBR/01 Dwg 05B, OBR/01 Dwg 04B - received 12<sup>th</sup> February 2018 and OBR/01 Dwg 01, OBR/01 Dwg 03 – received 21 November 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

AA  
13/03/18

# Part One Plan

Housing & Development  
9 Parker Lane

# Agenda Item 6f

Ref.

**APP/2018/0048**

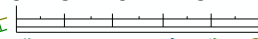
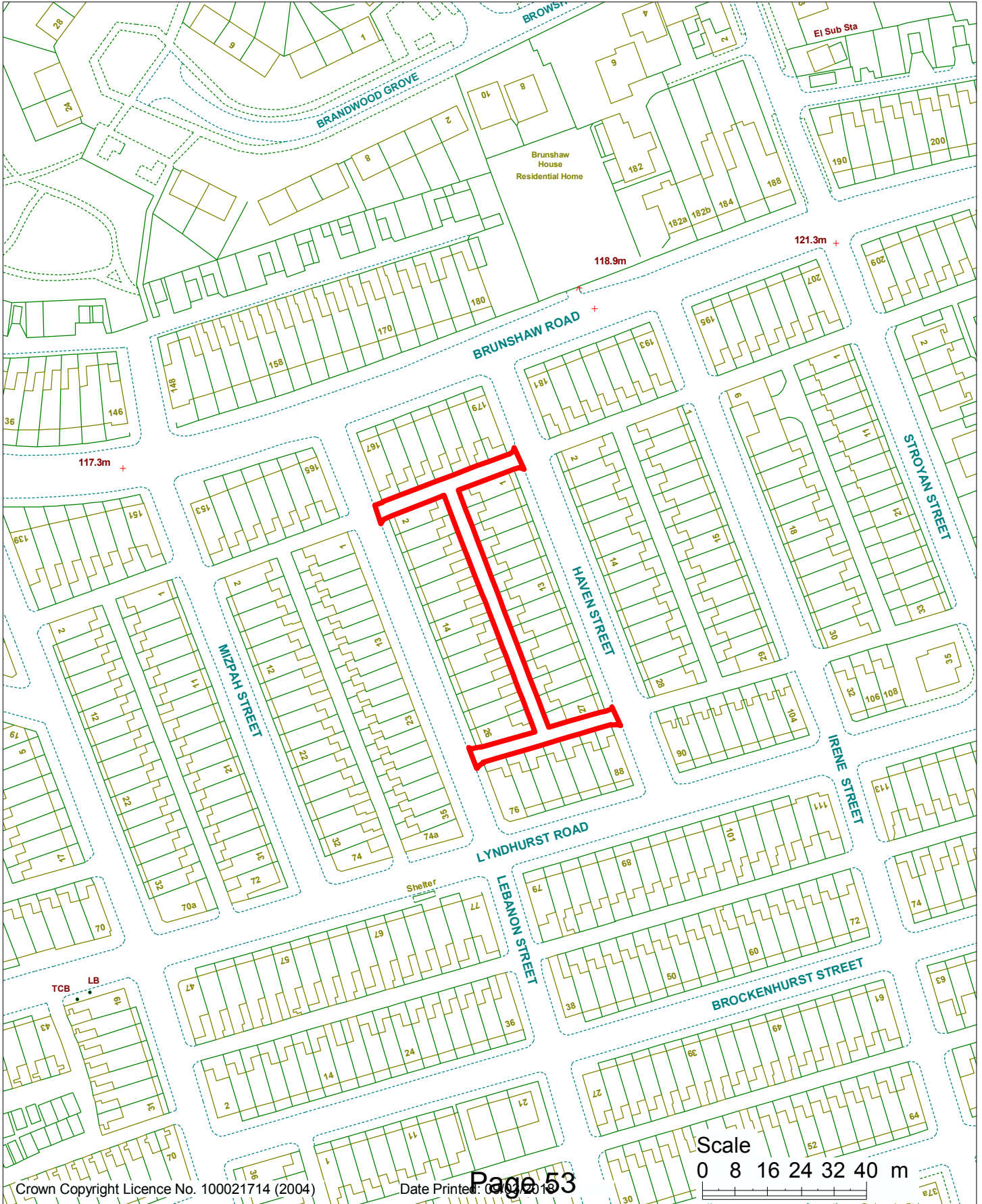
Paul Gatrell Head of Housing and Development

Location:



## Rear 2-26 Lebanon Street, Burnley

1:1250



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# Part One Plan

Housing & Development  
9 Parker Lane

Ref.

**APP/2018/0049**

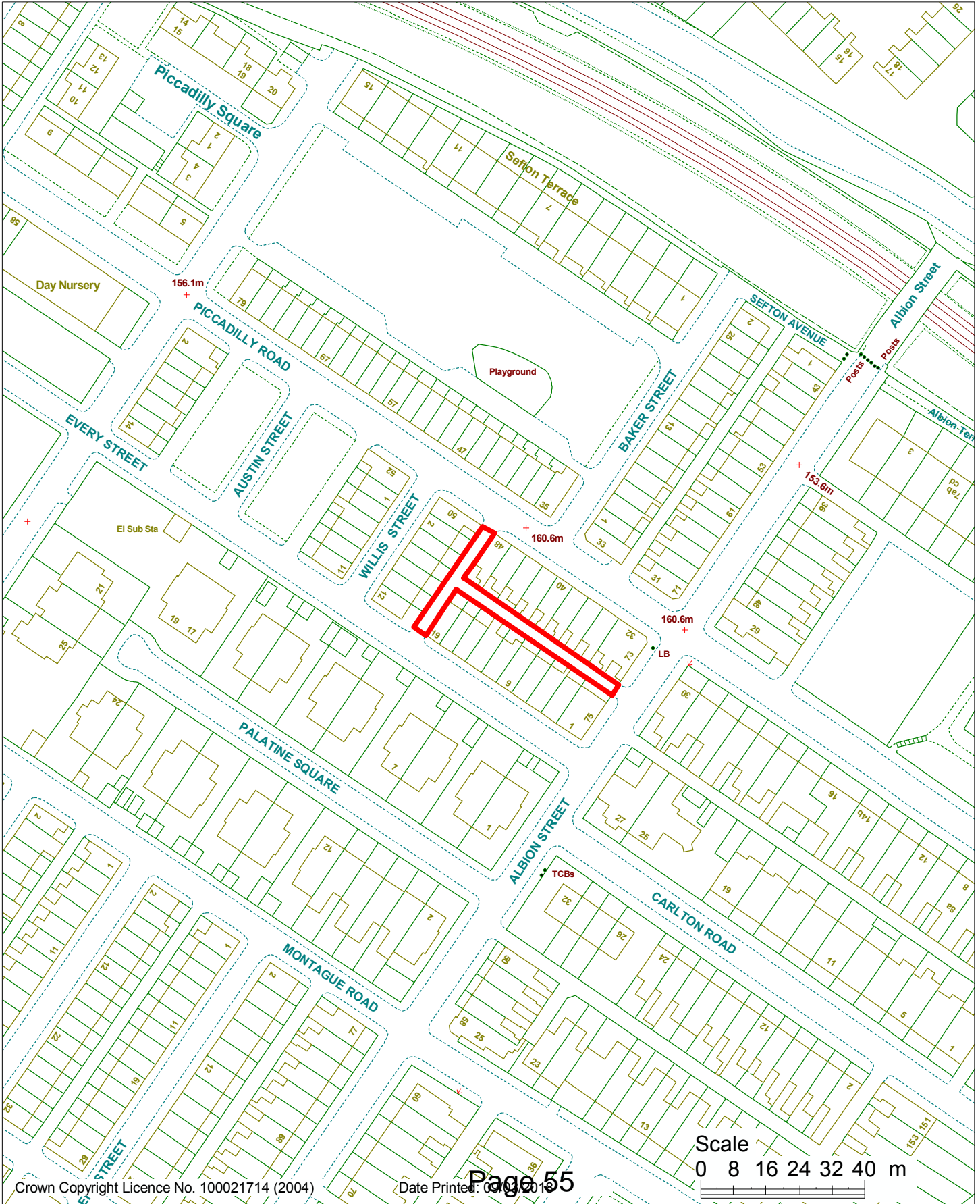
Paul Gatrell Head of Housing and Development

Location:



**1-19 Every Street, Burnley**

**1:1250**



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# Part One Plan

Housing & Development  
9 Parker Lane

Ref.

**APP/2018/0050**

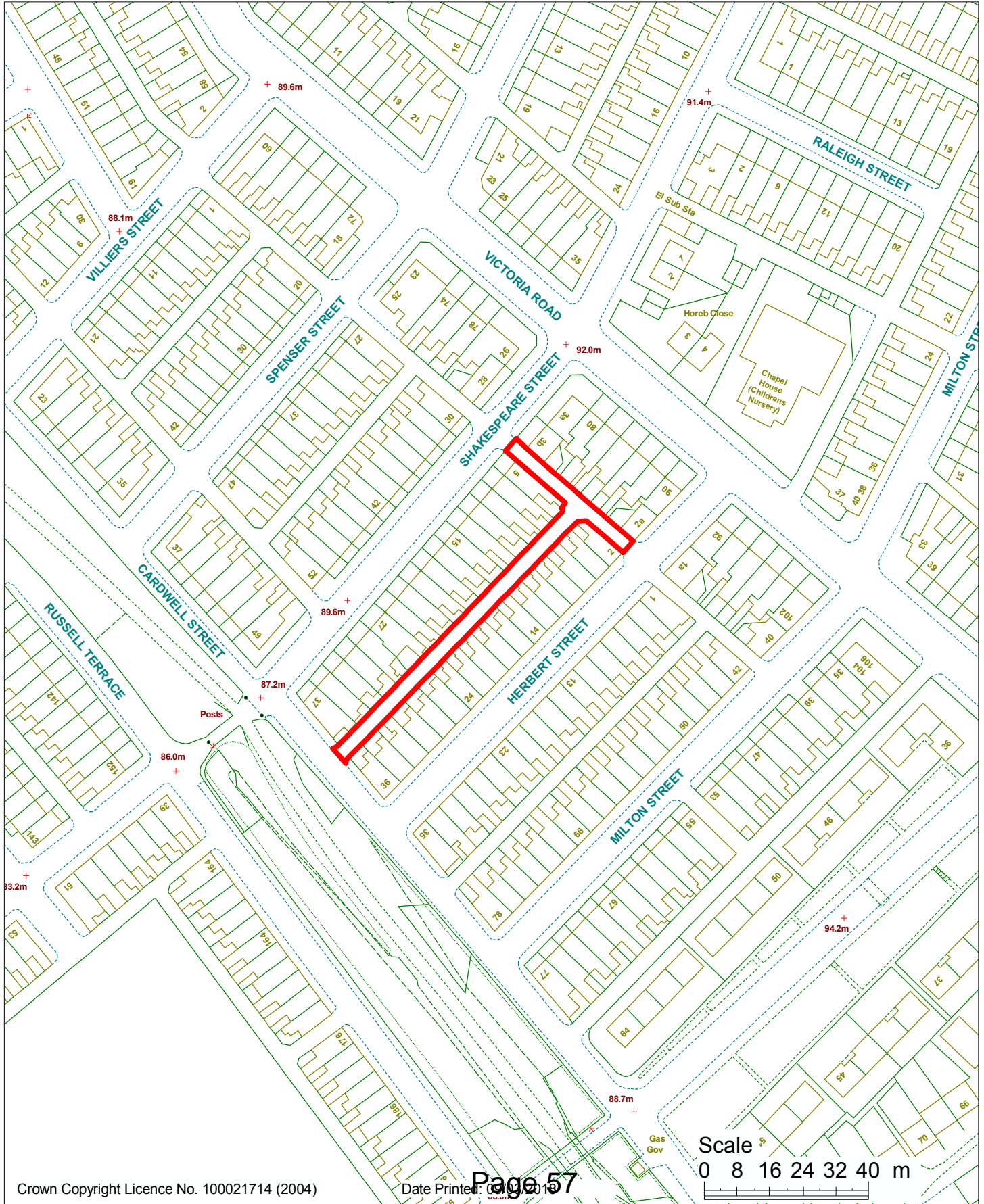
Paul Gatrell Head of Housing and Development

Location:



**Rear 2-36 Herbert Street, Padiham**

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# Part One Plan

Housing & Development  
9 Parker Lane

Ref.

**APP/2018/0051**

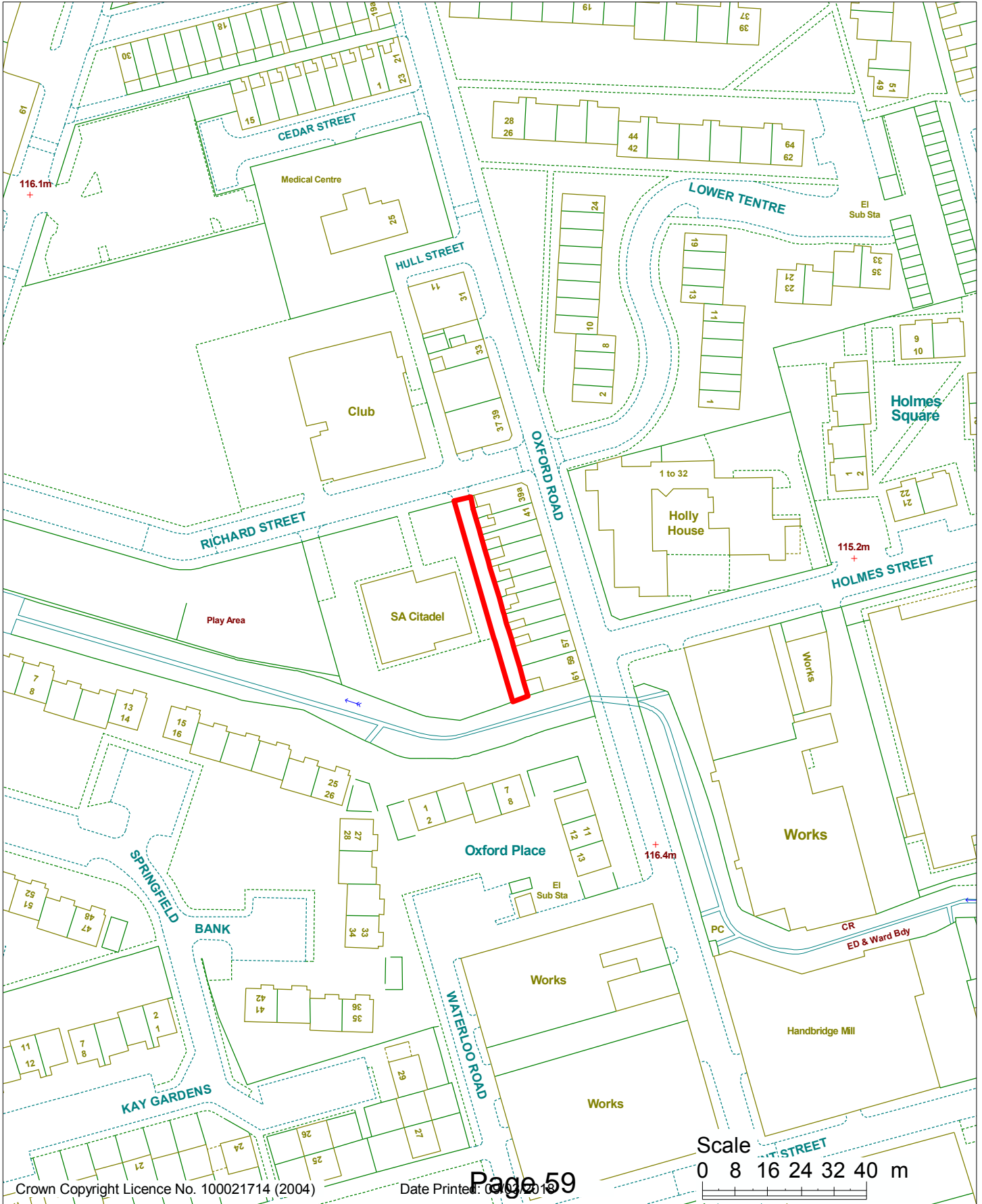
Paul Gatrell Head of Housing and Development

Location:



**Rear 39A-61 Oxford Road, Burnley**

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# Part One Plan

Housing & Development  
9 Parker Lane

Ref.

**APP/2018/0053**

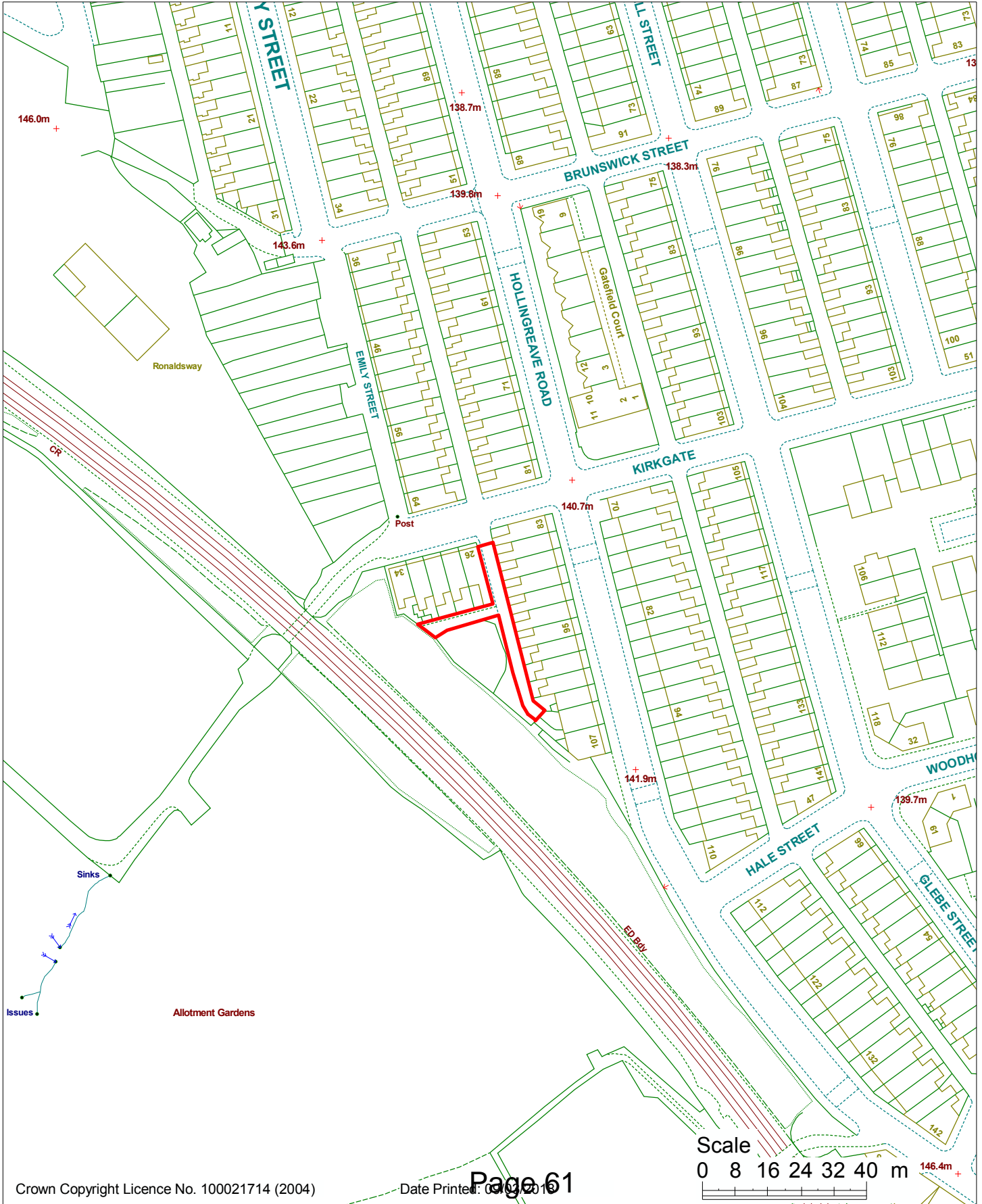
Paul Gatrell Head of Housing and Development

Location:



**Rear 26-34 Kirkgate, Burnley**

**1:1250**



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# Part One Plan

Housing & Development  
9 Parker Lane

Ref.

**APP/2018/0054**

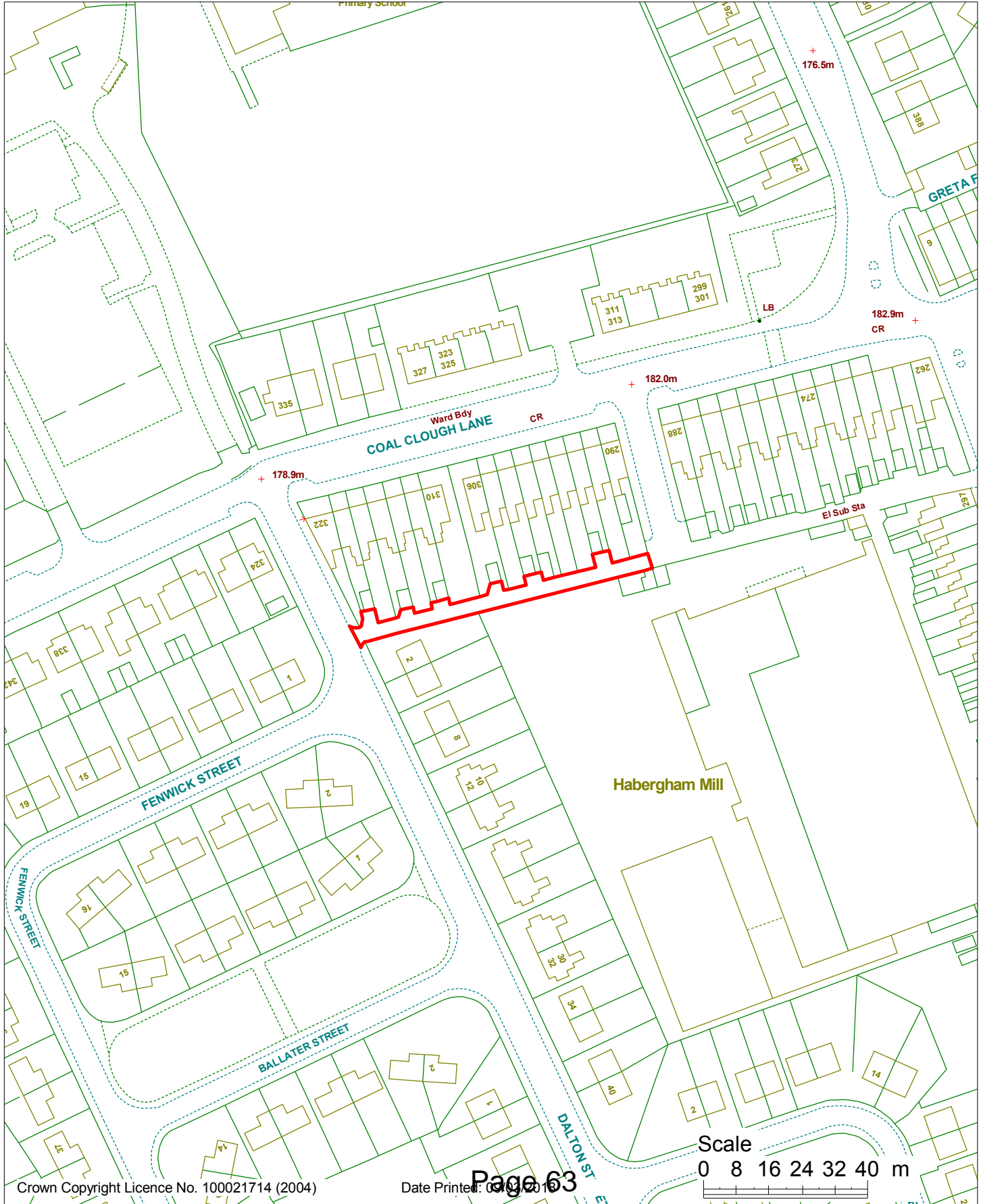
Paul Gatrell Head of Housing and Development

Location:



## Rear 290-320 Coal Clough Lane, Burnley

**1:1250**



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# Part One Plan

Housing & Development  
9 Parker Lane

Ref.

**APP/2018/0055**

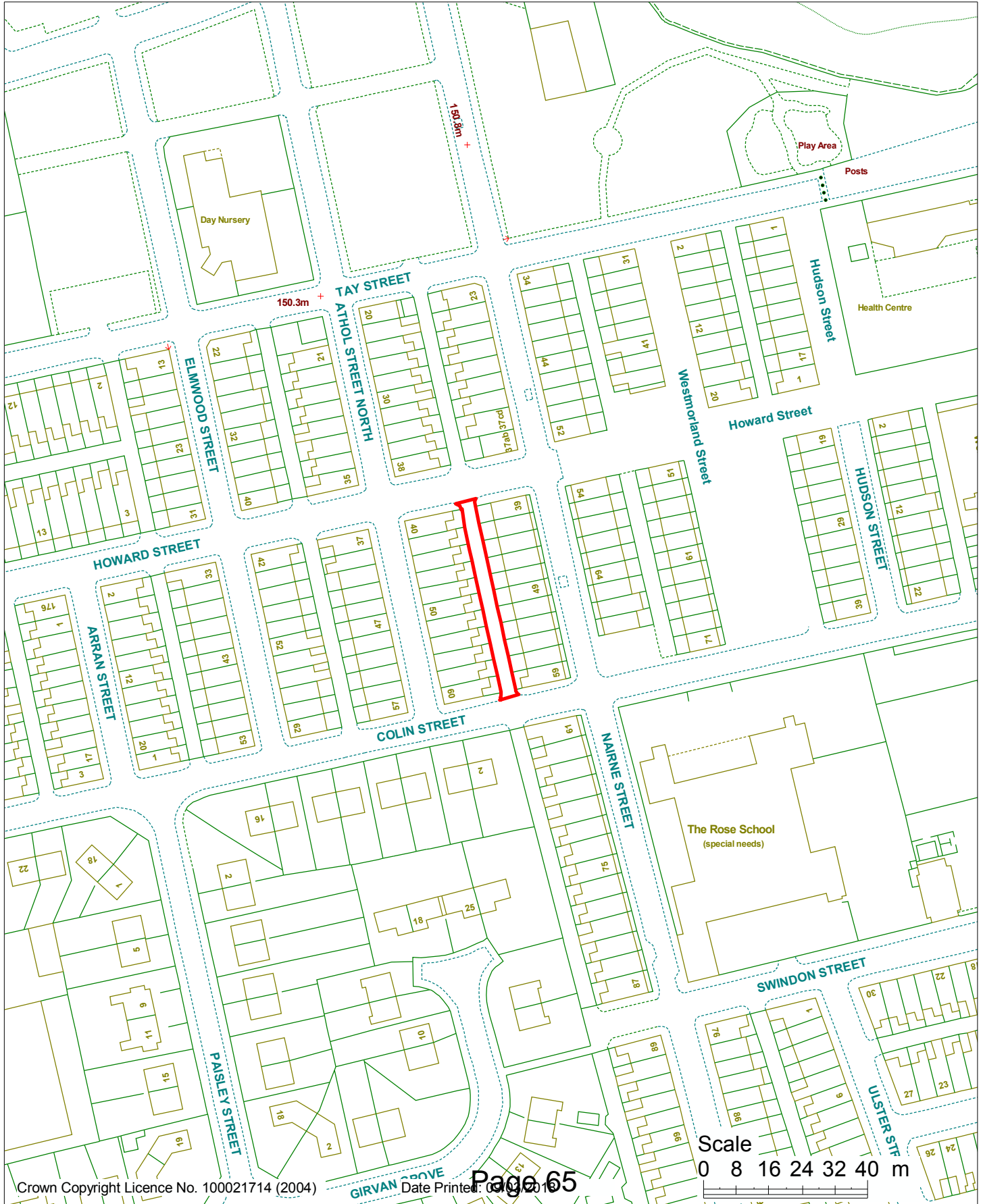
Paul Gatrell Head of Housing and Development

Location:



**Rear 40-60 Athol Street North, Burnley**

**1:1250**



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**Application Recommended for APPROVAL**

**APP/2018/0048**

Ward(S) Brunshaw, Trinity, Gawthorpe,  
Bank Hall, Rosehill with Burnley Wood,  
Coal Clough with Deerplay

Regulation 7 Application

Installation of alleygates

REAR 2-26 LEBANON STREET/1-27 HAVEN STREET/76-88 LYNDHURST  
ROAD/167-179 BRUNSHAW ROAD

*Full Planning Applications for various alleygating schemes.*

APP/2018/0049 – 3no. sets of 2m high gates (3.6m wide)  
REAR OF 1-19 EVERY STREET, 32-50 PICCADILLY RD, 1-11 WILLIS STREET

APP/2018/0050 – 3no. sets of 2m high gates (3.6m wide)  
REAR OF 2-36 HERBERT STREET, 5-37 SHAKESPEAR STREET, 80-90 VICTORIA  
ROAD

APP/2018/0051 – 2no. sets of 2m high gates (3.6m wide)  
REAR OF 39A-61 OXFORD ROAD, BURNLEY

APP/2018/0053 – 3no. sets of 2m high gates (3.6m wide)  
REAR OF 26-34 KIRKGATE & 83-103 HOLLINGREAVE ROAD

APP/2018/0054 – 2no. sets of 2m high gates (3.6m wide)  
REAR OF 290-320 COAL CLOUGH LANE

APP/2018/0055 – 2no, sets of 2m high gates (3.6m wide)  
REAR OF 40-60 ATHOL STREET NORTH, 39-59 NAIRNE STREET

**Background:**

Alleygating refers to the closure of an alley by the installation of a removable barrier to access (e.g. a locked gate) and/or the installation of a permanent structure.

These applications relate to further gates being erected under the Council's alleygating programme. Under this programme, the back street does not become a private way or legal enclosure. Each resident is given a key to gain access and utility companies will also have access. The gates will be opened by the residents on bin collection days.

Alleygating schemes aim to prevent potential burglars and other trespassers from accessing the rear and side of properties by erecting lockable metal gates in alleyways or footpaths shared by a number of houses.

The applications are on the agenda as the Council is the applicant.

No objections have been received.

**Relevant Policies:**

Burnley Local Plan Second Review  
GP3 – Design and Quality

GP9 – Security and Planning Out Crime  
H8 – Environmental Improvements in Existing Residential Areas

Burnley's Local Plan: Proposed Submission Document – March 2017  
SP5 – Development Quality and Sustainability

**Site History:** No relevant history

**Consultation Responses:**

LCC Highway Authority – in respect of the alleygating applications in various locations & subject to the correct consultation procedures having been carried out the highway authority raise no objections to the proposal on highway grounds.

Lancashire Constabulary

*Alleygates are an evidence based security measure that provide defensible space and security to the vulnerable rear of dwellings. A large proportion of burglaries occur whereby the intruder gains access to the property via the rear or side. Based on this and local policing knowledge of areas where alley-gating schemes are already in operation, an alley-gating scheme in each of these locations would be a benefit to the community in preventing crime and keeping people safe and feeling safe. Alleygates reduce the access to the vulnerable rear of properties which impacts on the reduction of crimes such as burglary and criminal damage as well as anti-social behaviour*

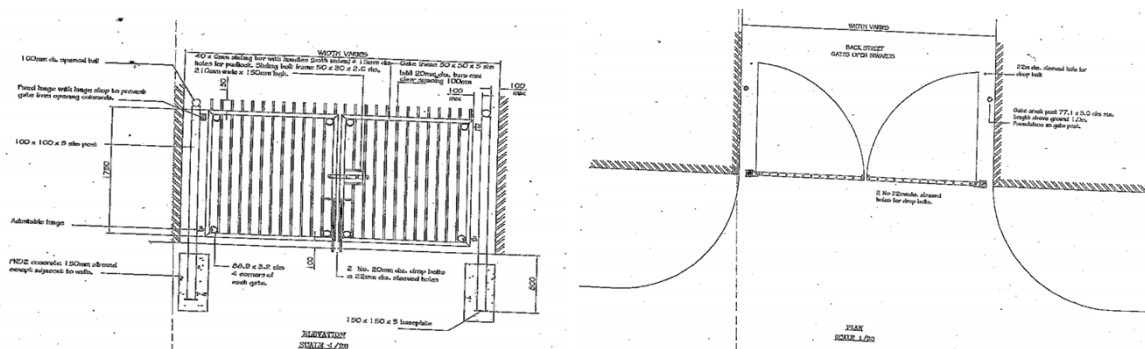
Cllr Tony Martin

Fully supports the applications.

**Planning and Environmental Considerations:**

The main consideration is the design and appearance of the gates. All are proposed to be galvanised steel, powder coated in black. They are designed in a simple style, with vertical railings but without horizontal bars in order to prevent unauthorised access (see drawing below). The gates are designed to prevent them being opened outwards over the adjacent highway.

The gates will be in line with the buildings to either side so will not be visible from the wider area and are of a traditional design, so will not affect the character of the area.



**Recommendation:**

That the applications be approved subject to the following conditions:

**Conditions:**

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

2. The development shall be carried out in accordance with the submitted drawing.

**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. In order to ensure continued compliance with the Burnley 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**

22<sup>nd</sup> March 2018

Housing and Development

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## Delegated Decisions from 07/02/18 to 04/03/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
<b>Compliance with conditions</b>		
<b>Conditions partially discharged</b>		
APP/2018/0021	FINSLEY GATE MILL FINSLEY GATE BURNLEY BB11 2JA	Partial discharge of condition 7 of planning application APP/2016/0324 relating to the minor amendments to planning application (APP/2013/0500) for partial demolition of mill
APP/2018/0022	FINSLEY GATE MILL FINSLEY GATE BURNLEY BB11 2JA	Partial discharge of condition 12 of planning application APP/2016/0327 relating to the Minor material amendment to outline planning application (pursuant to APP/2010/0594) with all matters reserved except for the main point of access for - part demolition/part redevelopment of the Finsley Gate Mill complex
<b>Full Planning Application</b>		
<b>Full Planning Permission Granted</b>		
APP/2017/0584	PROPERTIES AT WHITEGATE CLOSE, WHITEGATE GARDENS & VICTORIA COURT PADIHAM	Proposed external wall insulation to all properties (not including 6 & 13 Whitegate Close and 5 Whitegate Gardens).
APP/2017/0588	24 HIGHFIELD AVENUE BURNLEY BB10 2PR	Proposed erection of sun room to rear of garage
APP/2017/0597	LAND AT COG LANE BURNLEY	Erection of 3no. dormer bungalows
APP/2017/0599	FORMER 62 ABEL STREET BURNLEY BB10 1QU	Proposed change of use of land to form garden with boundary enclosure
APP/2017/0605	31 HOLMESTRAND AVENUE BURNLEY BB11 5DW	Proposed single storey extension
APP/2017/0606	31 LONGTON ROAD BURNLEY BB12 0TF	Proposed two storey/single-storey rear extension
APP/2017/0611	7 STANLEY STREET BURNLEY BB11 2HH	Variation of conditions 1 and 3 of planning permission APP/2012/0362 to allow provision of 10 additional vehicles

## Delegated Decisions from 07/02/18 to 04/03/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2018/0005	9 BANKCROFT CLOSE PADIHAM BURNLEY BB12 8SQ	Proposed single storey rear extension
APP/2018/0028	SECOND FLOOR 23 - 27 CROFT STREET BURNLEY BB11 2ED	Proposed change of use to Dance Studio (Use Class D2)

### **Full Planning Permission Refused**

APP/2018/0007	13 THE CRESCENT WORSTHORNE BURNLEY BB10 3LX	Proposed demolition of garage and rear conservatory and erection of a two storey side and rear extension incorporating balcony to first floor master bedroom.
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### **Listed Building Consent Granted**

APP/2017/0590	3 FIFTH AVENUE BURNLEY BB10 1YA	Proposed rear double/single storey extension.
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### **Full Planning application**

### **Full Planning Permission Granted**

APP/2017/0357	CLUB HOUSE COLNE ROAD BURNLEY BB11 2AA	Formation of basin Marina for 80 berths; on-site Service Wharf; Club House/Managers Residence with associated parking provision
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### **Listed Building Application**

### **Full Planning Permission Granted**

APP/2017/0595	284 LOWERHOUSE LANE BURNLEY BB12 6LZ	Retrospective application for replacement windows to front and rear elevations
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### **Listed Building Consent Granted**

APP/2017/0575	47 BURNLEY ROAD PADIHAM BB12 8BY	Insert 4 rooflights on west elevation, 4 rooflights on east elevation and 1 rooflight on the south facing east elevation
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### **Minor material amendment following a grant of planning permission**

### **Full Planning Permission Granted**

## Delegated Decisions from 07/02/18 to 04/03/18

<u>APPLICATION NO</u>	<u>LOCATION</u>	<u>PROPOSAL</u>
APP/2017/0577	47 BURNLEY ROAD PADIHAM BB12 8BY	Minor material amendment to APP/2014/0456 to replace approved dormer windows on western elevation with 3 rooflights and a smaller roof light, plus an additional rooflight to the rear (eastern) roof elevation
APP/2017/0583	BARDEN MILL BARDEN LANE BURNLEY BB12 0DX	MMA - To APP/2014/0031, the redevelopment of former retail mill site for residential development, in order to change the design of the proposed 4 storey apartment building

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BURNLEY BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE

REPORTS ON  
PLANNING APPLICATIONS



Photograph McCoy Wynne

Part III: Appeal and other decisions  
**For Information**

22<sup>nd</sup> March 2018

Housing and Development

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**BURNLEY BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

Date: 23<sup>rd</sup> February 2018

**PART III**

Town and Country Planning Act 1990

Planning Appeal by Mr D Lord

APP/2017/0484 Appeal against the refusal to grant for the Proposed roof lift and change of use of a detached garage/workshop to form dwelling at Honeyholme Farm, Honeyholme Lane, Cliviger.

**1. Background**

The appeal relates to a large domestic garage situated within the curtilage of a large house at Honeyholme Lane within the rural area on the edge of Cliviger village. The proposal was to raise the roof height of the garage to create a two storey dwelling. Planning permission had previously been granted to raise the roof height of the garage to use as a domestic workshop (APP/2017/0076) which has not yet been implemented. Planning permission was refused for the following reason:-

“The proposed development would lead to the creation of a new isolated dwelling in the countryside at an unsustainable location away from main urban areas and would have a detrimental effect on the openness and appearance of the rural area, thereby failing to achieve the environmental and social dimensions of sustainable development, contrary to Policy GP2 of the Burnley Local Plan, Second Review (2006), Policy SP4 of Burnley's Local Plan, Submission Document, July 2017 and the National Planning Policy Framework.

**2. Estimate of cost of officer time - £400**

**3. Main Issues**

The Inspector identified the following as the main issue:-

- whether the proposal would be a suitable form of development in this location, having regard to access to services and its effects on the character and appearance of the area.

**4. Appeal Decision**

The Inspector DISMISSED the appeal.

**5. Relevant Policy**

GP2 – Development in rural areas of adopted Local Plan (2006)

SP4 – Burnley’s Local Plan, Submission Document (July 2017)

The National Planning Policy Framework

## **6. Inspector’s Considerations**

The Inspector stated that although Policy GP2 was adopted some time ago, it broadly complies with the National Planning Policy Framework (NPPF) and therefore afforded it considerable weight. She also gave significant weight to the NPPF and only limited weight to the emerging local plan.

The appellant had argued that Policy GP2 allows the re-use of an existing building but the Inspector notes that the re-use should not have a materially greater impact on the rural environment than the existing development. The appellant relied on a fall-back position of a recent permission for a roof lift to form a first floor workshop which he said would be a comparable development. The Inspector points out that the development would be higher than the approved development (6.6m instead of 5.8m to the ridge) and that this difference would be significant.

The Inspector considered that the development would be prominent in views from the public footpath that runs close to the garage and that the roof lift combined with the alterations to the external appearance of the building and residential curtilage would introduce a more suburban form of development into this rural area. It would intensify the use of the domestic area and materially alter the appearance of the site.

In respect of paragraph 55 of the NPPF [which states that new isolated homes in the countryside should be avoided unless there are special circumstances], the Inspector had regard to a high Court judgement that the appellant had made reference to. The Inspector noted that there is a ribbon of houses further along the lane and on Burnley Road, a railway line nearby and village to the north east of the site, and as such, the site is not “far away from other places, buildings or people; remote” and for this reason the development would not be isolated. However, she states that the development would not be within a defined settlement and future occupants would have to travel to access goods and services to meet day to day needs. The bus service was taken into account but given that it is relatively infrequent, she concluded that the limited level of accessibility weighs against the development.

## **7. Inspector’s Conclusion**

The overall visual impact of the proposal would have a materially greater impact on the rural environment than the existing development and would conflict with Policy GP2 which seeks to restrict development in the countryside to that appropriate to a rural location. The harm that would result from the impact on the character and appearance of the area and its limited accessibility would not be outweighed by other considerations, including any limited benefits from the development.



## **Background Papers**

Planning application file APP/2017/0484

The above papers are available for inspection from Planning and Environment Services,

Contact Burnley, 9 Parker Lane, Burnley, BB11 2DT. Telephone (01282) 425011

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